



1 s. 39.001, F.S.; revising provisions relating  
2 to planning by the Department of Children and  
3 Family Services; amending s. 39.3065, F.S.;  
4 deleting certain provisions relating to  
5 evaluations and reports of child protective  
6 investigative services; amending s. 39.4086,  
7 F.S.; deleting provisions relating to a report  
8 by the State Courts Administrator on a guardian  
9 ad litem program for dependent children;  
10 repealing s. 39.523(5), F.S.; deleting  
11 provisions relating to a report on placement of  
12 children in licensed residential group care;  
13 amending s. 98.255, F.S.; deleting provisions  
14 relating to a report on the effectiveness of  
15 voter education programs; repealing s.  
16 106.22(10), F.S.; deleting a provision relating  
17 to a report by the Division of Elections;  
18 amending s. 110.1227, F.S.; revising provisions  
19 relating to a report by the board of directors  
20 of the Florida Long-Term Care Plan; amending s.  
21 120.542, F.S.; deleting provisions relating to  
22 reports of petitions filed for variances to  
23 agency rules; amending s. 120.60, F.S.;  
24 deleting a provision relating to filing of  
25 notice and certification of an agency's intent  
26 to grant or deny a license; amending s.  
27 120.695, F.S.; deleting obsolete provisions  
28 relating to agency review of rules; amending s.  
29 120.74, F.S.; deleting provisions relating to  
30 an agency report of review and revision of  
31 rules; amending s. 121.45, F.S.; deleting

1 provisions relating to reports on interstate  
2 compacts relating to pension portability;  
3 repealing s. 153.952, F.S., relating to  
4 legislative findings and intent on privately  
5 owned wastewater systems and facilities;  
6 amending s. 161.053, F.S.; deleting a provision  
7 relating to a report on the coastal  
8 construction control line; amending s. 161.161,  
9 F.S.; deleting a provision requiring a report  
10 on funding for beach erosion control; repealing  
11 s. 163.2526, F.S., relating to a review and  
12 evaluation of urban infill; amending s.  
13 163.3167, F.S.; deleting provisions relating to  
14 local government comprehensive plans; amending  
15 s. 163.3177, F.S.; revising requirements for  
16 comprehensive plans; amending s. 163.3178,  
17 F.S.; deleting a duty of the Coastal Resources  
18 Interagency Management Committee to submit  
19 certain recommendations; repealing s.  
20 163.519(12), F.S.; deleting a requirement of a  
21 report on neighborhood improvement districts by  
22 the Department of Legal Affairs; repealing s.  
23 186.007(9), F.S.; deleting provisions relating  
24 to a committee to recommend to the Governor  
25 changes in the state comprehensive plan;  
26 amending s. 186.022, F.S.; deleting a reference  
27 to the Criminal and Juvenile Justice  
28 Information Systems Council; amending ss.  
29 189.4035, 189.412, F.S.; revising requirements  
30 relating to dissemination of the official list  
31 of special districts; amending s. 194.034,

1 F.S.; deleting a requirement that the  
2 Department of Revenue be notified of certain  
3 value adjustment board decisions; amending s.  
4 206.606, F.S.; revising provisions relating to  
5 a report on the Florida Boating Improvement  
6 Program; amending s. 212.054, F.S.; deleting  
7 the requirement of a report on costs of  
8 administering the discretionary sales surtax;  
9 amending s. 212.08, F.S.; deleting a  
10 requirement for a report on the sales tax  
11 exemption for machinery and equipment used in  
12 semiconductor, defense, or space technology  
13 production and research and development;  
14 repealing s. 213.0452, F.S., relating to a  
15 report on the structure of the Department of  
16 Revenue; repealing s. 213.054, F.S., relating  
17 to monitoring and reporting on persons claiming  
18 tax exemptions; repealing s. 215.5601(5)(f),  
19 F.S.; deleting provisions relating to duties of  
20 the Governor with respect to the Lawton Chiles  
21 Endowment Fund; amending s. 215.70, F.S.;  
22 requiring the State Board of Administration to  
23 report to the Governor when funds need to be  
24 appropriated to honor the full faith and credit  
25 of the state; amending s. 216.011, F.S.;  
26 redefining the term "long-range program plan";  
27 amending s. 216.013, F.S.; revising  
28 requirements with respect to long-range program  
29 plans; repealing s. 216.103, F.S., relating to  
30 agencies receiving federal funds; repealing s.  
31 216.172, F.S., relating to meetings of

1 legislative appropriations committees;  
2 repealing s. 216.181(10)(c), F.S.; deleting  
3 provisions relating to reports of filled and  
4 vacant positions and salaries; repealing s.  
5 216.1825, F.S., relating to zero-based  
6 budgeting; amending s. 252.55, F.S.; revising  
7 certain reporting requirements relating to the  
8 Civil Air Patrol; amending s. 253.7825, F.S.;  
9 deleting provisions relating to the plan for  
10 the Cross Florida Greenways State Recreation  
11 and Conservation Area; repealing s. 253.7826,  
12 F.S., relating to Cross Florida Barge Canal  
13 structures; repealing s. 253.7829, F.S.,  
14 relating to a management plan for retention or  
15 disposition of Cross Florida Barge Canal lands;  
16 amending s. 259.037, F.S.; revising provisions  
17 relating to a report of the Land Management  
18 Uniform Accounting Council; repealing s.  
19 265.56, F.S., relating to an annual report by  
20 the Department of State; repealing s.  
21 267.074(4), F.S.; deleting provisions relating  
22 to a plan for the State Historical Marker  
23 Program; repealing s. 272.121, F.S., relating  
24 to Capitol Center long-range planning;  
25 repealing s. 282.102(28), F.S.; deleting a  
26 requirement for a report by the State  
27 Technology Office; repealing s. 284.50(3),  
28 F.S.; deleting a requirement for a report by  
29 the Interagency Advisory Council on Loss  
30 Prevention and department heads; repealing s.  
31 287.045(11), F.S.; deleting a requirement for

1 reports on use of recycled products; amending  
2 s. 287.059, F.S.; deleting a requirement for  
3 reporting proposed fee schedules for private  
4 attorney services for the Attorney General's  
5 office; repealing s. 287.16(10), F.S.; deleting  
6 a requirement of a report on aircraft use by  
7 the Department of Management Services;  
8 repealing s. 288.1045(6)(d), F.S.; deleting a  
9 requirement for a report by the Office of  
10 Tourism, Trade, and Economic Development on the  
11 defense contractor tax refund program;  
12 repealing s. 288.108(7), F.S.; deleting a  
13 requirement for a report by the Office of  
14 Tourism, Trade, and Economic Development on  
15 high-impact businesses; repealing s. 288.1185,  
16 F.S., relating to the Recycling Markets  
17 Advisory Committee; amending s. 288.1226, F.S.;  
18 deleting a requirement for the Office of  
19 Tourism, Trade, and Economic Development to  
20 certify operations of the Florida Tourism  
21 Industry Marketing Corporation; amending s.  
22 288.1229, F.S.; revising duties of the  
23 direct-support organization to support  
24 sports-related industries and amateur  
25 athletics; repealing s. 288.7015(4), F.S.;  
26 deleting a requirement for a report by the  
27 rules ombudsman in the Executive Office of the  
28 Governor; amending s. 288.7771, F.S.; revising  
29 a reporting requirement of the Florida Export  
30 Finance Corporation; repealing s. 288.8175(8),  
31 (10), and (11), F.S.; deleting certain

1 responsibilities of the Department of Education  
2 with respect to linkage institutes between  
3 postsecondary institutions in this state and  
4 foreign countries; repealing s. 288.853(5),  
5 F.S.; deleting the requirement of a report on  
6 assistance to and commerce with Cuba; amending  
7 s. 288.95155, F.S.; revising requirements for a  
8 report by Enterprise Florida, Inc., on the  
9 Florida Small Business Technology Growth  
10 Program; amending s. 288.9604, F.S.; deleting a  
11 requirement of a report by the Florida  
12 Development Finance Corporation; amending s.  
13 288.9610, F.S.; revising provisions relating to  
14 annual reporting by the corporation; amending  
15 s. 292.04, F.S.; deleting provisions relating  
16 to a survey by the Florida Commission on  
17 Veterans' Affairs; amending s. 292.05, F.S.;  
18 revising requirements relating to a report by  
19 the Department of Veterans' Affairs; repealing  
20 ss. 296.16, 296.29, F.S., relating to reports  
21 by the executive director of the Department of  
22 Veterans' Affairs; repealing s. 315.03(12)(c),  
23 F.S.; deleting provisions relating to  
24 legislative review of a loan program of the  
25 Florida Seaport Transportation and Economic  
26 Development Council; amending s. 319.324, F.S.;  
27 deleting provisions relating to funding a  
28 report on odometer fraud prevention and  
29 detection; amending s. 322.181, F.S.; revising  
30 provisions relating to a study by the  
31 Department of Highway Safety and Motor Vehicles

1 on driving by the elderly; repealing s.  
2 322.251(7)(c), F.S.; deleting provisions  
3 relating to a plan to indemnify persons wanted  
4 for passing worthless bank checks; amending s.  
5 365.171, F.S.; deleting a provision relating to  
6 a schedule for implementing emergency telephone  
7 system 911; repealing s. 365.172(6)(d), F.S.;  
8 deleting provisions relating to a study by the  
9 board of directors of the Wireless 911 Board;  
10 repealing s. 366.82(4), F.S.; deleting a  
11 provision relating to reports by utilities to  
12 the Public Service Commission; amending s.  
13 369.22, F.S.; revising requirements relating to  
14 a report by the Department of Environmental  
15 Protection on nonindigenous plant control;  
16 repealing s. 370.26(8), F.S.; deleting a duty  
17 of the Fish and Wildlife Conservation  
18 Commission relating to an aquaculture plan;  
19 amending s. 372.5712, F.S.; revising provisions  
20 relating to a report by the commission on  
21 waterfowl permit revenues; amending s.  
22 372.5715, F.S.; revising provisions relating to  
23 a report by the commission on wild turkey  
24 permit revenues; repealing s. 372.673, F.S.,  
25 relating to the Florida Panther Technical  
26 Advisory Council; repealing s. 372.674, F.S.,  
27 relating to environmental education; amending  
28 s. 373.0391, F.S.; deleting provisions relating  
29 to provision of certain information by water  
30 management districts; amending s. 373.046,  
31 F.S.; deleting an obsolete provision requiring



1 a report by the secretary of the Department of  
2 Environmental Protection; amending s. 373.1963,  
3 F.S.; deleting an obsolete provision relating  
4 to an agreement between the West Coast Regional  
5 Water Supply Authority and the Southwest  
6 Florida Water Management District; repealing s.  
7 376.121(14), F.S.; deleting a provision  
8 relating to a report by the Department of  
9 Environmental Protection on damage to natural  
10 resources; repealing s. 376.17, F.S., relating  
11 to reports of the department to the  
12 Legislature; repealing s. 376.30713(5), F.S.;  
13 deleting provisions relating to a report on  
14 preapproved advanced cleanup; amending s.  
15 377.703, F.S.; deleting a requirement for a  
16 report from the Public Service Commission on  
17 electricity, natural gas, and energy  
18 conservation; amending s. 380.06, F.S.;  
19 deleting provisions on transmission of  
20 revisions relating to statewide guidelines and  
21 standards for developments of regional impact;  
22 repealing s. 380.0677(3), F.S.; deleting  
23 provisions relating to powers of the Green  
24 Swamp Land Authority; repealing s. 381.0011(3),  
25 F.S.; deleting provisions relating to an  
26 inclusion in the Department of Health's  
27 strategic plan; repealing s. 381.0066, F.S.,  
28 relating to planning for implementation of  
29 educational requirements concerning HIV and  
30 AIDS; repealing s. 381.731, F.S., relating to  
31 strategic planning of the Department of Health;

1 amending s. 381.795, F.S.; deleting provisions  
2 relating to studies by the Department of Health  
3 on long-term, community-based supports;  
4 repealing s. 381.90(7)(a), F.S.; deleting  
5 provisions relating to the Health Information  
6 Systems Council's duty to develop a strategic  
7 plan; amending s. 381.931, F.S.; deleting  
8 provisions relating to the duty of the  
9 Department of Health to develop a report on  
10 Medicaid expenditures; amending s. 383.19,  
11 F.S.; revising provisions relating to reports  
12 by hospitals contracting to provide perinatal  
13 intensive care services; repealing s. 383.21,  
14 F.S., relating to perinatal intensive care  
15 service program review; amending s. 383.2161,  
16 F.S.; revising requirements relating to a  
17 report by the Department of Health on maternal  
18 and child health; repealing s. 384.25(6), F.S.;  
19 deleting provisions relating to a report by the  
20 Department of Health on sexually transmissible  
21 diseases; repealing s. 394.4573(4), F.S.;  
22 deleting the requirement for a report by the  
23 Department of Children and Family Services on  
24 state mental health facility staffing; amending  
25 s. 394.4985, F.S.; deleting provisions relating  
26 to plans by department districts; amending s.  
27 394.75, F.S.; revising provisions relating to  
28 reports by the department on substance abuse  
29 and mental health plans; repealing s. 394.82,  
30 F.S., relating to funding of expanded community  
31 mental health services; amending s. 394.9082,

1 F.S.; deleting obsolete provisions relating to  
2 an amendment to the master state plan on  
3 behavioral health services and to provision of  
4 status reports; repealing s. 394.9083, F.S.,  
5 relating to the Behavioral Health Services  
6 Integration Workgroup; repealing s.  
7 395.807(2)(c), F.S.; deleting requirements for  
8 a report on retention of family practice  
9 residents; repealing s. 397.321(1) and (20),  
10 F.S.; deleting a requirement that the  
11 Department of Children and Family Services  
12 develop a plan for substance abuse services;  
13 repealing s. 397.332(3), F.S.; deleting the  
14 requirement for a report by the director of the  
15 Office of Drug Control; amending s. 397.333,  
16 F.S.; deleting the requirement for a report by  
17 the Statewide Drug Policy Advisory Council;  
18 repealing s. 397.94(1), F.S.; deleting  
19 provisions relating to children's substance  
20 abuse services plans by service districts of  
21 the Department of Children and Family Services;  
22 amending s. 400.0067, F.S.; revising  
23 requirements relating to a report by the State  
24 Long-Term Care Ombudsman Council; repealing s.  
25 400.0075(3), F.S.; deleting a provision  
26 relating to such report; amending s. 400.0089,  
27 F.S.; revising requirements relating to a  
28 report by the Department of Elderly Affairs and  
29 transferring responsibility for the report to  
30 the council; repealing s. 400.148(2), F.S.;  
31 deleting a provision relating to a pilot

1 program of the Agency for Health Care  
2 Administration on a quality-of-care contract  
3 management program; amending s. 400.407, F.S.;  
4 deleting provisions relating to a report by the  
5 Department of Elderly Affairs on extended  
6 congregate care facilities; repealing s.  
7 400.408(1)(i), F.S.; deleting a provision  
8 relating to local workgroups of field offices  
9 of the Agency for Health Care Administration;  
10 amending s. 400.419, F.S.; requiring a  
11 specified report to be distributed to the  
12 Agency for Persons with Disabilities; amending  
13 s. 400.441, F.S.; deleting provisions relating  
14 to a report concerning standards for assisted  
15 living facilities; amending s. 400.967, F.S.;  
16 deleting provisions relating to a report by the  
17 Agency for Health Care Administration on  
18 intermediate care facilities for  
19 developmentally disabled persons; revising  
20 agencies that may review the agency's plan;  
21 repealing s. 402.3016(3), F.S.; deleting a  
22 requirement for a report by the agency on early  
23 head start collaboration grants; repealing s.  
24 402.40(9), F.S.; deleting a provision relating  
25 to submission of certain information related to  
26 child welfare training to the Legislature;  
27 amending s. 402.73, F.S.; deleting provisions  
28 relating to a report by the Department of  
29 Children and Family Services on competitive  
30 procurement of client services; amending s.  
31 403.067, F.S.; deleting provisions requiring a

1 report by the Department of Environmental  
2 Protection on water pollution; amending s.  
3 403.4131, F.S.; deleting provisions relating to  
4 a report on the adopt-a-highway program;  
5 repealing s. 403.756, F.S., relating to a  
6 report on oil recycling; amending s. 403.7226,  
7 F.S.; deleting provisions relating to  
8 responsibilities of the Department of  
9 Environmental Protection with respect to local  
10 hazardous waste management; repealing s.  
11 403.7265(2), F.S.; deleting provisions relating  
12 to a statewide local hazardous waste management  
13 plan; amending s. 403.7895, F.S.; deleting  
14 provisions relating to a hazardous waste needs  
15 and capacity study; repealing s. 406.02(4)(a),  
16 F.S.; deleting a requirement for a report by  
17 the Medical Examiners Commission; amending s.  
18 408.033, F.S.; revising provisions relating to  
19 reports by local health councils; repealing s.  
20 408.914(4), F.S.; deleting provisions requiring  
21 the Agency for Health Care Administration to  
22 submit a plan on comprehensive health and human  
23 services eligibility access to the Governor;  
24 amending s. 408.915(3)(i), F.S.; deleting  
25 provisions requiring periodic reports on the  
26 pilot program for such access; repealing s.  
27 408.917, F.S., relating to evaluation of the  
28 pilot project; amending s. 409.1451, F.S.;  
29 revising requirements relating to reports on  
30 independent living transition services;  
31 repealing s. 409.146, F.S., relating to the

1 children and families client and management  
2 information system; repealing s. 409.152, F.S.,  
3 relating to service integration and family  
4 preservation; repealing s. 409.1679(1) and (2),  
5 F.S.; deleting provisions relating to reports  
6 concerning residential group care services;  
7 amending s. 409.1685, F.S.; revising provisions  
8 relating to reports by the Department of  
9 Children and Family Services on children in  
10 foster care; amending s. 409.178, F.S.;  
11 deleting provisions relating to use of child  
12 care purchasing pool funds; repealing s.  
13 409.221(4)(k), F.S.; deleting provisions  
14 relating to reports on consumer-directed care;  
15 amending s. 409.25575, F.S.; deleting  
16 provisions relating to a report by the  
17 Department of Revenue regarding a quality  
18 assurance program for privatization of  
19 services; amending s. 409.2558, F.S.; deleting  
20 provisions relating to the Department of  
21 Revenue's solicitation of recommendations  
22 related to a rule on undistributable  
23 collections; amending s. 409.2567, F.S.;  
24 deleting provisions relating to a report by the  
25 Department of Revenue on collection of  
26 assistance from noncustodial parents; repealing  
27 s. 409.441(3), F.S.; deleting provisions  
28 relating to the state plan for the handling of  
29 runaway youths; amending s. 409.906, F.S.;  
30 deleting a requirement for reports of  
31 child-welfare-targeted case management

1 projects; amending s. 409.9065, F.S.; deleting  
2 a provision relating to a report by the Agency  
3 for Health Care Administration on the  
4 pharmaceutical expense assistance program;  
5 amending s. 409.91188, F.S.; deleting a  
6 requirement that the Agency for Health Care  
7 Administration monitor and report on a waiver  
8 program for specialty prepaid health plans;  
9 amending s. 409.912, F.S.; revising provisions  
10 relating to duties of the agency with respect  
11 to cost-effective purchasing of health care;  
12 repealing s. 410.0245, F.S., relating to a  
13 study of service needs of the disabled adult  
14 population; repealing s. 410.604(10), F.S.;  
15 deleting a requirement for the Department of  
16 Children and Family Services to evaluate the  
17 community care for disabled adults program;  
18 repealing s. 411.221, F.S., relating to  
19 prevention and early assistance; repealing s.  
20 411.242, F.S., relating to the Florida  
21 Education Now and Babies Later program;  
22 repealing s. 413.402(8), F.S.; deleting a  
23 provision relating to a plan by the Association  
24 of Centers for Independent Living on a personal  
25 care attendant program; repealing s.  
26 414.1251(3), F.S.; deleting a provision  
27 relating to an electronic data transfer system  
28 for the learnfare program; amending s. 414.14,  
29 F.S.; deleting a provision relating to a report  
30 by the secretary of the Department of Children  
31 and Family Services on public assistance policy

1 simplification; repealing s. 414.36(1), F.S.;  
2 deleting a provision relating to a plan for  
3 privatization of recovery of public assistance  
4 overpayment claims; repealing s. 414.391(3),  
5 F.S.; deleting provisions relating to a plan  
6 for automated fingerprint imaging; amending s.  
7 415.1045, F.S.; deleting a requirement for a  
8 study by the Office of Program Policy Analysis  
9 and Government Accountability on documentation  
10 of exploitation, abuse, or neglect; amending s.  
11 415.111, F.S.; deleting the requirement for a  
12 report by the Department of Children and Family  
13 Services on exploitation, abuse, or neglect;  
14 amending s. 420.622, F.S.; revising  
15 requirements relating to a report by the State  
16 Council on Homelessness; repealing s.  
17 420.623(4), F.S.; deleting a requirement for a  
18 report by the Department of Community Affairs  
19 on homelessness; amending s. 427.704, F.S.;  
20 revising requirements relating to a report by  
21 the Public Service Commission on a  
22 telecommunications access system; amending s.  
23 427.706, F.S.; revising requirements relating  
24 to a report by the advisory committee on  
25 telecommunications access; amending s. 430.04,  
26 F.S.; revising duties of the Department of  
27 Elderly Affairs with respect to certain reports  
28 and recommendations; amending s. 430.502, F.S.;  
29 revising requirements with respect to reports  
30 by the Alzheimer's Disease Advisory Committee;  
31 amending s. 430.707, F.S.; deleting provisions



1 relating to a report by the Department of  
2 Elderly Affairs on contracts with managed care  
3 organizations; amending s. 445.003, F.S.;  
4 revising requirements relating to a report by  
5 Workforce Florida, Inc., on the Incumbent  
6 Worker Training Program; amending s. 445.004,  
7 F.S.; deleting provisions relating to  
8 appointment of members to Workforce Florida,  
9 Inc.; amending s. 445.006, F.S.; deleting  
10 provisions relating to a strategic plan for  
11 workforce development; repealing s. 445.022(4),  
12 F.S.; deleting a requirement for reports by  
13 regional workforce boards on retention  
14 incentive; repealing s. 445.049(9), F.S.;  
15 deleting a requirement for a report by the  
16 Digital Divide Council; repealing s. 446.27,  
17 F.S., relating to a report by the former  
18 Department of Labor and Employment Security;  
19 amending s. 446.50, F.S.; deleting provisions  
20 relating to a state plan for displaced  
21 homemakers; amending s. 446.609, F.S.; deleting  
22 provisions relating to measuring success of the  
23 Jobs for Florida's Graduates Act; repealing s.  
24 455.204, F.S., relating to long-range policy  
25 planning in the Department of Business and  
26 Professional Regulation; repealing s.  
27 455.2226(8), F.S.; deleting a requirement for a  
28 report by the Board of Funeral Directors and  
29 Embalmers; repealing s. 455.2228(6), F.S.;  
30 deleting a requirement for reports by the  
31 Barbers' Board and the Board of Cosmetology;

1 | amending s. 456.005, F.S.; revising  
2 | requirements relating to long-range planning by  
3 | professional boards; amending s. 456.025, F.S.;  
4 | revising requirements relating to a report to  
5 | professional boards by the Department of  
6 | Health; repealing s. 456.031(5), F.S.; deleting  
7 | provisions relating to reports by professional  
8 | boards about instruction on domestic violence;  
9 | repealing s. 456.033(8), F.S.; deleting  
10 | provisions relating to reports by professional  
11 | boards about HIV and AIDS; repealing s.  
12 | 456.034(6), F.S.; deleting provisions relating  
13 | to reports by professional boards about HIV and  
14 | AIDS; amending s. 517.302, F.S.; deleting a  
15 | requirement for a report by the Office of  
16 | Financial Regulation on deposits into the  
17 | Anti-Fraud Trust Fund; repealing s. 526.3135,  
18 | F.S., relating to reports by the Division of  
19 | Standards; repealing s. 531.415(3), F.S.;  
20 | deleting the requirement of a report by the  
21 | Department of Agriculture and Consumer Services  
22 | on fees; repealing s. 553.975, F.S., relating  
23 | to a report to the Governor and Legislature by  
24 | the Public Service Commission; repealing s.  
25 | 570.0705(3), F.S.; deleting the requirement of  
26 | a report by the Commissioner of Agriculture  
27 | about advisory committees; repealing s.  
28 | 570.0725(5), F.S.; deleting provisions relating  
29 | to a report by the Department of Agriculture  
30 | and Consumer Services about supporting food  
31 | recovery programs; repealing s. 570.235(3),

1 F.S.; deleting a requirement for a report by  
2 the pest Exclusion Advisory Committee;  
3 repealing s. 570.543(3), F.S.; deleting  
4 provisions relating to legislative  
5 recommendations of the Florida Consumers'  
6 Council; repealing s. 570.952(5), F.S.;  
7 deleting provisions relating to a  
8 recommendation of the Commissioner of  
9 Agriculture concerning the Florida Agriculture  
10 Center and Horse Park Authority; amending s.  
11 603.204, F.S.; revising requirements relating  
12 to the South Florida Tropical Fruit Plan;  
13 amending s. 657.351, F.S.; revising duties of  
14 the Citizens Property Insurance Corporation  
15 relating to insurance risk apportionment plans;  
16 amending s. 627.64872, F.S.; deleting  
17 provisions relating to an interim report by the  
18 board of directors of the Florida Health  
19 Insurance Plan; prohibiting the board from  
20 acting to implement the plan until certain  
21 funds are appropriated; amending s. 644.7021,  
22 F.S.; revising provisions relating to reports  
23 by the executive director of the Statewide  
24 Public Guardianship Office; amending s.  
25 744.708, F.S.; revising provisions relating to  
26 audits of public guardian offices and to  
27 reports concerning those offices; repealing s.  
28 765.5215(3), F.S.; deleting a requirement for a  
29 report by the Agency for Health Care  
30 Administration about organ donation; amending  
31 s. 768.295, F.S.; revising duties of the

1 Attorney General relating to reports about  
2 "SLAPP" lawsuits; amending s. 775.084, F.S.;  
3 deleting provisions relating to sentencing of  
4 violent career criminals and to reports of  
5 judicial actions with respect thereto; amending  
6 s. 790.22, F.S.; deleting provisions relating  
7 to reports by the Department of Juvenile  
8 Justice about certain juvenile offenses that  
9 involve weapons; repealing s. 732.7055(9)(b),  
10 F.S.; deleting the requirement of a report by  
11 the Department of Law Enforcement relating to  
12 disposition of liens and forfeited property;  
13 repealing s. 943.08(3), F.S.; deleting  
14 provisions relating to planning by the Criminal  
15 and Juvenile Justice Information Systems  
16 Council; repealing s. 943.125(2), F.S.;  
17 deleting provisions relating to reports by the  
18 Florida Sheriffs Association and the Florida  
19 Police Chiefs Association about law enforcement  
20 agency accreditation; amending s. 943.68, F.S.;  
21 revising requirements relating to reports by  
22 the Department of Law Enforcement about  
23 transportation and protective services;  
24 amending s. 944.023, F.S.; deleting provisions  
25 relating to the comprehensive correctional  
26 master plan; amending s. 944.801, F.S.;  
27 deleting a requirement to deliver to specified  
28 officials copies of certain reports about  
29 education of state prisoners; repealing s.  
30 945.35(10), F.S.; deleting a requirement for a  
31 report by the Department of Corrections

1 concerning HIV and AIDS education; repealing s.  
2 948.10(8)(d), F.S.; deleting a requirement for  
3 a report by the Department of Corrections about  
4 placement of ineligible offenders on community  
5 control; repealing s. 948.045(9), F.S.;  
6 deleting provisions relating to a report by the  
7 department about youthful offenders; amending  
8 s. 960.045, F.S.; revising requirements  
9 relating to reports by the Department of Legal  
10 Affairs with respect to victims of crimes;  
11 repealing s. 985.02(8)(c), F.S.; deleting the  
12 requirement of a study by the Office of Program  
13 Policy Analysis and Government Accountability  
14 on programs for young females within the  
15 Department of Juvenile Justice; amending s.  
16 985.08, F.S.; deleting provisions relating to a  
17 plan by a multiagency task force on information  
18 systems related to delinquency; amending s.  
19 985.3045, F.S.; deleting provisions relating to  
20 a report by the prevention services program;  
21 repealing s. 985.3046, F.S., relating to  
22 agencies and entities providing prevention  
23 services; repealing s. 985.305(5), F.S.;  
24 deleting provisions relating to a report by the  
25 Department of Juvenile Justice on early  
26 delinquency intervention; amending s. 985.309,  
27 F.S.; deleting provisions relating to a report  
28 concerning a boot camp for children; amending  
29 s. 985.31, F.S.; deleting provisions relating  
30 to a report on serious or habitual juvenile  
31 offenders; amending s. 985.311, F.S.; deleting

1 provisions relating to a report on intensive  
2 residential treatment for offenders under 13  
3 years of age; amending s. 985.3155, F.S.;  
4 deleting provisions relating to submission of  
5 the multiagency plan for vocational education;  
6 repealing s. 985.403, F.S., relating to the  
7 Task Force on Juvenile Sexual Offenders and  
8 their Victims; repealing s. 985.412(7), F.S.;  
9 deleting provisions relating to a report by the  
10 Department of Corrections on quality assurance  
11 in contractual procurements; repealing s.  
12 1001.02(3) and (4), F.S.; deleting provisions  
13 relating to powers of the State Board of  
14 Education relating to assigning limited access  
15 status to educational programs and to approving  
16 certain baccalaureate degree programs;  
17 repealing s. 1001.03(14), F.S.; deleting an  
18 obsolete provision relating to recommendation  
19 of a uniform classification system for school  
20 personnel; repealing s. 1002.34(19), F.S.;  
21 deleting provisions relating to an evaluation  
22 and report by the Commissioner of Education  
23 about charter technical career centers;  
24 repealing s. 1003.492(4), F.S.; deleting  
25 provisions relating to a study about  
26 industry-certified career education programs;  
27 repealing s. 1003.61(4), F.S.; deleting  
28 provisions relating to evaluation of a pilot  
29 attendance project in Manatee County; amending  
30 s. 1004.22, F.S.; deleting provisions relating  
31 to university reports concerning sponsored

1 research; repealing s. 1004.50(6), F.S.;  
2 deleting a requirement for a report by the  
3 Governor concerning unmet needs in urban  
4 communities; repealing s. 1004.94(2) and (4),  
5 F.S.; deleting provisions relating to  
6 guidelines for and a report on plans for a  
7 state adult literacy program; amending s.  
8 1004.95, F.S.; revising requirements relating  
9 to implementing provisions for adult literacy  
10 centers; repealing s. 1006.0605, F.S., relating  
11 to students' summer nutrition; repealing s.  
12 1006.67, F.S., relating to a report of campus  
13 crime statistics; repealing s. 1007.27(11),  
14 F.S.; deleting provisions relating to a review  
15 and report about articulated acceleration  
16 mechanisms; amending s. 1009.70, F.S.; deleting  
17 provisions relating to a report on a minority  
18 law school scholarship program; amending s.  
19 1011.32, F.S.; requiring the Governor to be  
20 given a copy of a report related to the  
21 Community College Facility Enhancement  
22 Challenge Grant Program; repealing s.  
23 1011.4105(5), F.S.; deleting provisions  
24 relating to a plan concerning transition to the  
25 university accounting system; amending s.  
26 1011.62, F.S.; deleting provisions relating to  
27 recommendations for implementing the  
28 extended-school-year program; repealing s.  
29 1012.05(2)(1), F.S.; deleting provisions  
30 relating to a plan concerning teacher  
31 recruitment and retention; amending s. 1012.42,

1 F.S.; deleting provisions relating to a plan of  
2 assistance for teachers teaching out-of-field;  
3 repealing s. 1013.03(13), F.S.; deleting an  
4 obsolete provision relating to the Department  
5 of Education's duty to review school  
6 construction requirements; amending s. 1013.11,  
7 F.S.; deleting provisions relating to  
8 transmittal of a report on physical plant  
9 safety; amending ss. 259.041, 259.101, 370.12,  
10 372.672, 403.7264, 409.91196, 411.01, 411.232,  
11 641.386, 1008.30, 1011.82, F.S., conforming  
12 cross-references to changes made by the act;  
13 providing an effective date.  
14

15 Be It Enacted by the Legislature of the State of Florida:  
16

17 Section 1. Section 14.25, Florida Statutes, is  
18 repealed.

19 Section 2. Subsection (3) of section 14.26, Florida  
20 Statutes, is amended to read:

21 14.26 Citizen's Assistance Office.--

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

24 (a) The number of complaints and investigations ~~and~~  
25 ~~complaints made during the preceding quarter~~ and the  
26 disposition of such investigations.

27 ~~(b) Recommendations in the form of suggested~~  
28 ~~legislation or suggested procedures for the alleviation of~~  
29 ~~problems disclosed by investigations.~~  
30  
31



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

4           (c) Recommendations for the alleviation of the cause  
5 of complaints disclosed by investigations.

6           (d) Such other information as the Executive Office of  
7 the Governor shall require.

8           Section 3. Section 14.27, Florida Statutes, is  
9 repealed.

10           Section 4. Section 16.58, Florida Statutes, is  
11 repealed.

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

14           17.32 Annual report of trust funds; duties of Chief  
15 Financial Officer.--

16           (1) On February 1 of each year, the Chief Financial  
17 Officer shall present to the Governor and the Legislature  
18 ~~President of the Senate and the Speaker of the House of~~  
19 ~~Representatives~~ a report listing all trust funds as defined in  
20 s. 215.32. The report shall contain the following data  
21 elements for each fund for the preceding fiscal year:

22           (a) The fund code.

23           (b) The title.

24           (c) The fund type according to generally accepted  
25 accounting principles.

26           (d) The statutory authority.

27           (e) The beginning cash balance.

28           (f) Direct revenues.

29           (g) Nonoperating revenues.

30           (h) Operating disbursements.

31           (i) Nonoperating disbursements.

1 (j) The ending cash balance.

2 (k) The department and budget entity in which the fund  
3 is located.

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

6 17.325 Governmental efficiency hotline; duties of  
7 Chief Financial Officer.--

8 (1) The Chief Financial Officer shall establish and  
9 operate a statewide toll-free telephone hotline to receive  
10 information or suggestions from the citizens of this state on  
11 how to improve the operation of government, increase  
12 governmental efficiency, and eliminate waste in government.  
13 ~~The Chief Financial Officer shall report each month to the~~  
14 ~~appropriations committee of the House of Representatives and~~  
15 ~~of the Senate the information or suggestions received through~~  
16 ~~the hotline and the evaluations and determinations made by the~~  
17 ~~affected agency, as provided in subsection (3), with respect~~  
18 ~~to such information or suggestions.~~

19 Section 7. Section 20.057, Florida Statutes, is  
20 amended to read:

21 20.057 Interagency agreements to delete duplication of  
22 inspections.--

23 (1) The Governor shall direct any department, the head  
24 of which is an officer or board appointed by and serving at  
25 the pleasure of the Governor, to enter into an interagency  
26 agreement that will eliminate duplication of inspections among  
27 the departments that inspect the same type of facility or  
28 structure. Parties to the agreement may include departments  
29 which are headed by a Cabinet officer, the Governor and  
30 Cabinet, or a collegial body. The agreement shall:

31

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

3           (b) Specify that agents of the department conducting  
4 the inspection have all powers relative to the inspection as  
5 the agents of the department on whose behalf the inspection is  
6 being conducted.

7           (c) Require that agents of the department conducting  
8 the inspection have sufficient knowledge of statutory and  
9 administrative inspection requirements to conduct a proper  
10 inspection.

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

15           (2) Before taking effect, an agreement entered into  
16 under this section must be approved by the Governor.  
17 Inspections conducted under an agreement shall be deemed  
18 sufficient for enforcement purposes pursuant to the agreement  
19 or as otherwise provided by law.

20           ~~(2) No later than 60 days prior to the beginning of~~  
21 ~~the regular session, the Governor shall make an annual report~~  
22 ~~to the President of the Senate and the Speaker of the House of~~  
23 ~~Representatives regarding interagency agreements. The report~~  
24 ~~shall identify each interagency agreement entered into under~~  
25 ~~this section, and, for each agreement, shall describe the~~  
26 ~~duplication eliminated, provide data that measures the~~  
27 ~~effectiveness of inspections conducted under the interagency~~  
28 ~~agreement, and estimate the cost savings that have resulted~~  
29 ~~from the agreement. The report shall also describe obstacles~~  
30 ~~encountered by any department in attempting to develop an~~  
31 ~~interagency agreement and in performing duties resulting from~~

1 ~~an interagency agreement and shall recommend appropriate~~  
2 ~~remedial legislative action.~~

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

6           20.19 Department of Children and Family  
7 Services.--There is created a Department of Children and  
8 Family Services.

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

10           ~~(a) The mission of the Department of Children and~~  
11 ~~Family Services is to~~ protect vulnerable children and adults,  
12 strengthen families, and support individuals and families in  
13 achieving personal and economic self-sufficiency work in  
14 ~~partnership with local communities to ensure the safety,~~  
15 ~~well being, and self sufficiency of the people served.~~

16           ~~(b) The department shall develop a strategic plan for~~  
17 ~~fulfilling its mission and establish a set of measurable~~  
18 ~~goals, objectives, performance standards, and quality~~  
19 ~~assurance requirements to ensure that the department is~~  
20 ~~accountable to the people of Florida.~~

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

24           (5) SERVICE DISTRICTS.--

25           ~~(c) Each fiscal year the secretary shall, in~~  
26 ~~consultation with the relevant employee representatives,~~  
27 ~~develop projections of the number of child abuse and neglect~~  
28 ~~cases and shall include in the department's legislative budget~~  
29 ~~request a specific appropriation for funds and positions for~~  
30 ~~the next fiscal year in order to provide an adequate number of~~  
31 ~~full time equivalent:~~

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

4           2. ~~Child protection case workers so that caseloads do~~  
5 ~~not exceed the Child Welfare League Standards by more than two~~  
6 ~~cases.~~

7           Section 9. Paragraph (b) of subsection (6) of section  
8 20.315, Florida Statutes, is amended to read:

9           20.315 Department of Corrections.--There is created a  
10 Department of Corrections.

11           (6) FLORIDA CORRECTIONS COMMISSION.--

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

13           1. Recommend major correctional policies for the  
14 Governor's approval, and assure that approved policies and any  
15 revisions thereto are properly executed.

16           2. Periodically review the status of the state  
17 correctional system and recommend improvements therein to the  
18 Governor and the Legislature.

19           3. Annually perform an in-depth review of  
20 community-based intermediate sanctions and recommend to the  
21 Governor and the Legislature intergovernmental approaches  
22 through the Community Corrections Partnership Act for planning  
23 and implementing such sanctions and programs.

24           4. Perform an in-depth evaluation of the department's  
25 annual budget request ~~of the Department of Corrections,~~  
26 long-range program plans and performance standards ~~the~~  
27 ~~comprehensive correctional master plan~~, and the tentative  
28 construction program for compliance with all applicable laws  
29 and established departmental policies. The commission may not  
30 consider individual construction projects, but shall consider  
31

1 methods of accomplishing the department's goals in the most  
2 effective, efficient, and businesslike manner.

3           5. Routinely monitor the financial status of the  
4 Department of Corrections to assure that the department is  
5 managing revenue and any applicable bond proceeds responsibly  
6 and in accordance with law and established policy.

7           6. Evaluate, at least quarterly, the efficiency,  
8 productivity, and management of the Department of Corrections,  
9 using performance and production standards developed by the  
10 department under former subsection (18).

11           7. Provide public education on corrections and  
12 criminal justice issues.

13           8. Report to the President of the Senate, the Speaker  
14 of the House of Representatives, and the Governor by November  
15 1 of each year.

16           9. Resolve disputes between the Department of  
17 Corrections and the contractors for the private correctional  
18 facilities entered into under chapter 957 when a contractor  
19 proposes to waive a rule, policy, or procedure concerning  
20 operation standards.

21           Section 10. Paragraphs (e), (f), and (g) of subsection  
22 (4) of section 20.316, Florida Statutes, are repealed.

23           Section 11. Paragraph (1) of subsection (1) of section  
24 20.43, Florida Statutes, is amended to read:

25           20.43 Department of Health.--There is created a  
26 Department of Health.

27           (1) The purpose of the Department of Health is to  
28 promote and protect the health of all residents and visitors  
29 in the state through organized state and community efforts,  
30 including cooperative agreements with counties. The  
31 department shall:

1           (1) Include in the department's long-range program  
2 ~~strategic~~ plan developed under s. 186.021 an assessment of  
3 current health programs, systems, and costs; projections of  
4 future problems and opportunities; and recommended changes  
5 that are needed in the health care system to improve the  
6 public health.

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

9           39.001 Purposes and intent; personnel standards and  
10 screening.--

11           (7) PLAN FOR COMPREHENSIVE APPROACH.--

12           (a) The department shall develop a state plan for the  
13 prevention of abuse, abandonment, and neglect of children and  
14 shall submit the plan to the ~~Speaker of the House of~~  
15 ~~Representatives, the President of the Senate, and the Governor~~  
16 and the Legislature no later than June 30, 2006 ~~January 1,~~  
17 ~~1983~~.

18           1. The Departments ~~Department~~ of Education, ~~and the~~  
19 ~~Division of Children's Medical Services Prevention and~~  
20 ~~Intervention of the Department of Health, Law Enforcement, and~~  
21 Juvenile Justice, along with the Agency for Workforce  
22 Innovation and the Agency for Persons with Disabilities, shall  
23 participate and fully cooperate in the development of the  
24 state plan at both the state and local levels. National and  
25 state-level advocacy groups, especially as identified in  
26 federal prevention initiatives or requirements, shall also be  
27 provided an opportunity to participate.

28           2. Furthermore, Appropriate local agencies and  
29 organizations shall be provided an opportunity to participate  
30 at the local level in the development of the state plan ~~at the~~  
31 ~~local level~~. Appropriate local groups and organizations shall

1 include, but not be limited to, community alliances as  
2 described in s. 20.19; community-based care lead agencies as  
3 described in s. 409.1671; community mental health centers;  
4 guardian ad litem programs for children and other court system  
5 entities ~~under the circuit court; the~~ school boards of the  
6 local school districts; the Florida local advocacy councils;  
7 private or public organizations or programs with recognized  
8 expertise in working with children who are sexually abused,  
9 physically abused, emotionally abused, abandoned, or neglected  
10 and with expertise in working with the families of such  
11 children; private or public programs or organizations with  
12 expertise in maternal and infant health care;  
13 multidisciplinary child protection teams; child day care  
14 centers; and law enforcement agencies, ~~and the circuit courts,~~  
15 ~~when guardian ad litem programs are not available in the local~~  
16 ~~area. The state plan to be provided to the Legislature and~~  
17 ~~the Governor shall include, as a minimum, the information~~  
18 ~~required of the various groups in paragraph (b).~~

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

21 1. ~~The department shall establish an interprogram task~~  
22 ~~force comprised of a designee from each of the department's~~  
23 ~~programs listed in s. 20.19. Representatives from the agencies~~  
24 ~~listed in subparagraph (a)1. the Program Director for Family~~  
25 ~~Safety, or a designee, a representative from the Child Care~~  
26 ~~Services Program Office, a representative from the Family~~  
27 ~~Safety Program Office, a representative from the Mental Health~~  
28 ~~Program Office, a representative from the Substance Abuse~~  
29 ~~Program Office, a representative from the Developmental~~  
30 ~~Disabilities Program Office, and a representative from the~~  
31 ~~Division of Children's Medical Services Prevention and~~



1 ~~Intervention of the Department of Health. Representatives of~~  
2 ~~the Department of Law Enforcement and of the Department of~~  
3 ~~Education~~ shall serve as ex officio members of the  
4 interprogram task force. The interprogram task force ~~is shall~~  
5 ~~be~~ responsible for:

6 ~~1.a.~~ Developing a plan of action for better  
7 coordination and integration of the goals, activities, and  
8 funding pertaining to the prevention of child abuse,  
9 abandonment, and neglect conducted by the department in order  
10 to maximize staff and resources at the state level. The plan  
11 of action shall be included in the state plan.

12 ~~2.b.~~ Providing a schedule and basic format ~~for to be~~  
13 ~~utilized by the districts in~~ the preparation of local plans ~~of~~  
14 ~~action~~ in order to provide for uniformity in the development  
15 of local district plans and to provide for greater ease in  
16 compiling information for the state plan.

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

19 ~~4.d.~~ Examining the local plans to determine if all the  
20 requirements of the local plans have been met and, if ~~they~~  
21 ~~have not~~, working with local entities to obtain the needed  
22 information informing the districts of the deficiencies and  
23 ~~requesting the additional information needed.~~

24 ~~5.e.~~ Preparing the comprehensive state plan for  
25 submission to the Legislature and the Governor. ~~Such~~  
26 ~~preparation shall include the collapsing of information~~  
27 ~~obtained from the local plans, the cooperative plans with the~~  
28 ~~Department of Education, and the plan of action for~~  
29 ~~coordination and integration of departmental activities into~~  
30 ~~one comprehensive plan. The comprehensive plan shall include a~~  
31 ~~section reflecting general conditions and needs, an analysis~~

1 ~~of variations based on population or geographic areas,~~  
2 ~~identified problems, and recommendations for change. In~~  
3 ~~essence, the plan shall provide an analysis and summary of~~  
4 ~~each element of the local plans to provide a statewide~~  
5 ~~perspective. The plan shall also include each separate local~~  
6 ~~plan of action.~~

7 6.f. Working with the appropriate specified state  
8 agency in fulfilling the requirements of paragraphs (d), (e),  
9 and (f) subparagraphs 2., 3., 4., and 5.

10 (c) The comprehensive state plan shall be in the  
11 following elements:

12 1. A section reflecting general conditions and needs;

13 2. An analysis of variations based on population or  
14 geographic areas;

15 3. Performance expectations and gaps;

16 4. Recommendations for performance improvement;

17 5. Resource and funding strategies related to unmet  
18 needs;

19 6. A summary or crosswalk of the planning and  
20 performance requirements from relevant federal funding sources  
21 for the prevention of child abuse and neglect; and

22 7. Each separate plan identified in paragraphs (d),  
23 (e), and (f).

24 ~~2. The department, the Department of Education, and~~  
25 ~~the Department of Health shall work together in developing~~  
26 ~~ways to inform and instruct parents of school children and~~  
27 ~~appropriate district school personnel in all school districts~~  
28 ~~in the detection of child abuse, abandonment, and neglect and~~  
29 ~~in the proper action that should be taken in a suspected case~~  
30 ~~of child abuse, abandonment, or neglect, and in caring for a~~  
31

1 ~~child's needs after a report is made. The plan for~~  
2 ~~accomplishing this end shall be included in the state plan.~~

3 (d)3- The department and appropriate task force  
4 ~~members, the Department of Law Enforcement, and the Department~~  
5 ~~of Health shall work together in developing a plan for~~  
6 informing and instructing ways to inform and instruct  
7 appropriate professionals local law enforcement personnel in  
8 the detection of child abuse, abandonment, and neglect; and in  
9 the proper action that should be taken in a suspected case of  
10 child abuse, abandonment, or neglect; and in supporting  
11 subsequent action by the department or other responsible party  
12 for child protection. Appropriate professionals include, but  
13 are not limited to, the reporters listed in s. 39.201(1)(b).

14 (e)4- ~~Within existing appropriations,~~ The department  
15 shall work with other appropriate public and private agencies  
16 to develop a plan for educating ~~emphasize efforts to educate~~  
17 the general public about the problem of and ways to detect  
18 child abuse, abandonment, and neglect and in the proper action  
19 that should be taken in a suspected case of child abuse,  
20 abandonment, or neglect. The plan for accomplishing this end  
21 shall be included in the state plan.

22 ~~5-~~ ~~The department, the Department of Education, and~~  
23 ~~the Department of Health shall work together on the~~  
24 ~~enhancement or adaptation of curriculum materials to assist~~  
25 ~~instructional personnel in providing instruction through a~~  
26 ~~multidisciplinary approach on the identification,~~  
27 ~~intervention, and prevention of child abuse, abandonment, and~~  
28 ~~neglect. The curriculum materials shall be geared toward a~~  
29 ~~sequential program of instruction at the four progressional~~  
30 ~~levels, K-3, 4-6, 7-9, and 10-12. Strategies for encouraging~~  
31 ~~all school districts to utilize the curriculum are to be~~

1 ~~included in the comprehensive state plan for the prevention of~~  
2 ~~child abuse, abandonment, and neglect.~~

3       ~~(f)6.~~ Each district of The department shall facilitate  
4 the development of local plans ~~develop a plan~~ for their local  
5 ~~its specific~~ geographical area. Plans ~~The plan~~ developed at  
6 the local district level shall be used by ~~submitted to~~ the  
7 interprogram task force ~~for utilization~~ in preparing the state  
8 comprehensive plan. ~~The district local plan of action shall be~~  
9 ~~prepared with the involvement and assistance of the local~~  
10 ~~agencies and organizations listed in paragraph (a), as well as~~  
11 ~~representatives from those departmental district offices~~  
12 ~~participating in the treatment and prevention of child abuse,~~  
13 ~~abandonment, and neglect. In order to accomplish this, the~~  
14 ~~district administrator in each district shall establish a task~~  
15 ~~force on the prevention of child abuse, abandonment, and~~  
16 ~~neglect. The district administrator shall appoint the members~~  
17 ~~of the task force in accordance with the membership~~  
18 ~~requirements of this section. In addition, the district~~  
19 ~~administrator shall ensure that each subdistrict is~~  
20 ~~represented on the task force; and, if the district does not~~  
21 ~~have subdistricts, the district administrator shall ensure~~  
22 ~~that both urban and rural areas are represented on the task~~  
23 ~~force. The task force shall develop a written statement~~  
24 ~~clearly identifying its operating procedures, purpose, overall~~  
25 ~~responsibilities, and method of meeting responsibilities.~~

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

29       ~~1.a.~~ Documentation of the incidence ~~magnitude of the~~  
30 ~~problems~~ of child abuse, ~~including sexual abuse, physical~~  
31 ~~abuse, and emotional abuse, and child abandonment,~~ and neglect

1 in its geographical area. Documentation shall include, at a  
2 minimum, a summary of information derived from the  
3 department's official data source, Home Safenet.

4 ~~2.b.~~ A description of programs and services currently  
5 serving abused, abandoned, and neglected children and their  
6 families and a description of programs for the prevention of  
7 child abuse, abandonment, and neglect, including information  
8 on the impact, ~~cost effectiveness,~~ and sources of funding of  
9 such programs and services.

10 ~~3.e.~~ A description of local models for a continuum of  
11 programs and services necessary for a comprehensive approach  
12 to the prevention of all types of child abuse, abandonment,  
13 and neglect ~~as well as a brief description of such programs~~  
14 ~~and services~~.

15 ~~4.d.~~ A description, documentation, and priority  
16 ranking of local unmet needs related to child abuse,  
17 abandonment, and neglect prevention based upon the current  
18 programs and a model continuum of programs and services.

19 ~~5.e.~~ A plan for steps to be taken in meeting  
20 identified needs, including the coordination and integration  
21 of services to avoid unnecessary duplication and cost, and for  
22 alternative funding strategies for meeting needs through the  
23 reallocation of existing resources, utilization of volunteers,  
24 contracting with local universities for services, and local  
25 government or private agency funding.

26 ~~6.f.~~ A description of barriers to the accomplishment  
27 of a comprehensive approach to the prevention of child abuse,  
28 abandonment, and neglect.

29 ~~7.g.~~ Recommendations for actions ~~changes~~ that can be  
30 accomplished only at the state program level or by legislative  
31 action.

1 (8) FUNDING AND SUBSEQUENT PLANS.--

2 (a) The department's long-range program plans and  
3 legislative budget requests ~~All budget requests submitted by~~  
4 ~~the department, the Department of Health, the Department of~~  
5 ~~Education, or any other agency to the Legislature for funding~~  
6 ~~of efforts for the prevention of child abuse, abandonment, and~~  
7 ~~neglect shall be based on~~ and consistent with the most recent  
8 state comprehensive plan and updates developed pursuant to  
9 this section.

10 (b) The department at the state and district levels  
11 and the other agencies listed in paragraph (7)(a) shall review  
12 and update the plan annually ~~readdress the plan and make~~  
13 ~~necessary revisions every 5 years, at a minimum.~~ Such updates  
14 ~~revisions~~ shall be submitted to the Governor and the  
15 Legislature ~~Speaker of the House of Representatives and the~~  
16 ~~President of the Senate~~ no later than June 30 of each year  
17 divisible by 5. Annual review and updates shall include  
18 progress and performance reporting. ~~An annual progress report~~  
19 ~~shall be submitted to update the plan in the years between the~~  
20 ~~5-year intervals. In order to avoid duplication of effort,~~  
21 ~~these required plans may be made a part of or merged with~~  
22 ~~other plans required by either the state or Federal~~  
23 ~~Government, so long as the portions of the other state or~~  
24 ~~Federal Government plan that constitute the state plan for the~~  
25 ~~prevention of child abuse, abandonment, and neglect are~~  
26 ~~clearly identified as such and are provided to the Speaker of~~  
27 ~~the House of Representatives and the President of the Senate~~  
28 ~~as required above.~~

29 Section 13. Paragraph (d) of subsection (3) of section  
30 39.3065, Florida Statutes, is repealed.

31

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

3           39.4086 Pilot program for attorneys ad litem for  
4 dependent children.--

5           (2) RESPONSIBILITIES.--

6           (h) The Statewide Guardian Ad Litem Office ~~of the~~  
7 ~~State Courts Administrator~~ shall conduct research and gather  
8 statistical information to evaluate the establishment,  
9 operation, and impact of the pilot program in meeting the  
10 legal needs of dependent children. In assessing the effects of  
11 the pilot program, including achievement of outcomes  
12 identified under paragraph (b), the evaluation must include a  
13 comparison of children within the Ninth Judicial Circuit who  
14 are appointed an attorney ad litem with those who are not. ~~The~~  
15 ~~office shall submit a report to the Legislature and the~~  
16 ~~Governor by October 1, 2001, and by October 1, 2002, regarding~~  
17 ~~its findings. The office shall submit a final report by~~  
18 ~~October 1, 2003, which must include an evaluation of the pilot~~  
19 ~~program; findings on the feasibility of a statewide program;~~  
20 ~~and recommendations, if any, for locating, establishing, and~~  
21 ~~operating a statewide program.~~

22           Section 15. Subsection (5) of section 39.523, Florida  
23 Statutes, is repealed.

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

26           98.255 Voter education programs.--

27           (1) ~~By March 1, 2002,~~ The Department of State shall  
28 adopt rules prescribing minimum standards for nonpartisan  
29 voter education. ~~In developing the rules, the department shall~~  
30 ~~review current voter education programs within each county of~~  
31

1 ~~the state.~~ The standards shall address, but are not limited  
2 to, the following subjects:

- 3 (a) Voter registration;  
4 (b) Balloting procedures, absentee and polling place;  
5 (c) Voter rights and responsibilities;  
6 (d) Distribution of sample ballots; and  
7 (e) Public service announcements.

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

13 ~~(b) The Department of State, upon receipt of such~~  
14 ~~information, shall prepare a public report on the~~  
15 ~~effectiveness of voter education programs and shall submit the~~  
16 ~~report to the Governor, the President of the Senate, and the~~  
17 ~~Speaker of the House of Representatives by January 31 of each~~  
18 ~~year following a general election.~~

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

24 Section 17. Subsection (10) of section 106.22, Florida  
25 Statutes, is repealed.

26 Section 18. Paragraph (a) of subsection (7) of section  
27 110.1227, Florida Statutes, is amended to read:

28 110.1227 Florida Employee Long-Term-Care Plan Act.--

29 (7) The board of directors of the Florida  
30 Long-Term-Care Plan shall:  
31



1           (a) Upon implementation, prepare an annual report of  
2 the plan, with the assistance of an actuarial consultant, to  
3 be submitted to the ~~Speaker of the House of Representatives,~~  
4 ~~the President of the Senate, the Governor,~~ and the Legislature  
5 ~~the Minority Leaders of the Senate and the House of~~  
6 ~~Representatives.~~

7           Section 19. Subsection (9) of section 120.542, Florida  
8 Statutes, is amended to read:

9           120.542 Variances and waivers.--

10           (9) Each agency shall maintain a record of the type  
11 and disposition of each petition, including temporary or  
12 emergency variances and waivers, filed pursuant to this  
13 section. ~~On October 1 of each year, each agency shall file a~~  
14 ~~report with the Governor, the President of the Senate, and the~~  
15 ~~Speaker of the House of Representatives listing the number of~~  
16 ~~petitions filed requesting variances to each agency rule, the~~  
17 ~~number of petitions filed requesting waivers to each agency~~  
18 ~~rule, and the disposition of all petitions. Temporary or~~  
19 ~~emergency variances and waivers, and the reasons for granting~~  
20 ~~or denying temporary or emergency variances and waivers, shall~~  
21 ~~be identified separately from other waivers and variances.~~

22           Section 20. Subsection (3) of section 120.60, Florida  
23 Statutes, is amended to read:

24           120.60 Licensing.--

25           (3) Each applicant shall be given written notice  
26 either personally or by mail that the agency intends to grant  
27 or deny, or has granted or denied, the application for  
28 license. The notice must state with particularity the grounds  
29 or basis for the issuance or denial of the license, except  
30 when issuance is a ministerial act. Unless waived, a copy of  
31 the notice shall be delivered or mailed to each party's

1 attorney of record and to each person who has requested notice  
2 of agency action. Each notice shall inform the recipient of  
3 the basis for the agency decision, shall inform the recipient  
4 of any administrative hearing pursuant to ss. 120.569 and  
5 120.57 or judicial review pursuant to s. 120.68 which may be  
6 available, shall indicate the procedure which must be  
7 followed, and shall state the applicable time limits. The  
8 issuing agency shall certify the date the notice was mailed or  
9 delivered, ~~and the notice and the certification shall be filed~~  
10 ~~with the agency clerk.~~

11 Section 21. Subsection (2) of section 120.695, Florida  
12 Statutes, is amended to read:

13 120.695 Notice of noncompliance.--

14 (2)~~(a)~~ Each agency shall issue a notice of  
15 noncompliance as a first response to a minor violation of a  
16 rule. A "notice of noncompliance" is a notification by the  
17 agency charged with enforcing the rule issued to the person or  
18 business subject to the rule. A notice of noncompliance may  
19 not be accompanied with a fine or other disciplinary penalty.  
20 It must identify the specific rule that is being violated,  
21 provide information on how to comply with the rule, and  
22 specify a reasonable time for the violator to comply with the  
23 rule. ~~A rule is agency action that regulates a business,~~  
24 ~~occupation, or profession, or regulates a person operating a~~  
25 ~~business, occupation, or profession, and that, if not complied~~  
26 ~~with, may result in a disciplinary penalty.~~

27 ~~(a)(b)~~ Each agency shall ~~review all of its rules and~~  
28 designate those rules for which a violation would be a minor  
29 violation and for which a notice of noncompliance must be the  
30 first enforcement action taken against a person or business  
31 subject to regulation. A violation of a rule is a minor

1 violation if it does not result in economic or physical harm  
2 to a person or adversely affect the public health, safety, or  
3 welfare or create a significant threat of such harm. If an  
4 agency under the direction of a cabinet officer mails to each  
5 licensee a notice of the designated rules at the time of  
6 licensure and at least annually thereafter, the provisions of  
7 paragraph (a) may be exercised at the discretion of the  
8 agency. Such notice shall include a subject-matter index of  
9 the rules and information on how the rules may be obtained.

10 ~~(c) The agency's review and designation must be~~  
11 ~~completed by December 1, 1995; each agency under the direction~~  
12 ~~of the Governor shall make a report to the Governor, and each~~  
13 ~~agency under the joint direction of the Governor and Cabinet~~  
14 ~~shall report to the Governor and Cabinet by January 1, 1996,~~  
15 ~~on which of its rules have been designated as rules the~~  
16 ~~violation of which would be a minor violation.~~

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

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

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

25 Section 22. Section 120.74, Florida Statutes, is  
26 amended to read:

27 120.74 Agency review, revision, and report.--

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

31

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

- 4           (a) Identify and correct deficiencies in its rules;  
5           (b) Clarify and simplify its rules;  
6           (c) Delete obsolete or unnecessary rules;  
7           (d) Delete rules that are redundant of statutes;  
8           (e) Seek to improve efficiency, reduce paperwork, or  
9 decrease costs to government and the private sector; and  
10          (f) Contact agencies that have concurrent or  
11 overlapping jurisdiction to determine whether their rules can  
12 be coordinated to promote efficiency, reduce paperwork, or  
13 decrease costs to government and the private sector.

14           ~~(2) Beginning October 1, 1997, and by October 1 of~~  
15 ~~every other year thereafter, the head of each agency shall~~  
16 ~~file a report with the President of the Senate and the Speaker~~  
17 ~~of the House of Representatives, with a copy to each~~  
18 ~~appropriate standing committee of the Legislature, which~~  
19 ~~certifies that the agency has complied with the requirements~~  
20 ~~of this subsection. The report must specify any changes made~~  
21 ~~to its rules as a result of the review and, when appropriate,~~  
22 ~~recommend statutory changes that will promote efficiency,~~  
23 ~~reduce paperwork, or decrease costs to government and the~~  
24 ~~private sector.~~

25           Section 23. Subsection (3) of section 121.45, Florida  
26 Statutes, is amended to read:

27           121.45 Interstate compacts relating to pension  
28 portability.--

29           (3) ESTABLISHMENT OF COMPACTS.--

30           (a) The Department of Management Services is  
31 authorized and directed to survey other state retirement

1 systems to determine if such retirement systems are interested  
2 in developing an interstate compact with Florida.

3 (b) If any such state is interested in pursuing the  
4 matter, the department shall confer with the other state, ~~and~~  
5 the consulting actuaries of both states, and ~~shall present its~~  
6 ~~findings to the committees having jurisdiction over retirement~~  
7 ~~matters in the Legislature, and to~~ representatives of affected  
8 certified bargaining units, ~~in order to determine the~~  
9 ~~feasibility of developing a portability compact, what groups~~  
10 ~~should be covered, and the goals and priorities which should~~  
11 ~~guide such development.~~

12 (c) Upon a determination that such a compact is  
13 feasible ~~and upon request of the Legislature,~~ the department,  
14 together with its consulting actuaries, shall, ~~in accordance~~  
15 ~~with said goals and priorities,~~ develop a proposal under which  
16 retirement credit may be transferred to or from Florida in an  
17 actuarially sound manner which shall be presented to the  
18 Governor and the Legislature for consideration.

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

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

29 Section 24. Section 153.952, Florida Statutes, is  
30 repealed.

31

1           Section 25. Subsections (3) through (22) of section  
2 161.053, Florida Statutes, are amended to read:

3           161.053 Coastal construction and excavation;  
4 regulation on county basis.--

5           ~~(3) It is the intent of the Legislature that any~~  
6 ~~coastal construction control line that has not been updated~~  
7 ~~since June 30, 1980, shall be considered a critical priority~~  
8 ~~for reestablishment by the department. In keeping with this~~  
9 ~~intent, the department shall notify the Legislature if all~~  
10 ~~such lines cannot be reestablished by December 31, 1997, so~~  
11 ~~that the Legislature may subsequently consider interim lines~~  
12 ~~of jurisdiction for the remaining counties.~~

13           (3)(4) Any coastal county or coastal municipality may  
14 establish coastal construction zoning and building codes in  
15 lieu of the provisions of this section, provided such zones  
16 and codes are approved by the department as being adequate to  
17 preserve and protect the beaches and coastal barrier dunes  
18 adjacent to such beaches which are under the jurisdiction of  
19 the department from imprudent construction that will  
20 jeopardize the stability of the beach-dune system, accelerate  
21 erosion, provide inadequate protection to upland structures,  
22 endanger adjacent properties, or interfere with public beach  
23 access. Exceptions to locally established coastal  
24 construction zoning and building codes shall not be granted  
25 unless previously approved by the department. It is the  
26 intent of this subsection to provide for local administration  
27 of established coastal construction control lines through  
28 approved zoning and building codes where desired by local  
29 interests and where such local interests have, in the judgment  
30 of the department, sufficient funds and personnel to  
31 adequately administer the program. Should the department

1 determine at any time that the program is inadequately  
2 administered, the department shall have authority to revoke  
3 the authority granted to the county or municipality.

4 ~~(4)(5)~~ Except in those areas where local zoning and  
5 building codes have been established pursuant to subsection  
6 ~~(3)(4)~~, a permit to alter, excavate, or construct on property  
7 seaward of established coastal construction control lines may  
8 be granted by the department as follows:

9 (a) The department may authorize an excavation or  
10 erection of a structure at any coastal location as described  
11 in subsection (1) upon receipt of an application from a  
12 property and/or riparian owner and upon the consideration of  
13 facts and circumstances, including:

14 1. Adequate engineering data concerning shoreline  
15 stability and storm tides related to shoreline topography;

16 2. Design features of the proposed structures or  
17 activities; and

18 3. Potential impacts of the location of such  
19 structures or activities, including potential cumulative  
20 effects of any proposed structures or activities upon such  
21 beach-dune system, which, in the opinion of the department,  
22 clearly justify such a permit.

23 (b) If in the immediate contiguous or adjacent area a  
24 number of existing structures have established a reasonably  
25 continuous and uniform construction line closer to the line of  
26 mean high water than the foregoing, and if the existing  
27 structures have not been unduly affected by erosion, a  
28 proposed structure may, at the discretion of the department,  
29 be permitted along such line on written authorization from the  
30 department if such structure is also approved by the  
31 department. However, the department shall not contravene

1 setback requirements or zoning or building codes established  
2 by a county or municipality which are equal to, or more strict  
3 than, those requirements provided herein. This paragraph does  
4 not prohibit the department from requiring structures to meet  
5 design and siting criteria established in paragraph (a) or in  
6 subsection (1) or subsection (2).

7 (c) The department may condition the nature, timing,  
8 and sequence of construction of permitted activities to  
9 provide protection to nesting sea turtles and hatchlings and  
10 their habitat, pursuant to s. 370.12, and to native  
11 salt-resistant vegetation and endangered plant communities.

12 (d) The department may require such engineer  
13 certifications as necessary to assure the adequacy of the  
14 design and construction of permitted projects.

15 (e) The department shall limit the construction of  
16 structures which interfere with public access along the beach.  
17 However, the department may require, as a condition to  
18 granting permits, the provision of alternative access when  
19 interference with public access along the beach is  
20 unavoidable. The width of such alternate access may not be  
21 required to exceed the width of the access that will be  
22 obstructed as a result of the permit being granted.

23 (f) The department may, as a condition to the granting  
24 of a permit under this section, require mitigation, financial,  
25 or other assurances acceptable to the department as may be  
26 necessary to assure performance of conditions of a permit or  
27 enter into contractual agreements to best assure compliance  
28 with any permit conditions. The department may also require  
29 notice of the permit conditions required and the contractual  
30 agreements entered into pursuant to the provisions of this  
31



1 subsection to be filed in the public records of the county in  
2 which the permitted activity is located.

3 (5)(a)~~(6)(a)~~ As used in this subsection:

4 1. "Frontal dune" means the first natural or manmade  
5 mound or bluff of sand which is located landward of the beach  
6 and which has sufficient vegetation, height, continuity, and  
7 configuration to offer protective value.

8 2. "Seasonal high-water line" means the line formed by  
9 the intersection of the rising shore and the elevation of 150  
10 percent of the local mean tidal range above local mean high  
11 water.

12 (b) After October 1, 1985, and notwithstanding any  
13 other provision of this part, the department, or a local  
14 government to which the department has delegated permitting  
15 authority pursuant to subsections~~(3)(4)~~ and~~(15)(16)~~, shall  
16 not issue any permit for any structure, other than a coastal  
17 or shore protection structure, minor structure, or pier,  
18 meeting the requirements of this part, or other than intake  
19 and discharge structures for a facility sited pursuant to part  
20 II of chapter 403, which is proposed for a location which,  
21 based on the department's projections of erosion in the area,  
22 will be seaward of the seasonal high-water line within 30  
23 years after the date of application for such permit. The  
24 procedures for determining such erosion shall be established  
25 by rule. In determining the area which will be seaward of the  
26 seasonal high-water line in 30 years, the department shall not  
27 include any areas landward of a coastal construction control  
28 line.

29 (c) Where the application of paragraph (b) would  
30 preclude the construction of a structure, the department may  
31

1 | issue a permit for a single-family dwelling for the parcel so  
2 | long as:

3 |         1. The parcel for which the single-family dwelling is  
4 | proposed was platted or subdivided by metes and bounds before  
5 | the effective date of this section;

6 |         2. The owner of the parcel for which the single-family  
7 | dwelling is proposed does not own another parcel immediately  
8 | adjacent to and landward of the parcel for which the dwelling  
9 | is proposed;

10 |         3. The proposed single-family dwelling is located  
11 | landward of the frontal dune structure; and

12 |         4. The proposed single-family dwelling will be as far  
13 | landward on its parcel as is practicable without being located  
14 | seaward of or on the frontal dune.

15 |         (d) In determining the land areas which will be below  
16 | the seasonal high-water line within 30 years after the permit  
17 | application date, the department shall consider the impact on  
18 | the erosion rates of an existing beach nourishment or  
19 | restoration project or of a beach nourishment or restoration  
20 | project for which all funding arrangements have been made and  
21 | all permits have been issued at the time the application is  
22 | submitted. The department shall consider each year there is  
23 | sand seaward of the erosion control line that no erosion took  
24 | place that year. However, the seaward extent of the beach  
25 | nourishment or restoration project beyond the erosion control  
26 | line shall not be considered in determining the applicable  
27 | erosion rates. Nothing in this subsection shall prohibit the  
28 | department from requiring structures to meet criteria  
29 | established in subsection (1), subsection (2), or subsection  
30 | ~~(4)~~(5) or to be further landward than required by this  
31 |

1 subsection based on the criteria established in subsection  
2 (1), subsection (2), or subsection (4)~~(5)~~.

3 (e) The department shall annually report to the  
4 Legislature the status of this program, including any changes  
5 to the previously adopted procedures for determining erosion  
6 projections.

7 ~~(6)~~~~(7)~~ Any coastal structure erected, or excavation  
8 created, in violation of the provisions of this section is  
9 hereby declared to be a public nuisance; and such structure  
10 shall be forthwith removed or such excavation shall be  
11 forthwith refilled after written notice by the department  
12 directing such removal or filling. In the event the structure  
13 is not removed or the excavation refilled within a reasonable  
14 time as directed, the department may remove such structure or  
15 fill such excavation at its own expense; and the costs thereof  
16 shall become a lien upon the property of the upland owner upon  
17 which such unauthorized structure or excavation is located.

18 ~~(7)~~~~(8)~~ Any person, firm, corporation, or agent thereof  
19 who violates this section is guilty of a misdemeanor of the  
20 first degree, punishable as provided in s. 775.082 or s.  
21 775.083; except that a person driving any vehicle on, over, or  
22 across any sand dune and damaging or causing to be damaged  
23 such sand dune or the vegetation growing thereon in violation  
24 of this section is guilty of a misdemeanor of the second  
25 degree, punishable as provided in s. 775.082 or s. 775.083. A  
26 person, firm, corporation, or agent thereof shall be deemed  
27 guilty of a separate offense for each day during any portion  
28 of which any violation of this section is committed or  
29 continued.

30 ~~(8)~~~~(9)~~ The provisions of this section do not apply to  
31 structures intended for shore protection purposes which are

1 regulated by s. 161.041 or to structures existing or under  
2 construction prior to the establishment of the coastal  
3 construction control line as provided herein, provided such  
4 structures may not be materially altered except as provided in  
5 subsection ~~(4)~~~~(5)~~. Except for structures that have been  
6 materially altered, structures determined to be under  
7 construction at the time of the establishment or  
8 reestablishment of the coastal construction control line shall  
9 be exempt from the provisions of this section. However, unless  
10 such an exemption has been judicially confirmed to exist prior  
11 to April 10, 1992, the exemption shall last only for a period  
12 of 3 years from either the date of the determination of the  
13 exemption or April 10, 1992, whichever occurs later. The  
14 department may extend the exemption period for structures that  
15 require longer periods for completion of their construction,  
16 provided that construction during the initial exemption period  
17 has been continuous. For purposes of this subsection,  
18 "continuous" means following a reasonable sequence of  
19 construction without significant or unreasonable periods of  
20 work stoppage.

21 ~~(9)~~~~(10)~~ The department may by regulation exempt  
22 specifically described portions of the coastline from the  
23 provisions of this section when in its judgment such portions  
24 of coastline because of their nature are not subject to  
25 erosion of a substantially damaging effect to the public.

26 ~~(10)~~~~(11)~~ Pending the establishment of coastal  
27 construction control lines as provided herein, the provisions  
28 of s. 161.052 shall remain in force. However, upon the  
29 establishment of coastal construction control lines, or the  
30 establishment of coastal construction zoning and building  
31

1 codes as provided in subsection~~(3)(4)~~, the provisions of s.  
2 161.052 shall be superseded by the provisions of this section.

3 (11)(a)~~(12)(a)~~ The coastal construction control  
4 requirements defined in subsection (1) and the requirements of  
5 the erosion projections pursuant to subsection~~(5)(6)~~ do not  
6 apply to any modification, maintenance, or repair to any  
7 existing structure within the limits of the existing  
8 foundation which does not require, involve, or include any  
9 additions to, or repair or modification of, the existing  
10 foundation of that structure. Specifically excluded from this  
11 exemption are seawalls or other rigid coastal or shore  
12 protection structures and any additions or enclosures added,  
13 constructed, or installed below the first dwelling floor or  
14 lowest deck of the existing structure.

15 (b) Activities seaward of the coastal construction  
16 control line which are determined by the department not to  
17 cause a measurable interference with the natural functioning  
18 of the coastal system are exempt from the requirements in  
19 subsection~~(4)(5)~~.

20 (c) The department may establish exemptions from the  
21 requirements of this section for minor activities determined  
22 by the department not to have adverse impacts on the coastal  
23 system. Examples of such activities include, but are not  
24 limited to:

- 25 1. Boat moorings;
- 26 2. Maintenance of existing beach/dune vegetation;
- 27 3. The burial of seaweed, dead fish, whales, or other  
28 marine animals on the unvegetated beach;
- 29 4. The removal of piers or other derelict structures  
30 from the unvegetated beach or seaward of mean high water;
- 31

1           5. Temporary emergency vehicular access, provided any  
2 impacted area is immediately restored;

3           6. The removal of any existing structures or debris  
4 from the upland, provided there is no excavation or  
5 disturbance to the existing topography or beach/dune  
6 vegetation;

7           7. Construction of any new roof overhang extending no  
8 more than 4 feet beyond the confines of the existing  
9 foundation during modification, renovation, or reconstruction  
10 of a habitable structure within the confines of the existing  
11 foundation of that structure which does not include any  
12 additions to or modification of the existing foundation of  
13 that structure;

14           8. Minor and temporary excavation for the purpose of  
15 repairs to existing subgrade residential service utilities  
16 (e.g., water and sewer lines, septic tanks and drainfields,  
17 electrical and telephone cables, and gas lines), provided that  
18 there is minimal disturbance and that grade is restored with  
19 fill compatible in both coloration and grain size to the  
20 onsite material and any damaged or destroyed vegetation is  
21 restored using similar vegetation; and

22           9. Any other minor construction with impacts similar  
23 to the above activities.

24           ~~(12)(a)(13)(a)~~ Notwithstanding the coastal  
25 construction control requirements defined in subsection (1) or  
26 the erosion projection determined pursuant to subsection (5)  
27 ~~(6)~~, the department may, at its discretion, issue a permit for  
28 the repair or rebuilding within the confines of the original  
29 foundation of a major structure pursuant to the provisions of  
30 subsection (4) ~~(5)~~. Alternatively, the department may also, at  
31 its discretion, issue a permit for a more landward relocation

1 or rebuilding of a damaged or existing structure if such  
2 relocation or rebuilding would not cause further harm to the  
3 beach-dune system, and if, in the case of rebuilding, such  
4 rebuilding complies with the provisions of subsection ~~(4)(5)~~,  
5 and otherwise complies with the provisions of this subsection.

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

10 (c) In reviewing applications for relocation or  
11 rebuilding, the department shall specifically consider changes  
12 in shoreline conditions, the availability of other relocation  
13 or rebuilding options, and the design adequacy of the project  
14 sought to be rebuilt.

15 (d) Permits issued under this subsection shall not be  
16 considered precedential as to the issuance of subsequent  
17 permits.

18 ~~(13)(14)~~ Concurrent with the establishment of a  
19 coastal construction control line and the ongoing  
20 administration of this chapter, the secretary of the  
21 department shall make recommendations to the Board of Trustees  
22 of the Internal Improvement Trust Fund concerning the purchase  
23 of the fee or any lesser interest in any lands seaward of the  
24 control line pursuant to the state's Save Our Coast,  
25 Conservation and Recreation Lands, or Outdoor Recreation Land  
26 acquisition programs; and, with respect to those control lines  
27 established pursuant to this section prior to June 14, 1978,  
28 the secretary may make such recommendations.

29 ~~(14)(15)~~ A coastal county or municipality fronting on  
30 the Gulf of Mexico, the Atlantic Ocean, or the Straits of  
31 Florida shall advise the department within 5 days after

1 receipt of any permit application for construction or other  
2 activities proposed to be located seaward of the line  
3 established by the department pursuant to the provisions of  
4 this section. Within 5 days after receipt of such application,  
5 the county or municipality shall notify the applicant of the  
6 requirements for state permits.

7 (15)~~(16)~~ In keeping with the intent of subsection (3)  
8 ~~(4)~~, and at the discretion of the department, authority for  
9 permitting certain types of activities which have been defined  
10 by the department may be delegated by the department to a  
11 coastal county or coastal municipality. Such partial  
12 delegation shall be narrowly construed to those particular  
13 activities specifically named in the delegation and agreed to  
14 by the affected county or municipality, and the delegation may  
15 be revoked by the department at any time if it is determined  
16 that the delegation is improperly or inadequately  
17 administered.

18 (16)~~(17)~~ The department may, at the request of a  
19 property owner, contract with such property owner for an  
20 agreement, or modify an existing contractual agreement  
21 regulating development activities landward of a coastal  
22 construction control line, provided that nothing within the  
23 contractual agreement shall be inconsistent with the design  
24 and siting provisions of this section. In no case shall the  
25 contractual agreement bind either party for a period longer  
26 than 5 years from its date of execution. Prior to beginning  
27 any construction activity covered by the agreement, the  
28 property owner shall obtain the necessary authorization  
29 required by the agreement. The agreement shall not authorize  
30 construction for:  
31



1 (a) Major habitable structures which would require  
2 construction beyond the expiration of the agreement, unless  
3 such construction is above the completed foundation; or

4 (b) Nonhabitable major structures or minor structures,  
5 unless such construction was authorized at the same time as  
6 the habitable major structure.

7 ~~(17)~~(18) The department is authorized to grant  
8 areawide permits to local governments, other governmental  
9 agencies, and utility companies for special classes of  
10 activities in areas under their general jurisdiction or  
11 responsibility, so long as these activities, due to the type,  
12 size, or temporary nature of the activity, will not cause  
13 measurable interference with the natural functioning of the  
14 beach dune system or with marine turtles or their nesting  
15 sites. Such activities shall include, but not be limited to:  
16 road repairs, not including new construction; utility repairs  
17 and replacements, or other minor activities necessary to  
18 provide utility services; beach cleaning; and emergency  
19 response. The department may adopt rules to establish criteria  
20 and guidelines for use by permit applicants. The department  
21 shall require notice provisions appropriate to the type and  
22 nature of the activities for which areawide permits are  
23 sought.

24 ~~(18)~~(19) The department is authorized to grant general  
25 permits for projects, including dune walkovers, decks, fences,  
26 landscaping, sidewalks, driveways, pool resurfacing, minor  
27 pool repairs, and other nonhabitable structures, so long as  
28 these projects, due to the type, size, or temporary nature of  
29 the project, will not cause a measurable interference with the  
30 natural functioning of the beach dune system or with marine  
31 turtles or their nesting sites. In no event shall multifamily

1 | habitable structures qualify for general permits. However,  
2 | single-family habitable structures which do not advance the  
3 | line of existing construction and satisfy all siting and  
4 | design requirements of this section may be eligible for a  
5 | general permit pursuant to this subsection. The department may  
6 | adopt rules to establish criteria and guidelines for use by  
7 | permit applicants.

8 |         (a) Persons wishing to use the general permits set  
9 | forth in this subsection shall, at least 30 days before  
10 | beginning any work, notify the department in writing on forms  
11 | adopted by the department. The notice shall include a  
12 | description of the proposed project and supporting documents  
13 | depicting the proposed project, its location, and other  
14 | pertinent information as required by rule, to demonstrate that  
15 | the proposed project qualifies for the requested general  
16 | permit. Persons who undertake projects without proof of  
17 | notice to the department, but whose projects would otherwise  
18 | qualify for general permits, shall be considered as being  
19 | undertaken without a permit and shall be subject to  
20 | enforcement pursuant to s. 161.121.

21 |         (b) Persons wishing to use a general permit must  
22 | provide notice as required by the applicable local building  
23 | code where the project will be located. If a building code  
24 | requires no notice, any person wishing to use a general permit  
25 | must, at a minimum, post on the property at least 5 days prior  
26 | to the commencement of construction a sign no smaller than 88  
27 | square inches, with letters no smaller than one-quarter inch,  
28 | describing the project.

29 |         ~~(19)(a)-(20)(a)~~ The department may suspend or revoke  
30 | the use of a general or areawide permit for good cause,  
31 | including: submission of false or inaccurate information in

1 the notification for use of a general or areawide permit;  
2 violation of law, department orders, or rules relating to  
3 permit conditions; deviation from the specified activity or  
4 project indicated or the conditions for undertaking the  
5 activity or project; refusal of lawful inspection; or any  
6 other act on the permittee's part in using the general or  
7 areawide permit which results or may result in harm or injury  
8 to human health or welfare, or which causes harm or injury to  
9 animal, plant, or aquatic life or to property.

10 (b) The department shall have access to the permitted  
11 activity or project at reasonable times to inspect and  
12 determine compliance with the permit and department rules.

13 ~~(20)~~(21) The department is authorized to adopt rules  
14 related to the following provisions of this section:  
15 establishment of coastal construction control lines;  
16 activities seaward of the coastal construction control line;  
17 exemptions; property owner agreements; delegation of the  
18 program; permitting programs; and violations and penalties.

19 ~~(21)~~(22) In accordance with ss. 553.73 and 553.79, and  
20 upon the effective date of the Florida Building Code, the  
21 provisions of this section which pertain to and govern the  
22 design, construction, erection, alteration, modification,  
23 repair, and demolition of public and private buildings,  
24 structures, and facilities shall be incorporated into the  
25 Florida Building Code. The Florida Building Commission shall  
26 have the authority to adopt rules pursuant to ss. 120.536 and  
27 120.54 in order to implement those provisions. This subsection  
28 does not limit or abrogate the right and authority of the  
29 department to require permits or to adopt and enforce  
30 environmental standards, including but not limited to,  
31 standards for ensuring the protection of the beach-dune

1 system, proposed or existing structures, adjacent properties,  
2 marine turtles, native salt-resistant vegetation, endangered  
3 plant communities, and the preservation of public beach  
4 access.

5 Section 26. Subsection (2) of section 161.161, Florida  
6 Statutes, is amended to read:

7 161.161 Procedure for approval of projects.--

8 (2) Annually ~~Upon approval of the beach management~~  
9 ~~plan,~~ the secretary shall present to the Legislature President  
10 ~~of the Senate, the Speaker of the House of Representatives,~~  
11 ~~and the chairs of the legislative appropriations committees~~  
12 recommendations for funding of beach erosion control projects  
13 prioritized according to the. ~~Such recommendations shall be~~  
14 ~~presented to such members of the Legislature in the priority~~  
15 ~~order specified in the plan and established pursuant to~~  
16 criteria established ~~contained~~ in s. 161.101(14).

17 Section 27. Section 163.2526, Florida Statutes, is  
18 repealed.

19 Section 28. Subsection (2) of section 163.3167,  
20 Florida Statutes, is amended to read:

21 163.3167 Scope of act.--

22 (2) Each local government shall prepare a  
23 comprehensive plan of the type and in the manner set out in  
24 this act or shall prepare amendments to its existing  
25 comprehensive plan to conform it to the requirements of this  
26 part in the manner set out in this part. Each local  
27 government, in accordance with the procedures in s. 163.3184,  
28 shall submit its complete proposed comprehensive plan or its  
29 complete comprehensive plan as proposed to be amended to the  
30 state land planning agency ~~by the date specified in the rule~~  
31 ~~adopted by the state land planning agency pursuant to this~~

1 ~~subsection. The state land planning agency shall, prior to~~  
2 ~~October 1, 1987, adopt a schedule of local governments~~  
3 ~~required to submit complete proposed comprehensive plans or~~  
4 ~~comprehensive plans as proposed to be amended. Such schedule~~  
5 ~~shall specify the exact date of submission for each local~~  
6 ~~government, shall establish equal, staggered submission dates,~~  
7 ~~and shall be consistent with the following time periods:~~

8       ~~(a) Beginning on July 1, 1988, and on or before July~~  
9 ~~1, 1990, each county that is required to include a coastal~~  
10 ~~management element in its comprehensive plan and each~~  
11 ~~municipality in such a county; and~~

12       ~~(b) Beginning on July 1, 1989, and on or before July~~  
13 ~~1, 1991, all other counties or municipalities.~~

14  
15 ~~Nothing herein shall preclude the state land planning agency~~  
16 ~~from permitting by rule a county together with each~~  
17 ~~municipality in the county from submitting a proposed~~  
18 ~~comprehensive plan earlier than the dates established in~~  
19 ~~paragraphs (a) and (b). Any county or municipality that fails~~  
20 ~~to meet the schedule set for submission of its proposed~~  
21 ~~comprehensive plan by more than 90 days shall be subject to~~  
22 ~~the sanctions described in s. 163.3184(11)(a) imposed by the~~  
23 ~~Administration Commission. Notwithstanding the time periods~~  
24 ~~established in this subsection, the state land planning agency~~  
25 ~~may establish later deadlines for the submission of proposed~~  
26 ~~comprehensive plans or comprehensive plans as proposed to be~~  
27 ~~amended for a county or municipality which has all or a part~~  
28 ~~of a designated area of critical state concern within its~~  
29 ~~boundaries; however, such deadlines shall not be extended to a~~  
30 ~~date later than July 1, 1991, or the time of de designation,~~  
31 ~~whichever is earlier.~~

1           Section 29. Paragraph (h) of subsection (6) and  
2 paragraph (k) of subsection (10) of section 163.3177, Florida  
3 Statutes, are amended to read:

4           163.3177 Required and optional elements of  
5 comprehensive plan; studies and surveys.--

6           (6) In addition to the requirements of subsections  
7 (1)-(5), the comprehensive plan shall include the following  
8 elements:

9           (h)1. An intergovernmental coordination element  
10 showing relationships and stating principles and guidelines to  
11 be used in coordinating ~~the accomplishment of coordination of~~  
12 the adopted comprehensive plan with the plans of school boards  
13 and other units of local government providing services but not  
14 having regulatory authority over the use of land, with the  
15 comprehensive plans of adjacent municipalities, the county,  
16 adjacent counties, or the region, ~~with the state comprehensive~~  
17 ~~plan~~ and with the applicable regional water supply plan  
18 approved pursuant to s. 373.0361, as the case may require and  
19 as such adopted plans or plans in preparation may exist. This  
20 element of the local comprehensive plan shall consider  
21 ~~demonstrate consideration of~~ the particular effects of the  
22 local plan, when adopted, upon the development of adjacent  
23 municipalities, the county, adjacent counties, or the region,  
24 or upon the state comprehensive plan, as the case may require.

25           a. The intergovernmental coordination element shall  
26 provide ~~for~~ procedures for identifying and implementing ~~to~~  
27 ~~identify and implement~~ joint planning areas, especially for  
28 the purpose of annexation, municipal incorporation, and joint  
29 infrastructure service areas.

30  
31

1           b. The intergovernmental coordination element shall  
2 provide for recognition of campus master plans prepared  
3 pursuant to s. 1013.30.

4           c. The intergovernmental coordination element may  
5 provide for a voluntary dispute resolution process, ~~as~~  
6 established pursuant to s. 186.509, for bringing to closure in  
7 a timely manner intergovernmental disputes. A local  
8 government may also develop and use an alternative local  
9 dispute resolution process for this purpose.

10           2. The intergovernmental coordination element shall  
11 further state principles and guidelines to be used in  
12 ~~coordinating the accomplishment of coordination of~~ the adopted  
13 comprehensive plan with the plans of school boards and other  
14 units of local government providing facilities and services  
15 but not having regulatory authority over the use of land. In  
16 addition, the intergovernmental coordination element shall  
17 describe joint processes for collaborative planning and  
18 decisionmaking on population projections and public school  
19 siting, the location and extension of public facilities  
20 subject to concurrency, and siting facilities with countywide  
21 significance, including locally unwanted land uses whose  
22 nature and identity are established in an agreement. Within 1  
23 year of adopting their intergovernmental coordination  
24 elements, each county, all the municipalities within that  
25 county, the district school board, and any unit of local  
26 government service providers in that county shall establish by  
27 interlocal or other formal agreement executed by all affected  
28 entities, the joint processes described in this subparagraph  
29 consistent with their adopted intergovernmental coordination  
30 elements.

31

1           3. To foster coordination between special districts  
2 and local general-purpose governments as local general-purpose  
3 governments implement local comprehensive plans, each  
4 independent special district must submit a public facilities  
5 report to the appropriate local government as required by s.  
6 189.415.

7           4.~~a~~. Local governments adopting a public educational  
8 facilities element pursuant to s. 163.31776 must execute an  
9 interlocal agreement with the district school board, the  
10 county, and nonexempt municipalities, as defined by s.  
11 163.31776(1), which includes the items listed in s.  
12 163.31777(2). The local government shall amend the  
13 intergovernmental coordination element to provide that  
14 coordination between the local government and school board is  
15 pursuant to the agreement and shall state the obligations of  
16 the local government under the agreement.

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

19           ~~5. The state land planning agency shall establish a~~  
20 ~~schedule for phased completion and transmittal of plan~~  
21 ~~amendments to implement subparagraphs 1., 2., and 3. from all~~  
22 ~~jurisdictions so as to accomplish their adoption by December~~  
23 ~~31, 1999. A local government may complete and transmit its~~  
24 ~~plan amendments to carry out these provisions prior to the~~  
25 ~~scheduled date established by the state land planning agency.~~  
26 ~~The plan amendments are exempt from the provisions of s.~~  
27 ~~163.3187(1).~~

28           ~~5.6~~. By January 1, 2004, any county having a  
29 population greater than 100,000, and the municipalities and  
30 special districts within that county, shall submit a report to  
31 the Department of Community Affairs which identifies:



1           a. ~~Identifies~~ All existing or proposed interlocal  
2 service-delivery agreements regarding the following:  
3 education; sanitary sewer; public safety; solid waste;  
4 drainage; potable water; parks and recreation; and  
5 transportation facilities.

6           b. ~~Identifies~~ Any deficits or duplication in the  
7 provision of services within its jurisdiction, whether capital  
8 or operational. Upon request, the Department of Community  
9 Affairs shall provide technical assistance to the local  
10 governments in identifying deficits or duplication.

11           ~~6.7.~~ Within 6 months after submission of the report,  
12 the Department of Community Affairs shall, through the  
13 appropriate regional planning council, coordinate a meeting of  
14 all local governments within the regional planning area to  
15 discuss the reports and potential strategies to remedy any  
16 identified deficiencies or duplications.

17           ~~7.8.~~ Each local government shall update its  
18 intergovernmental coordination element based upon the findings  
19 in the report submitted pursuant to subparagraph ~~5. 6.~~ The  
20 report may be used as supporting data and analysis for the  
21 intergovernmental coordination element.

22           ~~9. By February 1, 2003, representatives of~~  
23 ~~municipalities, counties, and special districts shall provide~~  
24 ~~to the Legislature recommended statutory changes for~~  
25 ~~annexation, including any changes that address the delivery of~~  
26 ~~local government services in areas planned for annexation.~~

27           (10) The Legislature recognizes the importance and  
28 significance of chapter 9J-5, Florida Administrative Code, the  
29 Minimum Criteria for Review of Local Government Comprehensive  
30 Plans and Determination of Compliance of the Department of  
31 Community Affairs that will be used to determine compliance of

1 | local comprehensive plans. The Legislature reserved unto  
2 | itself the right to review chapter 9J-5, Florida  
3 | Administrative Code, and to reject, modify, or take no action  
4 | relative to this rule. Therefore, pursuant to subsection (9),  
5 | the Legislature hereby has reviewed chapter 9J-5, Florida  
6 | Administrative Code, and expresses the following legislative  
7 | intent:

8 |           (k) So that local governments are able to prepare and  
9 | adopt comprehensive plans with knowledge of the rules that  
10 | will be applied to determine consistency of the plans with  
11 | provisions of this part, it is the intent of the Legislature  
12 | that there should be no doubt as to the legal standing of  
13 | chapter 9J-5, Florida Administrative Code, at the close of the  
14 | 1986 legislative session. Therefore, the Legislature declares  
15 | that changes made to chapter 9J-5, Florida Administrative  
16 | Code, prior to October 1, 1986, shall not be subject to rule  
17 | challenges under s. 120.56(2), or to drawout proceedings under  
18 | s. 120.54(3)(c)2. The entire chapter 9J-5, Florida  
19 | Administrative Code, as amended, shall be subject to rule  
20 | challenges under s. 120.56(3), as nothing herein shall be  
21 | construed to indicate approval or disapproval of any portion  
22 | of chapter 9J-5, Florida Administrative Code, not specifically  
23 | addressed herein. ~~No challenge pursuant to s. 120.56(3) may be~~  
24 | ~~filed from July 1, 1987, through April 1, 1993. Any amendments~~  
25 | ~~to chapter 9J-5, Florida Administrative Code, exclusive of the~~  
26 | ~~amendments adopted prior to October 1, 1986, pursuant to this~~  
27 | ~~act, shall be subject to the full chapter 120 process. All~~  
28 | ~~amendments shall have effective dates as provided in chapter~~  
29 | ~~120 and submission to the President of the Senate and Speaker~~  
30 | ~~of the House of Representatives shall not be required.~~

31 |

1           Section 30. Subsection (6) of section 163.3178,  
2 Florida Statutes, is amended to read:

3           163.3178 Coastal management.--

4           (6) Local governments are encouraged to adopt  
5 countywide marina siting plans to designate sites for existing  
6 and future marinas. The Coastal Resources Interagency  
7 Management Committee, at the direction of the Legislature,  
8 shall identify incentives to encourage local governments to  
9 adopt such siting plans and uniform criteria and standards to  
10 be used by local governments to implement state goals,  
11 objectives, and policies relating to marina siting. These  
12 criteria must ensure that priority is given to water-dependent  
13 land uses. ~~The Coastal Resources Interagency Management~~  
14 ~~Committee shall submit its recommendations regarding local~~  
15 ~~government incentives to the Legislature by December 1, 1993.~~  
16 Countywide marina siting plans must be consistent with state  
17 and regional environmental planning policies and standards.  
18 Each local government in the coastal area which participates  
19 in adoption of a countywide marina siting plan shall  
20 incorporate the plan into the coastal management element of  
21 its local comprehensive plan.

22           Section 31. Subsection (12) of section 163.519,  
23 Florida Statutes, is repealed.

24           Section 32. Subsection (9) of section 186.007, Florida  
25 Statutes, is repealed.

26           Section 33. Section 186.022, Florida Statutes, is  
27 amended to read:

28           186.022 Information technology strategic plans.--By  
29 June 1 of each year, the Financial Management Information  
30 Board, ~~the Criminal and Juvenile Justice Information Systems~~  
31 ~~Council,~~ and the Health Information Systems Council shall each

1 | develop and submit to the State Technology Office an  
2 | information technology strategic plan in a form and manner  
3 | prescribed in written instructions from the State Technology  
4 | Office in consultation with the Executive Office of the  
5 | Governor and the legislative appropriations committees. The  
6 | State Technology Office shall review each such strategic plan  
7 | and shall determine whether each such plan is consistent with  
8 | the State Annual Report on Enterprise Resource Planning and  
9 | Management and statewide policies adopted by the State  
10 | Technology Office, and by July 1 of each year shall develop  
11 | and transmit to each such board and council a written  
12 | expression of its findings, conclusions, and required changes,  
13 | if any, with respect to each such strategic plan. If any  
14 | change to any such strategic plan is required, each affected  
15 | board and council shall revise its strategic plan to the  
16 | extent necessary to incorporate such required changes and  
17 | shall resubmit its strategic plan to the State Technology  
18 | Office for final approval and acceptance.

19 |         Section 34. Subsection (5) of section 189.4035,  
20 | Florida Statutes, is amended to read:

21 |             189.4035 Preparation of official list of special  
22 | districts.--

23 |             (5) The official list of special districts shall be  
24 | available on the department's website ~~distributed by the~~  
25 | ~~department on October 1 of each year to the President of the~~  
26 | ~~Senate, the Speaker of the House of Representatives, the~~  
27 | ~~Auditor General, the Department of Revenue, the Department of~~  
28 | ~~Financial Services, the Department of Management Services, the~~  
29 | ~~State Board of Administration, counties, municipalities,~~  
30 | ~~county property appraisers, tax collectors, and supervisors of~~  
31 | ~~elections and to all interested parties who request the list.~~

1           Section 35. Subsection (2) of section 189.412, Florida  
2 Statutes, is amended to read:

3           189.412 Special District Information Program; duties  
4 and responsibilities.--The Special District Information  
5 Program of the Department of Community Affairs is created and  
6 has the following special duties:

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

11          Section 36. Subsection (2) of section 194.034, Florida  
12 Statutes, is amended to read:

13          194.034 Hearing procedures; rules.--

14          (2) In each case, except when a complaint is withdrawn  
15 by the petitioner or is acknowledged as correct by the  
16 property appraiser, the value adjustment board shall render a  
17 written decision. All such decisions shall be issued within  
18 20 calendar days of the last day the board is in session under  
19 s. 194.032. The decision of the board shall contain findings  
20 of fact and conclusions of law and shall include reasons for  
21 upholding or overturning the determination of the property  
22 appraiser. When a special magistrate has been appointed, the  
23 recommendations of the special magistrate shall be considered  
24 by the board. The clerk, upon issuance of the decisions,  
25 shall, on a form provided by the Department of Revenue, notify  
26 by first-class mail each taxpayer and the property appraiser,  
27 ~~and the department~~ of the decision of the board.

28          Section 37. Paragraph (b) of subsection (1) of section  
29 206.606, Florida Statutes, is amended to read:

30          206.606 Distribution of certain proceeds.--

31

1           (1) Moneys collected pursuant to ss. 206.41(1)(g) and  
2 206.87(1)(e) shall be deposited in the Fuel Tax Collection  
3 Trust Fund. Such moneys, after deducting the service charges  
4 imposed by s. 215.20, the refunds granted pursuant to s.  
5 206.41, and the administrative costs incurred by the  
6 department in collecting, administering, enforcing, and  
7 distributing the tax, which administrative costs may not  
8 exceed 2 percent of collections, shall be distributed monthly  
9 to the State Transportation Trust Fund, except that:

10           (b) \$2.5 million shall be transferred annually to the  
11 State Game Trust Fund in the Fish and Wildlife Conservation  
12 Commission ~~in each fiscal year~~ and used for recreational  
13 boating activities, and freshwater fisheries management and  
14 research. The transfers must be made in equal monthly amounts  
15 beginning on July 1 of each fiscal year. The commission shall  
16 annually determine where unmet needs exist for boating-related  
17 activities, and may fund such activities in counties where,  
18 due to the number of vessel registrations, sufficient  
19 financial resources are unavailable.

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

25           a. Unmet needs in counties with populations of 100,000  
26 or less.

27           b. Unmet needs in coastal counties with a high level  
28 of boating related activities from individuals residing in  
29 other counties.

30  
31

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

4           3. The commission is authorized to adopt rules  
5 pursuant to ss. 120.536(1) and 120.54 to implement a Florida  
6 Boating Improvement Program similar to the program  
7 administered by the Department of Environmental Protection and  
8 established in rules 62D-5.031 - 62D-5.036, Florida  
9 Administrative Code, to determine projects eligible for  
10 funding under this subsection.

11  
12 ~~On February 1 of each year,~~ The commission shall prepare and  
13 make available on its Internet website file an annual report  
14 ~~with the President of the Senate and the Speaker of the House~~  
15 ~~of Representatives~~ outlining the status of its Florida Boating  
16 Improvement Program, including the projects funded, and a list  
17 of counties whose needs are unmet due to insufficient  
18 financial resources from vessel registration fees.

19           Section 38. Paragraph (b) of subsection (4) of section  
20 212.054, Florida Statutes, is amended to read:

21           212.054 Discretionary sales surtax; limitations,  
22 administration, and collection.--

23           (4)

24           (b) The proceeds of a discretionary sales surtax  
25 collected by the selling dealer located in a county which  
26 imposes the surtax shall be returned, less the cost of  
27 administration, to the county where the selling dealer is  
28 located. The proceeds shall be transferred to the  
29 Discretionary Sales Surtax Clearing Trust Fund. A separate  
30 account shall be established in such trust fund for each  
31 county imposing a discretionary surtax. The amount deducted

1 for the costs of administration shall not exceed 3 percent of  
2 the total revenue generated for all counties levying a surtax  
3 authorized in s. 212.055. The amount deducted for the costs  
4 of administration shall be used only for those costs which are  
5 solely and directly attributable to the surtax. The total  
6 cost of administration shall be prorated among those counties  
7 levying the surtax on the basis of the amount collected for a  
8 particular county to the total amount collected for all  
9 counties. ~~No later than March 1 of each year, the department~~  
10 ~~shall submit a written report which details the expenses and~~  
11 ~~amounts deducted for the costs of administration to the~~  
12 ~~President of the Senate, the Speaker of the House of~~  
13 ~~Representatives, and the governing authority of each county~~  
14 ~~levying a surtax.~~ The department shall distribute the moneys  
15 in the trust fund each month to the appropriate counties,  
16 unless otherwise provided in s. 212.055.

17 Section 39. Paragraph (j) of subsection (5) of section  
18 212.08, Florida Statutes, is amended to read:

19 212.08 Sales, rental, use, consumption, distribution,  
20 and storage tax; specified exemptions.--The sale at retail,  
21 the rental, the use, the consumption, the distribution, and  
22 the storage to be used or consumed in this state of the  
23 following are hereby specifically exempt from the tax imposed  
24 by this chapter.

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

26 (j) Machinery and equipment used in semiconductor,  
27 defense, or space technology production and research and  
28 development.--

29 1.a. Industrial machinery and equipment used in  
30 semiconductor technology facilities certified under  
31 subparagraph 6. to manufacture, process, compound, or produce



1 semiconductor technology products for sale or for use by these  
2 facilities are exempt from the tax imposed by this chapter.  
3 For purposes of this paragraph, industrial machinery and  
4 equipment includes molds, dies, machine tooling, other  
5 appurtenances or accessories to machinery and equipment,  
6 testing equipment, test beds, computers, and software, whether  
7 purchased or self-fabricated, and, if self-fabricated,  
8 includes materials and labor for design, fabrication, and  
9 assembly.

10           b. Industrial machinery and equipment used in defense  
11 or space technology facilities certified under subparagraph 6.  
12 to manufacture, process, compound, or produce defense  
13 technology products or space technology products for sale or  
14 for use by these facilities are exempt from 25 percent of the  
15 tax imposed by this chapter.

16           2.a. Machinery and equipment are exempt from the tax  
17 imposed by this chapter if used predominately in semiconductor  
18 wafer research and development activities in a semiconductor  
19 technology research and development facility certified under  
20 subparagraph 6. For purposes of this paragraph, machinery and  
21 equipment includes molds, dies, machine tooling, other  
22 appurtenances or accessories to machinery and equipment,  
23 testing equipment, test beds, computers, and software, whether  
24 purchased or self-fabricated, and, if self-fabricated,  
25 includes materials and labor for design, fabrication, and  
26 assembly.

27           b. Machinery and equipment are exempt from 25 percent  
28 of the tax imposed by this chapter if used predominately in  
29 defense or space research and development activities in a  
30 defense or space technology research and development facility  
31 certified under subparagraph 6.

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

5           4. In addition to meeting the criteria mandated by  
6 subparagraph 1., subparagraph 2., or subparagraph 3., a  
7 business must be certified by the Office of Tourism, Trade,  
8 and Economic Development as authorized in this paragraph in  
9 order to qualify for exemption under this paragraph.

10          5. For items purchased tax exempt pursuant to this  
11 paragraph, possession of a written certification from the  
12 purchaser, certifying the purchaser's entitlement to exemption  
13 pursuant to this paragraph, relieves the seller of the  
14 responsibility of collecting the tax on the sale of such  
15 items, and the department shall look solely to the purchaser  
16 for recovery of tax if it determines that the purchaser was  
17 not entitled to the exemption.

18          6.a. To be eligible to receive the exemption provided  
19 by subparagraph 1., subparagraph 2., or subparagraph 3., a  
20 qualifying business entity shall apply to Enterprise Florida,  
21 Inc. The application shall be developed by the Office of  
22 Tourism, Trade, and Economic Development in consultation with  
23 Enterprise Florida, Inc.

24          b. Enterprise Florida, Inc., shall review each  
25 submitted application and information and determine whether or  
26 not the application is complete within 5 working days. Once an  
27 application is complete, Enterprise Florida, Inc., shall,  
28 within 10 working days, evaluate the application and recommend  
29 approval or disapproval of the application to the Office of  
30 Tourism, Trade, and Economic Development.

31

1           c. Upon receipt of the application and recommendation  
2 from Enterprise Florida, Inc., the Office of Tourism, Trade,  
3 and Economic Development shall certify within 5 working days  
4 those applicants who are found to meet the requirements of  
5 this section and notify the applicant, Enterprise Florida,  
6 Inc., and the department of the certification. If the Office  
7 of Tourism, Trade, and Economic Development finds that the  
8 applicant does not meet the requirements of this section, it  
9 shall notify the applicant and Enterprise Florida, Inc.,  
10 within 10 working days that the application for certification  
11 has been denied and the reasons for denial. The Office of  
12 Tourism, Trade, and Economic Development has final approval  
13 authority for certification under this section.

14           ~~7.a.~~ A business may apply once each year for the  
15 exemption.

16           ~~a.b.~~ The application must indicate, for program  
17 evaluation purposes only, the average number of full-time  
18 equivalent employees at the facility over the preceding  
19 calendar year, the average wage and benefits paid to those  
20 employees over the preceding calendar year, the total  
21 investment made in real and tangible personal property over  
22 the preceding calendar year, and the total value of tax-exempt  
23 purchases and taxes exempted during the previous year. The  
24 department shall assist the Office of Tourism, Trade, and  
25 Economic Development in evaluating and verifying information  
26 provided in the application for exemption.

27           ~~b.c.~~ The Office of Tourism, Trade, and Economic  
28 Development may use the information reported on the  
29 application for evaluation purposes only ~~and shall prepare an~~  
30 ~~annual report on the exemption program and its cost and~~  
31 ~~impact. The annual report for the preceding fiscal year shall~~

1 ~~be submitted to the Governor, the President of the Senate, and~~  
2 ~~the Speaker of the House of Representatives by September 30 of~~  
3 ~~each fiscal year.~~

4       8. A business certified to receive this exemption may  
5 elect to designate one or more state universities or community  
6 colleges as recipients of up to 100 percent of the amount of  
7 the exemption for which they may qualify. To receive these  
8 funds, the institution must agree to match the funds so earned  
9 with equivalent cash, programs, services, or other in-kind  
10 support on a one-to-one basis in the pursuit of research and  
11 development projects as requested by the certified business.  
12 The rights to any patents, royalties, or real or intellectual  
13 property must be vested in the business unless otherwise  
14 agreed to by the business and the university or community  
15 college.

16       9. As used in this paragraph, the term:

17       a. "Predominately" means at least 50 percent of the  
18 time in qualifying research and development.

19       b. "Research and development" means basic and applied  
20 research in the science or engineering, as well as the design,  
21 development, and testing of prototypes or processes of new or  
22 improved products. Research and development does not include  
23 market research, routine consumer product testing, sales  
24 research, research in the social sciences or psychology,  
25 nontechnological activities, or technical services.

26       c. "Semiconductor technology products" means raw  
27 semiconductor wafers or semiconductor thin films that are  
28 transformed into semiconductor memory or logic wafers,  
29 including wafers containing mixed memory and logic circuits;  
30 related assembly and test operations; active-matrix flat panel  
31 displays; semiconductor chips; semiconductor lasers;

1 optoelectronic elements; and related semiconductor technology  
2 products as determined by the Office of Tourism, Trade, and  
3 Economic Development.

4 d. "Clean rooms" means manufacturing facilities  
5 enclosed in a manner that meets the clean manufacturing  
6 requirements necessary for high-technology  
7 semiconductor-manufacturing environments.

8 e. "Defense technology products" means products that  
9 have a military application, including, but not limited to,  
10 weapons, weapons systems, guidance systems, surveillance  
11 systems, communications or information systems, munitions,  
12 aircraft, vessels, or boats, or components thereof, which are  
13 intended for military use and manufactured in performance of a  
14 contract with the United States Department of Defense or the  
15 military branch of a recognized foreign government or a  
16 subcontract thereunder which relates to matters of national  
17 defense.

18 f. "Space technology products" means products that are  
19 specifically designed or manufactured for application in space  
20 activities, including, but not limited to, space launch  
21 vehicles, missiles, satellites or research payloads, avionics,  
22 and associated control systems and processing systems. The  
23 term does not include products that are designed or  
24 manufactured for general commercial aviation or other uses  
25 even though those products may also serve an incidental use in  
26 space applications.

27 Section 40. Section 213.0452, Florida Statutes, is  
28 repealed.

29 Section 41. Section 213.054, Florida Statutes, is  
30 repealed.

31

1           Section 42. Paragraph (f) of subsection (5) of section  
2 215.5601, Florida Statutes, is repealed.

3           Section 43. Subsection (3) of section 215.70, Florida  
4 Statutes, is amended to read:

5           215.70 State Board of Administration to act in case of  
6 defaults.--

7           (3) It shall be the duty of the State Board of  
8 Administration to monitor the debt service accounts for bonds  
9 issued pursuant to this act. The board shall advise the  
10 Governor and Legislature of any projected need to appropriate  
11 funds to honor the pledge of full faith and credit of the  
12 state. The report shall include the estimated amount of  
13 appropriations needed, the estimated maximum amount of  
14 appropriations needed, and a contingency appropriation request  
15 for each bond issue.

16           Section 44. Paragraph (z) of subsection (1) of section  
17 216.011, Florida Statutes, is amended to read:

18           216.011 Definitions.--

19           (1) For the purpose of fiscal affairs of the state,  
20 appropriations acts, legislative budgets, and approved  
21 budgets, each of the following terms has the meaning  
22 indicated:

23           (z) "Long-range program plan" means a plan developed  
24 pursuant to s. 216.013 ~~on an annual basis by each state agency~~  
25 ~~that is policy based, priority driven, accountable, and~~  
26 ~~developed through careful examination and justification of all~~  
27 ~~programs and their associated costs. Each plan is developed by~~  
28 ~~examining the needs of agency customers and clients and~~  
29 ~~proposing programs and associated costs to address those needs~~  
30 ~~based on state priorities as established by law, the agency~~  
31 ~~mission, and legislative authorization. The plan provides the~~

1 ~~framework and context for preparing the legislative budget~~  
2 ~~request and includes performance indicators for evaluating the~~  
3 ~~impact of programs and agency performance.~~

4 Section 45. Section 216.013, Florida Statutes, is  
5 amended to read:

6 216.013 Long-range program plan.--

7 ~~(1)~~ State agencies and the judicial branch shall  
8 develop long-range program plans to achieve state goals using  
9 an interagency planning process that includes the development  
10 of integrated agency program service outcomes. The plans shall  
11 be policy-based, priority-driven, accountable, and developed  
12 through careful examination and justification of all agency  
13 and judicial branch programs. ~~The plan shall cover a period of~~  
14 ~~5 fiscal years and shall become effective July 1 each year.~~

15 (1) Long-range program plans shall provide the  
16 framework for the development of agency budget requests and  
17 shall identify or update:

18 (a) The agency's or court's mission;

19 (b) The goals established to accomplish the mission;

20 (c) The objectives developed to achieve the goals;

21 (d) The trends and conditions relevant to the mission,  
22 goals, and objectives;

23 ~~(e)(a)~~ The agency or court ~~Identify agency programs~~  
24 ~~and address how agency programs that~~ will be used to implement  
25 state policy and achieve state goals and ~~program component~~  
26 objectives;

27 (f) The program outcomes and standards to measure  
28 progress toward program objectives; and

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

31

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

3           (g)(d) Provide Information regarding performance  
4 measurement, which includes, but is not limited to, how data  
5 is collected, the methodology used to measure a performance  
6 indicator, the validity and reliability of a measure, the  
7 appropriateness of a measure, and whether the agency inspector  
8 general has assessed the reliability and validity of agency  
9 performance measures, pursuant to s. 20.055(2).~~;~~

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

12           ~~(f) Identify and justify information technology~~  
13 ~~infrastructure and applications and their associated costs for~~  
14 ~~information technology projects or initiatives.~~

15           (2) Each long-range program plan shall cover a period  
16 of 5 fiscal years, be revised annually, and remain in effect  
17 until replaced or revised. All agency functions and their  
18 costs shall be carefully evaluated and justified by the  
19 agency. The justification must clearly demonstrate the needs  
20 of agency customers and clients and why the agency is  
21 proposing functions and their associated costs to address the  
22 needs based on state priorities, the agency mission, and  
23 legislative authorization. Further, the justification must  
24 show how agency functions are integrated and contribute to the  
25 overall achievement of state goals. Facilities, fixed capital  
26 outlay and information technology infrastructure, and  
27 applications shall be evaluated pursuant to ss. 216.0158,  
28 216.043, and 216.0446, respectively.

29           (3) Long-range program plans or revisions shall be  
30 presented by state agencies and the judicial branch in a form,  
31 manner, and timeframe prescribed in written instructions



1 ~~prepared by submitted to~~ the Executive Office of the Governor  
2 ~~in consultation with by August 1 of each year in a form and~~  
3 ~~manner prescribed by the Executive Office of the Governor and~~  
4 the chairs of the legislative appropriations committees. ~~Such~~  
5 ~~long range program plans for the Judicial Branch shall be~~  
6 ~~submitted by the Chief Justice of the Supreme Court to the~~  
7 ~~President of the Senate and the Speaker of the House of~~  
8 ~~Representatives, and a copy shall be provided to the Executive~~  
9 ~~Office of the Governor.~~

10 ~~(4) The Executive Office of the Governor shall review~~  
11 ~~the long range program plans for executive agencies to ensure~~  
12 ~~that they are consistent with the state's goals and objectives~~  
13 ~~and other requirements as specified in the written~~  
14 ~~instructions and that they provide the framework and context~~  
15 ~~for the agency's budget request.~~

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

18 ~~(6) Any differences between executive agencies~~  
19 ~~regarding the programs, policies, or long range program plans~~  
20 ~~of such agencies shall be mediated by the Executive Office of~~  
21 ~~the Governor.~~

22 ~~(4)(7)~~ Each state executive agency and the judicial  
23 branch shall post their transmit copies of its long-range  
24 program plan on their Internet website and all written  
25 comments on its plan to the President of the Senate and the  
26 Speaker of the House of Representatives not later than  
27 September 30th of each year and provide written notice to the  
28 Governor and the Legislature that the plans have been posted  
29 60 days prior to the next regular session of the Legislature.  
30  
31

1           ~~(8) Long range program plans developed pursuant to~~  
2 ~~this chapter are not rules and therefore are not subject to~~  
3 ~~the provisions of chapter 120.~~

4           (8)(9) Following the adoption of the annual General  
5 Appropriations Act, the state agencies and the judicial branch  
6 shall make appropriate adjustments to their long-range program  
7 plans to be consistent with the appropriations and performance  
8 measures in the General Appropriations Act and legislation  
9 implementing the General Appropriations Act. Agencies and the  
10 judicial branch have until June 15 to make adjustments to  
11 their plans as posted on their Internet websites ~~and submit~~  
12 ~~the adjusted plans to the Executive Office of the Governor for~~  
13 ~~review.~~

14           (6) Long-range program plans developed pursuant to  
15 this chapter are not rules and therefore are not subject to  
16 chapter 120.

17           Section 46. Section 216.103, Florida Statutes, is  
18 repealed.

19           Section 47. Section 216.172, Florida Statutes, is  
20 repealed.

21           Section 48. Paragraph (c) of subsection (10) of  
22 section 216.181, Florida Statutes, is repealed.

23           Section 49. Section 216.1825, Florida Statutes, is  
24 repealed.

25           Section 50. Subsection (5) of section 252.55, Florida  
26 Statutes, is amended to read:

27           252.55 Civil Air Patrol, Florida Wing.--

28           (5) The wing commander of the Florida Wing of the  
29 Civil Air Patrol shall biennially furnish the Bureau of  
30 Emergency Management a 2-year ~~an annual~~ projection of the  
31 goals and objectives of the Civil Air Patrol ~~for the following~~

1 ~~year~~. These will be reported ~~to the Governor~~ in the division's  
2 biennial ~~annual~~ report submitted pursuant to s. 252.35 ~~of the~~  
3 ~~division on February 1 of each year~~.

4 Section 51. Subsection (1) of section 253.7825,  
5 Florida Statutes, is amended to read:

6 253.7825 Recreational uses.--

7 (1) The Cross Florida Greenways State Recreation and  
8 Conservation Area must be managed as a multiple-use area  
9 pursuant to s. 253.034(2)(a), and as further provided herein.  
10 ~~The University of Florida Management Plan provides a~~  
11 ~~conceptual recreational plan that may ultimately be developed~~  
12 ~~at various locations throughout the greenways corridor. The~~  
13 ~~plan proposes to locate a number of the larger, more~~  
14 ~~comprehensive and complex recreational facilities in~~  
15 ~~sensitive, natural resource areas~~. Future site-specific  
16 studies and investigations must be conducted by the department  
17 to determine compatibility with, and potential for adverse  
18 impact to, existing natural resources, need for the facility,  
19 the availability of other alternative locations with reduced  
20 adverse impacts to existing natural resources, and the proper  
21 specific sites and locations for the more comprehensive and  
22 complex facilities. Furthermore, it is appropriate, with the  
23 approval of the department, to allow more fishing docks, boat  
24 launches, and other user-oriented facilities to be developed  
25 and maintained by local governments.

26 Section 52. Section 253.7826, Florida Statutes, is  
27 repealed.

28 Section 53. Section 253.7829, Florida Statutes, is  
29 repealed.

30 Section 54. Subsection (4) of section 259.037, Florida  
31 Statutes, is amended to read:

1           259.037 Land Management Uniform Accounting Council.--

2           (4) The council shall provide a report of the  
3 agencies' expenditures pursuant to the adopted categories ~~to~~  
4 ~~the President of the Senate and the Speaker of the House of~~  
5 ~~Representatives annually, beginning July 1, 2001. The council~~  
6 ~~shall also provide this report~~ to the Acquisition and  
7 Restoration Council for inclusion in its annual report  
8 required pursuant to s. 259.105.

9           Section 55. Section 265.56, Florida Statutes, is  
10 repealed.

11           Section 56. Subsection (4) of section 267.074, Florida  
12 Statutes, is repealed.

13           Section 57. Section 272.121, Florida Statutes, is  
14 repealed.

15           Section 58. Subsection (28) of section 282.102,  
16 Florida Statutes, is repealed.

17           Section 59. Subsection (3) of section 284.50, Florida  
18 Statutes, is repealed.

19           Section 60. Subsection (11) of section 287.045,  
20 Florida Statutes, is repealed.

21           Section 61. Subsection (15) of section 287.059,  
22 Florida Statutes, is amended to read:

23           287.059 Private attorney services.--

24           (15) The Attorney General's office may, by rule, adopt  
25 standard fee schedules for court reporting services for each  
26 judicial circuit in consultation with the Florida Court  
27 Reporters Association. Agencies, when contracting for court  
28 reporting services, must use the standard fee schedule for  
29 court reporting services established pursuant to this section,  
30 provided no state contract is applicable or unless the head of  
31 the agency or his or her designee waives use of the schedule

1 and sets forth the reasons for deviating from the schedule in  
2 writing to the Attorney General. Such waiver must demonstrate  
3 necessity based upon criteria for deviation from the schedule  
4 which the Attorney General shall establish by rule. ~~Any~~  
5 ~~proposed fee schedule under this section shall be submitted to~~  
6 ~~the Governor, the Speaker of the House of Representatives, the~~  
7 ~~President of the Senate, and the Chief Justice of the Florida~~  
8 ~~Supreme Court at least 60 days prior to publication of the~~  
9 ~~notice to adopt the rule.~~

10 Section 62. Subsection (10) of section 287.16, Florida  
11 Statutes, is repealed.

12 Section 63. Paragraph (d) of subsection (6) of section  
13 288.1045, Florida Statutes, is repealed.

14 Section 64. Subsection (7) of section 288.108, Florida  
15 Statutes, is repealed.

16 Section 65. Section 288.1185, Florida Statutes, is  
17 repealed.

18 Section 66. Subsection (6) of section 288.1226,  
19 Florida Statutes, is amended to read:

20 288.1226 Florida Tourism Industry Marketing  
21 Corporation; use of property; board of directors; duties;  
22 audit.--

23 (6) ANNUAL AUDIT.--The corporation shall provide for  
24 an annual financial audit in accordance with s. 215.981. The  
25 annual audit report shall be submitted to the Auditor General;  
26 the Office of Policy Analysis and Government Accountability;  
27 and the Office of Tourism, Trade, and Economic Development for  
28 review. The Office of Program Policy Analysis and Government  
29 Accountability; the Office of Tourism, Trade, and Economic  
30 Development; and the Auditor General have the authority to  
31 require and receive from the corporation or from its

1 independent auditor any detail or supplemental data relative  
2 to the operation of the corporation. ~~The Office of Tourism,~~  
3 ~~Trade, and Economic Development shall annually certify whether~~  
4 ~~the corporation is operating in a manner and achieving the~~  
5 ~~objectives that are consistent with the policies and goals of~~  
6 ~~the commission and its long range marketing plan.~~ The identity  
7 of a donor or prospective donor to the corporation who desires  
8 to remain anonymous and all information identifying such donor  
9 or prospective donor are confidential and exempt from the  
10 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
11 Constitution. Such anonymity shall be maintained in the  
12 auditor's report.

13 Section 67. Paragraph (e) of subsection (8) of section  
14 288.1229, Florida Statutes, is amended to read:

15 288.1229 Promotion and development of sports-related  
16 industries and amateur athletics; direct-support organization;  
17 powers and duties.--

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

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

23 ~~1. Assist and support Florida cities or communities~~  
24 ~~bidding or seeking to host the Summer Olympics or Pan American~~  
25 ~~Games.~~

26 ~~2. Annually report to the Governor, the President of~~  
27 ~~the Senate, and the Speaker of the House of Representatives on~~  
28 ~~the status of the efforts of cities or communities bidding to~~  
29 ~~host the Summer Olympics or Pan American Games, including, but~~  
30 ~~not limited to, current financial and infrastructure status,~~  
31 ~~projected financial and infrastructure needs, and~~

1 ~~recommendations for satisfying the unmet needs and fulfilling~~  
2 ~~the requirements for a successful bid in any year that the~~  
3 ~~Summer Olympics or Pan American Games are held in this state.~~

4 Section 68. Subsection (4) of section 288.7015,  
5 Florida Statutes, is repealed.

6 Section 69. Section 288.7771, Florida Statutes, is  
7 amended to read:

8 288.7771 Annual report of Florida Export Finance  
9 Corporation.--~~By March 31 of each year,~~ The corporation shall  
10 annually prepare and submit to Enterprise Florida, Inc., for  
11 inclusion in their annual report required by s. 288.095 the  
12 ~~Governor, the President of the Senate, the Speaker of the~~  
13 ~~House of Representatives, the Senate Minority Leader, and the~~  
14 ~~House Minority Leader~~ a complete and detailed report setting  
15 forth:

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

19 Section 70. Subsections (8), (10), and (11) of section  
20 288.8175, Florida Statutes, are repealed.

21 Section 71. Subsection (5) of section 288.853, Florida  
22 Statutes, is repealed.

23 Section 72. Subsection (5) of section 288.95155,  
24 Florida Statutes, is amended to read:

25 288.95155 Florida Small Business Technology Growth  
26 Program.--

- 27 (5) ~~By January 1 of each year,~~ Enterprise Florida,  
28 Inc., shall prepare and include in their annual report  
29 required by s. 288.095 a report on the financial status of the  
30 program ~~and the account and shall submit a copy of the report~~  
31 ~~to the board of directors of Enterprise Florida, Inc., the~~

1 ~~appropriate legislative committees responsible for economic~~  
2 ~~development oversight, and the appropriate legislative~~  
3 ~~appropriations subcommittees.~~ The report shall specify the  
4 assets and liabilities of the account within the current  
5 fiscal year and shall include a portfolio update that lists  
6 all of the businesses assisted, the private dollars leveraged  
7 by each business assisted, and the growth in sales and in  
8 employment of each business assisted.

9 Section 73. Paragraph (c) of subsection (4) of section  
10 288.9604, Florida Statutes, is amended to read:

11 288.9604 Creation of the authority.--

12 (4)

13 (c) The directors of the corporation shall annually  
14 elect one of their members as chair and one as vice chair.  
15 The corporation may employ a president, technical experts, and  
16 such other agents and employees, permanent and temporary, as  
17 it requires and determine their qualifications, duties, and  
18 compensation. For such legal services as it requires, the  
19 corporation may employ or retain its own counsel and legal  
20 staff. ~~The corporation shall file with the governing body of~~  
21 ~~each public agency with which it has entered into an~~  
22 ~~interlocal agreement and with the Governor, the Speaker of the~~  
23 ~~House of Representatives, the President of the Senate, the~~  
24 ~~Minority Leaders of the Senate and House of Representatives,~~  
25 ~~and the Auditor General, on or before 90 days after the close~~  
26 ~~of the fiscal year of the corporation, a report of its~~  
27 ~~activities for the preceding fiscal year, which report shall~~  
28 ~~include a complete financial statement setting forth its~~  
29 ~~assets, liabilities, income, and operating expenses as of the~~  
30 ~~end of such fiscal year.~~

31



1           Section 74. Section 288.9610, Florida Statutes, is  
2 amended to read:

3           288.9610 Annual reports of Florida Development Finance  
4 Corporation.--~~On or before 90 days after the close of By~~  
5 ~~December 1 of each year,~~ the Florida Development Finance  
6 Corporation's fiscal year, the corporation shall submit to the  
7 Governor, the Legislature ~~President of the Senate, the Speaker~~  
8 ~~of the House of Representatives, the Senate Minority Leader,~~  
9 ~~the House Minority Leader, the Auditor General,~~ and the  
10 governing body of each public entity with which it has entered  
11 into an interlocal agreement ~~city or county activating the~~  
12 ~~Florida Development Finance Corporation~~ a complete and  
13 detailed report setting forth:

14           (1) The results of any audit conducted pursuant to s.  
15 11.45 ~~evaluation required in s. 11.45(3)(j).~~

16           (2) The activities, operations, and accomplishments of  
17 the Florida Development Finance Corporation, including the  
18 number of businesses assisted by the corporation.

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

22           Section 75. Subsection (3) of section 292.04, Florida  
23 Statutes, is amended to read:

24           292.04 Florida Commission on Veterans' Affairs.--

25           ~~(3)(a) It is the duty of the commission to conduct a~~  
26 ~~biennial survey of possible contributions that veterans or~~  
27 ~~state organizations of veterans and their auxiliaries could~~  
28 ~~make to the state and to report the results of the survey to~~  
29 ~~the department together with recommendations for encouraging~~  
30 ~~such contributions.~~

1           ~~(b)~~ The commission shall work with the various  
2 veterans' organizations and their auxiliaries within the state  
3 and shall function as a liaison between such organizations and  
4 the department on matters pertaining to veterans.

5           Section 76. Subsection (6) of section 292.05, Florida  
6 Statutes, is amended to read:

7           292.05 Duties of Department of Veterans' Affairs.--

8           (6) The department shall, by ~~on~~ December 31 of each  
9 year, submit ~~make~~ an annual written report to the Governor,  
10 the Cabinet, and the Legislature which shall describe:

11           ~~(a) of the state, the Speaker of the House of~~  
12 ~~Representatives, and the President of the Senate, which report~~  
13 ~~shall show~~ The expenses incurred in veteran service work in  
14 the state; the number, nature, and kind of cases handled by  
15 the department and by county and city veteran service officers  
16 of the state; the amounts of benefits obtained for veterans;  
17 the names and addresses of all certified veteran service  
18 officers, including county and city veteran service officers.  
19 The report shall also describe the actions taken by the  
20 department in implementing subsections (4), (5), and (7) and  
21 shall contain such other information and recommendations as  
22 may appear to the department to be right and proper.

23           (b) The current status of the department's domiciliary  
24 and nursing homes established pursuant to chapter 296,  
25 including all receipts and expenditures, the condition of the  
26 homes, the number of residents received and discharged during  
27 the preceding year, occupancy rates, staffing, and any other  
28 information necessary to provide an understanding of the  
29 management, conduct, and operation of the homes.

30           Section 77. Section 296.16, Florida Statutes, is  
31 repealed.

1           Section 78. Section 296.39, Florida Statutes, is  
2 repealed.

3           Section 79. Paragraph (c) of subsection (12) of  
4 section 315.03, Florida Statutes, is repealed.

5           Section 80. Subsection (2) of section 319.324, Florida  
6 Statutes, is amended to read:

7           319.324 Odometer fraud prevention and detection;  
8 funding.--

9           (2) Moneys deposited into the Highway Safety Operating  
10 Trust Fund under this section shall be used to implement and  
11 maintain efforts by the department to prevent and detect  
12 odometer fraud, including the prompt investigation of alleged  
13 instances of odometer mileage discrepancies reported by  
14 licensed motor vehicle dealers, auctions, or purchasers of  
15 motor vehicles. ~~Such moneys shall also be used to fund an~~  
16 ~~annual report to the Legislature by the Department of Highway~~  
17 ~~Safety and Motor Vehicles, summarizing the department's~~  
18 ~~investigations and findings. In addition, moneys deposited~~  
19 ~~into the fund may be used by the department for general~~  
20 ~~operations.~~

21           Section 81. Section 322.181, Florida Statutes, is  
22 amended to read:

23           322.181 Advisory council on the Study of effects of  
24 aging on driving ability; ~~advisory council.~~--

25           ~~(1) The Department of Highway Safety and Motor~~  
26 ~~Vehicles shall study the effects of aging on driving ability.~~  
27 ~~The purpose of the study is to develop a comprehensive~~  
28 ~~approach to licensing drivers.~~

29           ~~(2) Issues to be studied by the department shall~~  
30 ~~include the:~~

31

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

4           ~~(b) Prevalence and effect of degenerative processes~~  
5 ~~affecting vision, hearing, mobility, cognitive functions, and~~  
6 ~~reaction time;~~

7           ~~(c) Implementation and effect of the department's~~  
8 ~~vision screening requirements and examination of new~~  
9 ~~technologies;~~

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

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

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

18           ~~(3) The department shall report the results of the~~  
19 ~~study to the President of the Senate and the Speaker of the~~  
20 ~~House of Representatives by February 1, 2004. The report shall~~  
21 ~~include findings of the study and recommendations for~~  
22 ~~improving the safety of at risk drivers.~~

23           (4) The department shall appoint an advisory council  
24 to ~~participate in the study and to~~ advise the department on  
25 issues related to older at-risk drivers on an ongoing basis.  
26 The council shall be known as the Florida At-Risk Driver  
27 Council. Members of the council shall include representatives  
28 of organizations involved with issues facing older drivers  
29 including state agencies, medical professionals, senior  
30 citizen advocacy groups, providers of services to senior  
31 citizens, and research entities.

1           Section 82. Paragraph (c) of subsection (7) of section  
2 322.251, Florida Statutes, is repealed.

3           Section 83. Subsection (4) of section 365.171, Florida  
4 Statutes, is amended to read:

5           365.171 Emergency telephone number "911."--

6           (4) STATE PLAN.--The office shall develop a statewide  
7 emergency telephone number "911" system plan. The plan shall  
8 provide for:

9           (a) The establishment of the public agency emergency  
10 telephone communications requirements for each entity of local  
11 government in the state.

12           (b) A system to meet specific local government  
13 requirements. Such system shall include law enforcement,  
14 firefighting, and emergency medical services and may include  
15 other emergency services such as poison control, suicide  
16 prevention, and emergency management services.

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

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

21           ~~(e) A firm implementation schedule which shall include~~  
22 ~~the installation of the "911" system in a local community~~  
23 ~~within 24 months after the designated agency of the local~~  
24 ~~government gives a firm order to the telephone utility for a~~  
25 ~~"911" system.~~

26  
27 The office shall be responsible for the implementation and  
28 coordination of the such plan and. ~~The office shall adopt any~~  
29 necessary rules and schedules related to public agencies for  
30 the purposes of implementing and coordinating such plan,  
31 ~~pursuant to chapter 120. The public agency designated in the~~

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

10 Section 84. Paragraph (d) of subsection (6) of section  
11 365.172, Florida Statutes, is repealed.

12 Section 85. Subsection (4) of section 366.82, Florida  
13 Statutes, is repealed.

14 Section 86. Subsection (7) of section 369.22, Florida  
15 Statutes, is amended to read:

16 369.22 Nonindigenous aquatic plant control.--

17 (7) The department shall prepare ~~submit~~ an annual  
18 report on the status of the nonindigenous aquatic plant  
19 maintenance program which shall be published on the  
20 department's Internet website ~~to the President of the Senate,~~  
21 ~~the Speaker of the House of Representatives, and the Governor~~  
22 ~~and Cabinet by January 1 of the following year. This report~~  
23 ~~shall include a statement of the degree of maintenance control~~  
24 ~~achieved by individual nonindigenous aquatic plant species in~~  
25 ~~the intercounty waters of each of the water management~~  
26 ~~districts for the preceding county fiscal year, together with~~  
27 ~~an analysis of the costs of achieving this degree of control.~~  
28 ~~This cost accounting shall include the expenditures by all~~  
29 ~~governmental agencies in the waters of state responsibility.~~  
30 ~~If the level of maintenance control achieved falls short of~~  
31 ~~that which is deemed adequate by the department, then the~~

1 ~~report shall include an estimate of the additional funding~~  
2 ~~that would have been required to achieve this level of~~  
3 ~~maintenance control. All measures of maintenance program~~  
4 ~~achievement and the related cost shall be presented by water~~  
5 ~~management districts so that comparisons may be made among the~~  
6 ~~water management districts, as well as with the state as a~~  
7 ~~whole.~~

8           Section 87. Subsection (8) of section 370.26, Florida  
9 Statutes, is repealed.

10           Section 88. Subsection (2) of section 372.5712,  
11 Florida Statutes, is amended to read:

12           372.5712 Florida waterfowl permit revenues.--

13           (2) The intent of this section is to expand waterfowl  
14 research and management and increase waterfowl populations in  
15 the state without detracting from other programs. The  
16 commission shall prepare and make available on its Internet  
17 website an annual report documenting the use of funds  
18 generated under ~~the provisions of this section, to be~~  
19 ~~submitted to the Governor, the Speaker of the House of~~  
20 ~~Representatives, and the President of the Senate on or before~~  
21 ~~September 1 of each year.~~

22           Section 89. Subsection (2) of section 372.5715,  
23 Florida Statutes, is amended to read:

24           372.5715 Florida wild turkey permit revenues.--

25           (2) The intent of this section is to expand wild  
26 turkey research and management and to increase wild turkey  
27 populations in the state without detracting from other  
28 programs. The commission shall prepare and make available on  
29 its Internet website an annual report documenting the use of  
30 funds generated under ~~the provisions of this section, to be~~  
31 ~~submitted to the Governor, the Speaker of the House of~~

1 ~~Representatives, and the President of the Senate on or before~~  
2 ~~September 1 of each year.~~

3       Section 90. Section 372.63, Florida Statutes, is  
4 repealed.

5       Section 91. Section 372.674, Florida Statutes, is  
6 repealed.

7       Section 92. Section 373.0391, Florida Statutes, is  
8 amended to read:

9       373.0391 Technical assistance to local governments.--

10       ~~(1)~~ The water management districts shall assist local  
11 governments in the development and future revision of local  
12 government comprehensive plan elements or public facilities  
13 report as required by s. 189.415, related to water resource  
14 issues.

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

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

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

26       ~~(c) Identification of regulations, programs, and~~  
27 ~~schedules undertaken or proposed by the district to further~~  
28 ~~the State Comprehensive Plan.~~

29       ~~(d) A description of surface water basins, including~~  
30 ~~regulatory jurisdictions, flood prone areas, existing and~~  
31 ~~projected water quality in water management district operated~~



1 ~~facilities, as well as surface water runoff characteristics~~  
2 ~~and topography regarding flood plains, wetlands, and recharge~~  
3 ~~areas.~~

4 ~~(c) A description of groundwater characteristics,~~  
5 ~~including existing and planned wellfield sites, existing and~~  
6 ~~anticipated cones of influence, highly productive groundwater~~  
7 ~~areas, aquifer recharge areas, deep well injection zones,~~  
8 ~~contaminated areas, an assessment of regional water resource~~  
9 ~~needs and sources for the next 20 years, and water quality.~~

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

12 ~~(g) Information reflecting the minimum flows for~~  
13 ~~surface watercourses to avoid harm to water resources or the~~  
14 ~~ecosystem and information reflecting the minimum water levels~~  
15 ~~for aquifers to avoid harm to water resources or the~~  
16 ~~ecosystem.~~

17 Section 93. Subsection (4) of section 373.046, Florida  
18 Statutes, is amended to read:

19 373.046 Interagency agreements.--

20 (4) The Legislature recognizes and affirms the  
21 division of responsibilities between the department and the  
22 water management districts as set forth in ss. III. and X. of  
23 each of the operating agreements codified as rules  
24 17-101.040(12)(a)3., 4., and 5., Florida Administrative Code.  
25 Section IV.A.2.a. of each operating agreement regarding  
26 individual permit oversight is rescinded. The department  
27 shall be responsible for permitting those activities under  
28 part IV of this chapter which, because of their complexity and  
29 magnitude, need to be economically and efficiently evaluated  
30 at the state level, including, but not limited to, mining,  
31 hazardous waste management facilities and solid waste

1 management facilities that do not qualify for a general permit  
2 under chapter 403. With regard to postcertification  
3 information submittals for activities authorized under  
4 chapters 341 and 403 siting act certifications, the  
5 department, after consultation with the appropriate water  
6 management district and other agencies having applicable  
7 regulatory jurisdiction, shall be responsible for determining  
8 the permittee's compliance with conditions of certification  
9 which were based upon the nonprocedural requirements of part  
10 IV of this chapter. The Legislature authorizes the water  
11 management districts and the department to modify the division  
12 of responsibilities referenced in this section and enter into  
13 further interagency agreements by rulemaking, including  
14 incorporation by reference, pursuant to chapter 120, to  
15 provide for greater efficiency and to avoid duplication in the  
16 administration of part IV of this chapter by designating  
17 certain activities which will be regulated by either the water  
18 management districts or the department. In developing such  
19 interagency agreements, the water management districts and the  
20 department should take into consideration the technical and  
21 fiscal ability of each water management district to implement  
22 all or some of the provisions of part IV of this chapter.  
23 Nothing herein rescinds or restricts the authority of the  
24 districts to regulate silviculture and agriculture pursuant to  
25 part IV of this chapter or s. 403.927. ~~By December 10, 1993,~~  
26 ~~the secretary of the department shall submit a report to the~~  
27 ~~President of the Senate and the Speaker of the House of~~  
28 ~~Representatives regarding the efficiency of the procedures and~~  
29 ~~the division of responsibilities contemplated by this~~  
30 ~~subsection and regarding progress toward the execution of~~  
31 ~~further interagency agreements and the integration of~~

1 ~~permitting with sovereignty lands approval. The report also~~  
2 ~~will consider the feasibility of improving the protection of~~  
3 ~~the environment through comprehensive criteria for protection~~  
4 ~~of natural systems.~~

5 Section 94. Paragraph (f) of subsection (1) of section  
6 373.1963, Florida Statutes, is amended to read:

7 373.1963 Assistance to West Coast Regional Water  
8 Supply Authority.--

9 (1) It is the intent of the Legislature to authorize  
10 the implementation of changes in governance recommended by the  
11 West Coast Regional Water Supply Authority in its reports to  
12 the Legislature dated February 1, 1997, and January 5, 1998.  
13 The authority and its member governments may reconstitute the  
14 authority's governance and rename the authority under a  
15 voluntary interlocal agreement with a term of not less than 20  
16 years. The interlocal agreement must comply with this  
17 subsection as follows:

18 (f) Upon execution of the voluntary interlocal  
19 agreement provided for herein, the authority shall jointly  
20 develop with the Southwest Florida Water Management District  
21 alternative sources of potable water and transmission  
22 pipelines to interconnect regionally significant water supply  
23 sources and facilities of the authority in amounts sufficient  
24 to meet the needs of all member governments for a period of at  
25 least 20 years and for natural systems. Nothing herein,  
26 however, shall preclude the authority and its member  
27 governments from developing traditional water sources pursuant  
28 to the voluntary interlocal agreement. Development and  
29 construction costs for alternative source facilities, which  
30 may include a desalination facility and significant regional  
31 interconnects, must be borne as mutually agreed to by both the

1 authority and the Southwest Florida Water Management District.  
2 Nothing herein shall preclude authority or district cost  
3 sharing with private entities for the construction or  
4 ownership of alternative source facilities. ~~By December 31,~~  
5 ~~1997, the authority and the Southwest Florida Water Management~~  
6 ~~District shall:~~

7       1. ~~Enter into a mutually acceptable agreement~~  
8 ~~detailing the development and implementation of directives~~  
9 ~~contained in this paragraph; or~~

10       2. ~~Jointly prepare and submit to the President of the~~  
11 ~~Senate and the Speaker of the House of Representatives a~~  
12 ~~report describing the progress made and impediments~~  
13 ~~encountered in their attempts to implement the water resource~~  
14 ~~development and water supply development directives contained~~  
15 ~~in this paragraph.~~

16  
17 Nothing in this section shall be construed to modify the  
18 rights or responsibilities of the authority or its member  
19 governments, except as otherwise provided herein, or of the  
20 Southwest Florida Water Management District or the department  
21 pursuant to this chapter or chapter 403 and as otherwise set  
22 forth by statutes.

23       Section 95. Subsection (14) of section 376.121,  
24 Florida Statutes, is repealed.

25       Section 96. Section 396.17, Florida Statutes, is  
26 repealed.

27       Section 97. Subsection (5) of section 376.30713,  
28 Florida Statutes, is repealed.

29       Section 98. Paragraph (f) of subsection (3) of section  
30 377.703, Florida Statutes, is amended to read:

1           377.703 Additional functions of the Department of  
2 Environmental Protection; energy emergency contingency plan;  
3 federal and state conservation programs.--

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

9           (f) The department shall make a report, as requested  
10 by the Governor or the Legislature, reflecting its activities  
11 and making recommendations of policies for improvement of the  
12 state's response to energy supply and demand and its effect on  
13 the health, safety, and welfare of the people of Florida. The  
14 report shall include ~~a report from the Florida Public Service~~  
15 ~~Commission on electricity and natural gas and information on~~  
16 ~~energy conservation programs conducted and under way in the~~  
17 ~~past year and shall include~~ recommendations for energy  
18 conservation programs for the state, including, but not  
19 limited to, the following factors:

20           1. Formulation of specific recommendations for  
21 improvement in the efficiency of energy utilization in  
22 governmental, residential, commercial, industrial, and  
23 transportation sectors.

24           2. Collection and dissemination of information  
25 relating to energy conservation.

26           3. Development and conduct of educational and training  
27 programs relating to energy conservation.

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

31

1           Section 99. Paragraph (a) of subsection (2) of section  
2 380.06, Florida Statutes, is amended to read:

3           380.06 Developments of regional impact.--

4           (2) STATEWIDE GUIDELINES AND STANDARDS.--

5           (a) The state land planning agency shall recommend to  
6 the Administration Commission specific statewide guidelines  
7 and standards for adoption pursuant to this subsection. The  
8 Administration Commission shall by rule adopt statewide  
9 guidelines and standards to be used in determining whether  
10 particular developments shall undergo  
11 development-of-regional-impact review. The statewide  
12 guidelines and standards previously adopted by the  
13 Administration Commission and approved by the Legislature  
14 shall remain in effect unless revised pursuant to this section  
15 or superseded by other provisions of law. ~~Revisions to the~~  
16 ~~present statewide guidelines and standards, after adoption by~~  
17 ~~the Administration Commission, shall be transmitted on or~~  
18 ~~before March 1 to the President of the Senate and the Speaker~~  
19 ~~of the House of Representatives for presentation at the next~~  
20 ~~regular session of the Legislature. Unless approved by law by~~  
21 ~~the Legislature, the revisions to the present guidelines and~~  
22 ~~standards shall not become effective.~~

23           Section 100. Subsection (3) of section 380.0677,  
24 Florida Statutes, is repealed.

25           Section 101. Subsection (3) of section 381.0011,  
26 Florida Statutes, is repealed.

27           Section 102. Section 381.0036, Florida Statutes, is  
28 repealed.

29           Section 103. Section 381.731, Florida Statutes, is  
30 repealed.

31

1           Section 104. Section 381.795, Florida Statutes, is  
2 amended to read:

3           381.795 Long-term community-based supports.--The  
4 department shall, contingent upon specific appropriations for  
5 these purposes, establish:

6           ~~(1) Study the long term needs for community based~~  
7 ~~supports and services for individuals who have sustained~~  
8 ~~traumatic brain or spinal cord injuries. The purpose of this~~  
9 ~~study is to prevent inappropriate residential and~~  
10 ~~institutional placement of these individuals, and promote~~  
11 ~~placement in the most cost effective and least restrictive~~  
12 ~~environment. Any placement recommendations for these~~  
13 ~~individuals shall ensure full utilization of and collaboration~~  
14 ~~with other state agencies, programs, and community partners.~~  
15 ~~This study shall be submitted to the Governor, the President~~  
16 ~~of the Senate, and the Speaker of the House of Representatives~~  
17 ~~not later than December 31, 2000.~~

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

24           (1)(a) The program shall be payor of last resort for  
25 program services, and expenditures for such services shall be  
26 considered funded services for purposes of s. 381.785;  
27 however, notwithstanding s. 381.79(5), proceeds resulting from  
28 this subsection shall be used solely for this program.

29           (2)(b) The department shall create, by rule,  
30 procedures to ensure, that in the event the program is unable  
31 to directly or indirectly provide such services to all

1 eligible individuals due to lack of funds, those individuals  
2 most at risk to suffer the greatest harm from an imminent  
3 inappropriate residential or institutional placement are  
4 served first.

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

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

13 Section 105. Paragraph (a) of subsection (7) of  
14 section 381.90, Florida Statutes, is repealed.

15 Section 106. Section 381.931, Florida Statutes, is  
16 amended to read:

17 381.931 Annual report on Medicaid expenditures.--The  
18 Department of Health and the Agency for Health Care  
19 Administration shall monitor the total Medicaid expenditures  
20 for services made under this act. If Medicaid expenditures are  
21 projected to exceed the amount appropriated by the  
22 Legislature, the Department of Health shall limit the number  
23 of screenings to ensure Medicaid expenditures do not exceed  
24 the amount appropriated. ~~The Department of Health, in~~  
25 ~~cooperation with the Agency for Health Care Administration,~~  
26 ~~shall prepare an annual report that must include the number of~~  
27 ~~women screened; the percentage of positive and negative~~  
28 ~~outcomes; the number of referrals to Medicaid and other~~  
29 ~~providers for treatment services; the estimated number of~~  
30 ~~women who are not screened or not served by Medicaid due to~~  
31 ~~funding limitations, if any; the cost of Medicaid treatment~~



1 ~~services; and the estimated cost of treatment services for~~  
2 ~~women who were not screened or referred for treatment due to~~  
3 ~~funding limitations. The report shall be submitted to the~~  
4 ~~President of the Senate, the Speaker of the House of~~  
5 ~~Representatives, and the Executive Office of the Governor by~~  
6 ~~March 1 of each year.~~

7           Section 107. Subsection (6) of section 383.19, Florida  
8 Statutes, is amended to read:

9           383.19 Standards; funding; ineligibility.--

10           (6) Each hospital ~~that~~ which contracts with the  
11 department to provide services under the terms of ss.  
12 383.15-383.21 shall prepare and submit to the department an  
13 annual report that includes, but is not limited to, the number  
14 of clients served and the costs of services in the center. The  
15 department shall annually conduct a programmatic and financial  
16 evaluation of each center.

17           Section 108. Section 383.21, Florida Statutes, is  
18 repealed.

19           Section 109. Section 383.2161, Florida Statutes, is  
20 amended to read:

21           383.2161 Maternal and child health report.--The  
22 Department of Health ~~annually~~ shall annually compile and  
23 analyze the risk information collected by the Office of Vital  
24 Statistics and the district prenatal and infant care  
25 coalitions and shall maintain county and statewide data on  
26 ~~prepare and submit to the Legislature by January 2 a report~~  
27 ~~that includes, but is not limited to:~~

28           (1) The number of families identified as families at  
29 potential risk;

30           (2) The number of families that receive family  
31 outreach services;

- 1           (3) The increase in demand for services; and  
2           (4) The unmet need for services for identified target  
3 groups.

4           Section 110. Subsection (6) of section 384.25, Florida  
5 Statutes, is repealed.

6           Section 111. Subsection (4) of section 394.4573,  
7 Florida Statutes, is repealed.

8           Section 112. Subsection (1) of section 394.4985,  
9 Florida Statutes, is amended to read:

10           394.4985 Districtwide information and referral  
11 network; implementation.--

12           (1) Each service district of the Department of  
13 Children and Family Services shall develop a detailed  
14 implementation plan for a districtwide comprehensive child and  
15 adolescent mental health information and referral network to  
16 be operational by July 1, 1999. The plan must include an  
17 operating budget that demonstrates cost efficiencies and  
18 identifies funding sources for the district information and  
19 referral network. ~~The plan must be submitted by the department~~  
20 ~~to the Legislature by October 1, 1998.~~ The district shall use  
21 existing district information and referral providers if, in  
22 the development of the plan, it is concluded that these  
23 providers would deliver information and referral services in a  
24 more efficient and effective manner when compared to other  
25 alternatives. The district information and referral network  
26 must include:

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

- 30           1. Type of program;  
31           2. Hours of service;

- 1           3. Ages of persons served;  
2           4. Program description;  
3           5. Eligibility requirements; and  
4           6. Fees.

5           (b) Information about private providers and  
6 professionals in the community which serve children and  
7 adolescents with an emotional disturbance.

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

- 11           1. Number of calls by type of service requested;  
12           2. Ages of the children and adolescents for whom  
13 services are requested; and  
14           3. Type of referral made by the network.

15           (d) The ability to share client information with the  
16 appropriate community agencies.

17           ~~(e) The submission of an annual report to the  
18 department, the Agency for Health Care Administration, and  
19 appropriate local government entities, which contains  
20 information about the sources and frequency of requests for  
21 information, types and frequency of services requested, and  
22 types and frequency of referrals made.~~

23           Section 113. Section 394.75, Florida Statutes, is  
24 amended to read:

25           394.75 State and district substance abuse and mental  
26 health plans.--

27           (1)(a) ~~Every 3 years, beginning in 2001,~~ The  
28 department, in consultation with the Medicaid program in the  
29 Agency for Health Care Administration and the Florida  
30 Substance Abuse and Mental Health Corporation, shall prepare a  
31 state ~~master~~ plan for the delivery and financing of a system

1 of publicly funded, community-based substance abuse and mental  
2 health services throughout the state. The state plan must  
3 include:

4 ~~(b) The initial plan must include an assessment of the~~  
5 ~~clinical practice guidelines and standards for community based~~  
6 ~~mental health and substance abuse services delivered by~~  
7 ~~persons or agencies under contract with the Department of~~  
8 ~~Children and Family Services. The assessment must include an~~  
9 ~~inventory of current clinical guidelines and standards used by~~  
10 ~~persons and agencies under contract with the department, and~~  
11 ~~by nationally recognized accreditation organizations, to~~  
12 ~~address the quality of care and must specify additional~~  
13 ~~clinical practice standards and guidelines for new or existing~~  
14 ~~services and programs.~~

15 (a)(c) Proposed ~~The plan must propose~~ changes in  
16 department policy or statutory revisions to strengthen the  
17 quality of mental health and substance abuse treatment and  
18 support services.

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

24 (c)(e) ~~The plan must include~~ Input from persons who  
25 represent local communities; local government entities that  
26 contribute funds to the local substance abuse and mental  
27 health treatment systems; consumers of publicly funded  
28 substance abuse and mental health services, and their  
29 families; and stakeholders interested in mental health and  
30 substance abuse services. The plan must describe the means by  
31

1 | which this local input occurred. ~~The plan shall be updated~~  
2 | ~~annually.~~

3 |       ~~(f) The plan must include statewide policies and~~  
4 | ~~planning parameters that will be used by the health and human~~  
5 | ~~services boards in preparing the district substance abuse and~~  
6 | ~~mental health plans.~~

7 |       ~~(g) The district plans shall be one component of the~~  
8 | ~~state master plan.~~

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

10 |       ~~(a) A proposal for the development of a data system~~  
11 | ~~that will evaluate the effectiveness of programs and services~~  
12 | ~~provided to clients of the substance abuse and mental health~~  
13 | ~~service system.~~

14 |       ~~(b) A proposal to resolve the funding discrepancies~~  
15 | ~~between districts.~~

16 |       (d)~~(e)~~ A methodology for the allocation of resources  
17 | available from federal, state, and local sources and a  
18 | description of the current level of funding available from  
19 | each source.

20 |       (e)~~(d)~~ A description of the statewide priorities for  
21 | clients and services, and each district's priorities for  
22 | clients and services.

23 |       ~~(c) Recommendations for methods of enhancing local~~  
24 | ~~participation in the planning, organization, and financing of~~  
25 | ~~substance abuse and mental health services.~~

26 |       ~~(f) A description of the current methods of~~  
27 | ~~contracting for services, an assessment of the efficiency of~~  
28 | ~~these methods in providing accountability for contracted~~  
29 | ~~funds, and recommendations for improvements to the system of~~  
30 | ~~contracting.~~

31 |

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

3           ~~(h) Guidelines and formats for the development of~~  
4 ~~district plans.~~

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

7           ~~(2) A schedule, format, and procedure for development,~~  
8 ~~and review, and update of the state master plan shall be~~  
9 ~~adopted by the department by June of each year. The plan and~~  
10 ~~annual updates shall must be submitted to the Governor and the~~  
11 ~~Legislature beginning February 10, 2006, and every 3rd year~~  
12 ~~thereafter President of the Senate and the Speaker of the~~  
13 ~~House of Representatives by January 1 of each year, beginning~~  
14 ~~January 1, 2001.~~

15           ~~(3) Each~~ The district ~~health and human services board~~  
16 shall prepare an integrated district substance abuse and  
17 mental health plan. The plan shall be prepared and updated on  
18 a schedule established by the Assistant Secretary for  
19 Substance Abuse Alcohol, Drug Abuse, and Mental Health Program  
20 ~~Office~~. The plan shall reflect the needs and program  
21 priorities established by the department and the needs of the  
22 district established under ss. 394.674 and 394.675. The  
23 ~~district plan must list in order of priority the mental health~~  
24 ~~and the substance abuse treatment needs of the district and~~  
25 ~~must rank each program separately. The plan shall include:~~

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

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

30  
31

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

4           ~~(d) A record of the total funds allocated to each~~  
5 ~~provider.~~

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

8           (a)(f) Input from community-based persons,  
9 organizations, and agencies interested in substance abuse and  
10 mental health treatment services; local government entities  
11 that contribute funds to the public substance abuse and mental  
12 health treatment systems; and consumers of publicly funded  
13 substance abuse and mental health services, and their family  
14 members. The plan must describe the means by which this local  
15 input occurred.

16  
17 ~~The plan shall be submitted by the district board to the~~  
18 ~~district administrator and to the governing bodies for review,~~  
19 ~~comment, and approval.~~

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

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

25           ~~(b) Provide the means for meeting the needs of the~~  
26 ~~district's eligible clients, specified in ss. 394.674 and~~  
27 ~~394.675, for substance abuse and mental health services.~~

28           (b)(e) Provide a process for coordinating the delivery  
29 of services within a community-based system of care to  
30 eligible clients. Such process must involve service providers,  
31 clients, and other stakeholders. The process must also provide

1 a means by which providers will coordinate and cooperate to  
2 strengthen linkages, achieve maximum integration of services,  
3 foster efficiencies in service delivery and administration,  
4 and designate responsibility for outcomes for eligible  
5 clients.

6 (c)(d) Provide a projection of district program and  
7 fiscal needs for the next fiscal year, provide for the orderly  
8 and economical development of needed services, and indicate  
9 priorities and resources for each population served,  
10 performance outcomes, and anticipated expenditures and  
11 revenues.

12 ~~(e) Include a summary budget request for the total~~  
13 ~~district substance abuse and mental health program, which must~~  
14 ~~include the funding priorities established by the district~~  
15 ~~planning process.~~

16 ~~(f) Provide a basis for the district legislative~~  
17 ~~budget request.~~

18 ~~(g) Include a policy and procedure for allocation of~~  
19 ~~funds.~~

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

23 (d)(i) Provide for the integration of substance abuse  
24 and mental health services with the other departmental  
25 programs and with the criminal justice, juvenile justice,  
26 child protection, school, and health care systems within the  
27 district.

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

31



1           ~~(e)(k)~~ Provide for continuity of client care between  
2 state treatment facilities and community programs to assure  
3 that discharge planning results in the rapid application for  
4 all benefits for which a client is eligible, including  
5 Medicaid coverage for persons leaving state treatment  
6 facilities and returning to community-based programs.

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

9           ~~(m)~~ Provide for the fullest possible and most  
10 appropriate participation by existing programs; state  
11 hospitals and other hospitals; city, county, and state health  
12 and family service agencies; drug abuse and alcoholism  
13 programs; probation departments; physicians; psychologists;  
14 social workers; marriage and family therapists; mental health  
15 counselors; clinical social workers; public health nurses;  
16 school systems; and all other public and private agencies and  
17 personnel that are required to, or may agree to, participate  
18 in the plan.

19           ~~(n)~~ Include an inventory of all public and private  
20 substance abuse and mental health resources within the  
21 district, including consumer advocacy groups and self help  
22 groups known to the department.

23           ~~(4)(5)~~ The district plan shall address how substance  
24 abuse and mental health services will be provided and how a  
25 system of care for target populations will be provided given  
26 the resources available in the service district. The plan must  
27 include provisions for providing the most appropriate and  
28 current evidence-based services for persons with substance  
29 abuse disorders and mental illnesses in a variety of settings  
30 ~~maximizing client access to the most recently developed~~  
31 ~~psychiatric medications approved by the United States Food and~~

1 ~~Drug Administration, for developing independent housing units~~  
2 ~~through participation in the Section 811 program operated by~~  
3 ~~the United States Department of Housing and Urban Development,~~  
4 ~~for developing supported employment services through the~~  
5 ~~Division of Vocational Rehabilitation of the Department of~~  
6 ~~Education, for providing treatment services to persons with~~  
7 ~~co-occurring mental illness and substance abuse problems which~~  
8 ~~are integrated across treatment systems, and for providing~~  
9 ~~services to adults who have a serious mental illness, as~~  
10 ~~defined in s. 394.67, and who reside in assisted living~~  
11 ~~facilities.~~

12 ~~(6) The district plan shall provide the means by which~~  
13 ~~the needs of the population groups specified pursuant to s.~~  
14 ~~394.674 will be addressed in the district.~~

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

20 ~~(8) The district health and human services board shall~~  
21 ~~establish a subcommittee to prepare the portion of the~~  
22 ~~district plan relating to children and adolescents. The~~  
23 ~~subcommittee shall include representative membership of any~~  
24 ~~committee organized or established by the district to review~~  
25 ~~placement of children and adolescents in residential treatment~~  
26 ~~programs. The board shall establish a subcommittee to prepare~~  
27 ~~the portion of the district plan which relates to adult mental~~  
28 ~~health and substance abuse. The subcommittee must include~~  
29 ~~representatives from the community who have an interest in~~  
30 ~~mental health and substance abuse treatment for adults.~~

31

1           ~~(5)(9)~~ All departments of state government and all  
2 local public agencies shall cooperate with officials to assist  
3 them in service planning. ~~Each district administrator shall,~~  
4 ~~upon request and the availability of staff, provide~~  
5 ~~consultative services to the local agency directors and~~  
6 ~~governing bodies.~~

7           ~~(10)~~ ~~The district administrator shall ensure that the~~  
8 ~~district plan:~~

9           ~~(a)~~ ~~Conforms to the priorities in the state plan, the~~  
10 ~~requirements of this part, and the standards adopted under~~  
11 ~~this part;~~

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

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

17           ~~(11)~~ ~~The district administrator shall require such~~  
18 ~~modifications in the district plan as he or she deems~~  
19 ~~necessary to bring the plan into conformance with the~~  
20 ~~provisions of this part. If the district board and the~~  
21 ~~district administrator cannot agree on the plan, including the~~  
22 ~~projected budget, the issues under dispute shall be submitted~~  
23 ~~directly to the secretary of the department for immediate~~  
24 ~~resolution.~~

25           ~~(12)~~ ~~Each governing body that provides local funds has~~  
26 ~~the authority to require necessary modification to only that~~  
27 ~~portion of the district plan which affects substance abuse and~~  
28 ~~mental health programs and services within the jurisdiction of~~  
29 ~~that governing body.~~

30  
31

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

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

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

8           ~~(c) A description of the programs and services~~  
9 ~~included in the district plan priorities that were~~  
10 ~~appropriated funds by the Legislature in the legislative~~  
11 ~~session that preceded the report.~~

12           Section 114. Section 394.82, Florida Statutes, is  
13 repealed.

14           Section 115. Paragraph (a) of subsection (4),  
15 paragraph (h) of subsection (7), and subsection (8) of section  
16 394.9082, Florida Statutes, are amended to read:

17           394.9082 Behavioral health service delivery  
18 strategies.--

19           (4) CONTRACT FOR SERVICES.--

20           (a) The Department of Children and Family Services and  
21 the Agency for Health Care Administration may contract for the  
22 provision or management of behavioral health services with a  
23 managing entity in at least two geographic areas. Both the  
24 Department of Children and Family Services and the Agency for  
25 Health Care Administration must contract with the same  
26 managing entity in any distinct geographic area where the  
27 strategy operates. This managing entity shall be accountable  
28 at a minimum for the delivery of behavioral health services  
29 specified and funded by the department and the agency. The  
30 geographic area must be of sufficient size in population and  
31 have enough public funds for behavioral health services to

1 allow for flexibility and maximum efficiency. ~~Notwithstanding~~  
2 ~~the provisions of s. 409.912(4)(b)1.~~ At least one service  
3 delivery strategy must be in one of the service districts in  
4 the catchment area of G. Pierce Wood Memorial Hospital.

5 (7) ESSENTIAL ELEMENTS.--

6 ~~(h)1. The Department of Children and Family Services,~~  
7 ~~in consultation with the Agency for Health Care~~  
8 ~~Administration, shall prepare an amendment by October 31,~~  
9 ~~2001, to the 2001 master state plan required under s.~~  
10 ~~394.75(1), which describes each service delivery strategy,~~  
11 ~~including at least the following details:~~

12 a. ~~Operational design;~~

13 b. ~~Counties or service districts included in each~~  
14 ~~strategy;~~

15 c. ~~Expected outcomes; and~~

16 d. ~~Timeframes.~~

17 2. ~~The amendment shall specifically address the~~  
18 ~~application of each service delivery strategy to substance~~  
19 ~~abuse services, including:~~

20 a. ~~The development of substance abuse service~~  
21 ~~protocols;~~

22 b. ~~Credentialing requirements for substance abuse~~  
23 ~~services; and~~

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

27 3. ~~The amendment must specifically address the~~  
28 ~~application of each service delivery strategy to the child~~  
29 ~~welfare system, including:~~

30 a. ~~The development of service models that support~~  
31 ~~working with both children and their families in a~~

1 ~~community based care system and that are specific to the child~~  
2 ~~welfare system.~~

3 ~~b. A process for providing services to abused and~~  
4 ~~neglected children and their families as indicated in~~  
5 ~~court ordered case plans.~~

6 (8) EXPANSION IN DISTRICTS 4 AND 12.--The department  
7 shall work with community agencies to establish a single  
8 managing entity for districts 4 and 12 accountable for the  
9 delivery of substance abuse services to child protective  
10 services recipients in the two districts. The purpose of this  
11 strategy is to enhance the coordination of substance abuse  
12 services with community-based care agencies and the  
13 department. The department shall work with affected  
14 stakeholders to develop and implement a plan that allows the  
15 phase-in of services beginning with the delivery of substance  
16 abuse services, with phase-in of subsequent substance abuse  
17 services agreed upon by the managing entity and authorized by  
18 the department, providing the necessary technical assistance  
19 to assure provider and district readiness for implementation.  
20 When a single managing entity is established and meets  
21 readiness requirements, the department may enter into a  
22 noncompetitive contract with the entity. The department shall  
23 maintain detailed information on the methodology used for  
24 selection and a justification for the selection. Performance  
25 objectives shall be developed which ensure that services that  
26 are delivered directly affect and complement the child's  
27 permanency plan. During the initial planning and  
28 implementation phase of this project, the requirements in  
29 subsections (6) and (7) are waived. Considering the critical  
30 substance abuse problems experienced by many families in the  
31 child protection system, the department shall initiate the

1 implementation of the substance abuse delivery component of  
2 this program without delay ~~and furnish status reports to the~~  
3 ~~appropriate substantive committees of the Senate and the House~~  
4 ~~of Representatives no later than February 29, 2004, and~~  
5 ~~February 28, 2005.~~ The integration of all services agreed upon  
6 by the managing entity and authorized by the department must  
7 be completed within 2 years after project initiation. Ongoing  
8 monitoring and evaluation of this strategy shall be conducted  
9 in accordance with subsection (9).

10 Section 116. Section 394.9083, Florida Statutes, is  
11 repealed.

12 Section 117. Paragraph (c) of subsection (2) of  
13 section 395.807, Florida Statutes, is repealed.

14 Section 118. Subsections (1) and (20) of section  
15 397.321, Florida Statutes, are repealed.

16 Section 119. Subsection (3) of section 397.332,  
17 Florida Statutes, is repealed.

18 Section 120. Subsection (4) of section 397.333,  
19 Florida Statutes, is amended to read:

20 397.333 Statewide Drug Policy Advisory Council.--

21 (4)~~(a)~~ The chairperson of the advisory council shall  
22 appoint workgroups that include members of state agencies that  
23 are not represented on the advisory council and shall solicit  
24 input and recommendations from those state agencies. In  
25 addition, the chairperson may appoint workgroups as necessary  
26 from among the members of the advisory council in order to  
27 efficiently address specific issues. A representative of a  
28 state agency appointed to any workgroup shall be the head of  
29 the agency, or his or her designee. The chairperson may  
30 designate lead and contributing agencies within a workgroup.

31

1           ~~(b) The advisory council shall submit a report to the~~  
2 ~~Governor, the President of the Senate, and the Speaker of the~~  
3 ~~House of Representatives by December 1 of each year which~~  
4 ~~contains a summary of the work of the council during that year~~  
5 ~~and the recommendations required under subsection (3). Interim~~  
6 ~~reports may be submitted at the discretion of the chairperson~~  
7 ~~of the advisory council.~~

8           Section 121. Subsection (1) of section 397.94, Florida  
9 Statutes, is repealed.

10           Section 122. Paragraph (f) of subsection (2) of  
11 section 400.0067, Florida Statutes, is amended to read:

12           400.0067 State Long-Term Care Ombudsman Council;  
13 duties; membership.--

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

15           (f) Prepare an annual report describing the activities  
16 carried out by the ombudsman, ~~and~~ and the State Long-Term Care  
17 Ombudsman Council, and the local councils in the year for  
18 which the report is prepared. The State Long-Term Care  
19 Ombudsman Council shall submit the report to the Secretary of  
20 Elderly Affairs. The secretary shall in turn submit the report  
21 to the Commissioner of the United States Administration on  
22 Aging, the Governor, the Legislature ~~President of the Senate,~~  
23 ~~the Speaker of the House of Representatives, the minority~~  
24 ~~leaders of the House and Senate, the chairpersons of~~  
25 ~~appropriate House and Senate committees, the Secretary of~~  
26 ~~Children and Family Services, and the Secretary of Health Care~~  
27 Administration. The report shall be submitted by the  
28 Secretary of Elderly Affairs at least 30 days before the  
29 convening of the regular session of the Legislature and shall,  
30 at a minimum:



1           1. Contain and analyze data collected concerning  
2 complaints about and conditions in long-term care facilities  
3 and the disposition of those complaints.

4           2. Evaluate the problems experienced by residents of  
5 long-term care facilities.

6           3. Contain recommendations for improving the quality  
7 of life of the residents and for protecting the health,  
8 safety, welfare, and rights of the residents.

9           4. Analyze the success of the ombudsman program during  
10 the preceding year and identify the barriers that prevent the  
11 optimal operation of the program. The report ~~of the program's~~  
12 ~~successes~~ shall also include ~~address the relationship between~~  
13 ~~the state long term care ombudsman program, the Department of~~  
14 ~~Elderly Affairs, the Agency for Health Care Administration,~~  
15 ~~and the Department of Children and Family Services, and an~~  
16 assessment of how successfully the state long-term care  
17 ombudsman program has carried out its responsibilities under  
18 the Older Americans Act.

19           5. Provide policy and regulatory and legislative  
20 recommendations to solve identified problems; resolve  
21 residents' complaints; improve the quality of care and life of  
22 the residents; protect the health, safety, welfare, and rights  
23 of the residents; and remove the barriers to the optimal  
24 operation of the state long-term care ombudsman program.

25           6. Contain recommendations from the local ombudsman  
26 councils regarding program functions and activities.

27           ~~7. Include a report on the activities of the legal~~  
28 ~~advocate and other legal advocates acting on behalf of the~~  
29 ~~local and state councils.~~

30           Section 123. Subsection (3) of section 400.0075,  
31 Florida Statutes, is repealed.

1           Section 124. Section 400.0089, Florida Statutes, is  
2 amended to read:

3           400.0089 Complaint Agency reports.--The Office of  
4 State Long-Term Care Ombudsman ~~Department of Elderly Affairs~~  
5 shall maintain a statewide uniform reporting system to collect  
6 and analyze data relating to complaints and conditions in  
7 long-term care facilities and to residents, for the purpose of  
8 identifying and resolving significant problems. ~~The department~~  
9 ~~and the State Long Term Care Ombudsman Council shall submit~~  
10 ~~such data as part of its annual report required pursuant to s.~~  
11 ~~400.0067(2)(f) to the Agency for Health Care Administration,~~  
12 ~~the Department of Children and Family Services, the Florida~~  
13 ~~Statewide Advocacy Council, the Advocacy Center for Persons~~  
14 ~~with Disabilities, the Commissioner for the United States~~  
15 ~~Administration on Aging, the National Ombudsman Resource~~  
16 ~~Center, and any other state or federal entities that the~~  
17 ~~ombudsman determines appropriate.~~ The office ~~State Long Term~~  
18 ~~Care Ombudsman Council~~ shall publish quarterly and make  
19 readily available information pertaining to the number and  
20 types of complaints received by the long-term care ombudsman  
21 program and shall include such information in the annual  
22 report required under s. 400.0067.

23           Section 125. Subsection (2) of section 400.148,  
24 Florida Statutes, is repealed.

25           Section 126. Paragraph (b) of subsection (3) of  
26 section 400.407, Florida Statutes, is amended to read:

27           400.407 License required; fee, display.--

28           (3) Any license granted by the agency must state the  
29 maximum resident capacity of the facility, the type of care  
30 for which the license is granted, the date the license is  
31 issued, the expiration date of the license, and any other

1 information deemed necessary by the agency. Licenses shall be  
2 issued for one or more of the following categories of care:  
3 standard, extended congregate care, limited nursing services,  
4 or limited mental health.

5 (b) An extended congregate care license shall be  
6 issued to facilities providing, directly or through contract,  
7 services beyond those authorized in paragraph (a), including  
8 acts performed pursuant to part I of chapter 464 by persons  
9 licensed thereunder, and supportive services defined by rule  
10 to persons who otherwise would be disqualified from continued  
11 residence in a facility licensed under this part.

12 1. In order for extended congregate care services to  
13 be provided in a facility licensed under this part, the agency  
14 must first determine that all requirements established in law  
15 and rule are met and must specifically designate, on the  
16 facility's license, that such services may be provided and  
17 whether the designation applies to all or part of a facility.  
18 Such designation may be made at the time of initial licensure  
19 or relicensure, or upon request in writing by a licensee under  
20 this part. Notification of approval or denial of such request  
21 shall be made within 90 days after receipt of such request and  
22 all necessary documentation. Existing facilities qualifying to  
23 provide extended congregate care services must have maintained  
24 a standard license and may not have been subject to  
25 administrative sanctions during the previous 2 years, or since  
26 initial licensure if the facility has been licensed for less  
27 than 2 years, for any of the following reasons:

- 28 a. A class I or class II violation;  
29 b. Three or more repeat or recurring class III  
30 violations of identical or similar resident care standards as  
31

1 specified in rule from which a pattern of noncompliance is  
2 found by the agency;

3 c. Three or more class III violations that were not  
4 corrected in accordance with the corrective action plan  
5 approved by the agency;

6 d. Violation of resident care standards resulting in a  
7 requirement to employ the services of a consultant pharmacist  
8 or consultant dietitian;

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

13 f. Imposition of a moratorium on admissions or  
14 initiation of injunctive proceedings.

15 2. Facilities that are licensed to provide extended  
16 congregate care services shall maintain a written progress  
17 report on each person who receives such services, which report  
18 describes the type, amount, duration, scope, and outcome of  
19 services that are rendered and the general status of the  
20 resident's health. A registered nurse, or appropriate  
21 designee, representing the agency shall visit such facilities  
22 at least quarterly to monitor residents who are receiving  
23 extended congregate care services and to determine if the  
24 facility is in compliance with this part and with rules that  
25 relate to extended congregate care. One of these visits may be  
26 in conjunction with the regular survey. The monitoring visits  
27 may be provided through contractual arrangements with  
28 appropriate community agencies. A registered nurse shall  
29 serve as part of the team that inspects such facility. The  
30 agency may waive one of the required yearly monitoring visits  
31 for a facility that has been licensed for at least 24 months

1 to provide extended congregate care services, if, during the  
2 inspection, the registered nurse determines that extended  
3 congregate care services are being provided appropriately, and  
4 if the facility has no class I or class II violations and no  
5 uncorrected class III violations. Before such decision is  
6 made, the agency shall consult with the long-term care  
7 ombudsman council for the area in which the facility is  
8 located to determine if any complaints have been made and  
9 substantiated about the quality of services or care. The  
10 agency may not waive one of the required yearly monitoring  
11 visits if complaints have been made and substantiated.

12 3. Facilities that are licensed to provide extended  
13 congregate care services shall:

14 a. Demonstrate the capability to meet unanticipated  
15 resident service needs.

16 b. Offer a physical environment that promotes a  
17 homelike setting, provides for resident privacy, promotes  
18 resident independence, and allows sufficient congregate space  
19 as defined by rule.

20 c. Have sufficient staff available, taking into  
21 account the physical plant and firesafety features of the  
22 building, to assist with the evacuation of residents in an  
23 emergency, as necessary.

24 d. Adopt and follow policies and procedures that  
25 maximize resident independence, dignity, choice, and  
26 decisionmaking to permit residents to age in place to the  
27 extent possible, so that moves due to changes in functional  
28 status are minimized or avoided.

29 e. Allow residents or, if applicable, a resident's  
30 representative, designee, surrogate, guardian, or attorney in  
31 fact to make a variety of personal choices, participate in

1 developing service plans, and share responsibility in  
2 decisionmaking.

3 f. Implement the concept of managed risk.

4 g. Provide, either directly or through contract, the  
5 services of a person licensed pursuant to part I of chapter  
6 464.

7 h. In addition to the training mandated in s. 400.452,  
8 provide specialized training as defined by rule for facility  
9 staff.

10 4. Facilities licensed to provide extended congregate  
11 care services are exempt from the criteria for continued  
12 residency as set forth in rules adopted under s. 400.441.  
13 Facilities so licensed shall adopt their own requirements  
14 within guidelines for continued residency set forth by the  
15 department in rule. However, such facilities may not serve  
16 residents who require 24-hour nursing supervision. Facilities  
17 licensed to provide extended congregate care services shall  
18 provide each resident with a written copy of facility policies  
19 governing admission and retention.

20 5. The primary purpose of extended congregate care  
21 services is to allow residents, as they become more impaired,  
22 the option of remaining in a familiar setting from which they  
23 would otherwise be disqualified for continued residency. A  
24 facility licensed to provide extended congregate care services  
25 may also admit an individual who exceeds the admission  
26 criteria for a facility with a standard license, if the  
27 individual is determined appropriate for admission to the  
28 extended congregate care facility.

29 6. Before admission of an individual to a facility  
30 licensed to provide extended congregate care services, the  
31 individual must undergo a medical examination as provided in

1 s. 400.426(4) and the facility must develop a preliminary  
2 service plan for the individual.

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

8 8. Failure to provide extended congregate care  
9 services may result in denial of extended congregate care  
10 license renewal.

11 ~~9. No later than January 1 of each year, the~~  
12 ~~department, in consultation with the agency, shall prepare and~~  
13 ~~submit to the Governor, the President of the Senate, the~~  
14 ~~Speaker of the House of Representatives, and the chairs of~~  
15 ~~appropriate legislative committees, a report on the status of,~~  
16 ~~and recommendations related to, extended congregate care~~  
17 ~~services. The status report must include, but need not be~~  
18 ~~limited to, the following information:~~

19 ~~a. A description of the facilities licensed to provide~~  
20 ~~such services, including total number of beds licensed under~~  
21 ~~this part.~~

22 ~~b. The number and characteristics of residents~~  
23 ~~receiving such services.~~

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

26 ~~d. An analysis of deficiencies cited during licensure~~  
27 ~~inspections.~~

28 ~~e. The number of residents who required extended~~  
29 ~~congregate care services at admission and the source of~~  
30 ~~admission.~~

31

1           ~~f. Recommendations for statutory or regulatory~~  
2 ~~changes.~~

3           ~~g. The availability of extended congregate care to~~  
4 ~~state clients residing in facilities licensed under this part~~  
5 ~~and in need of additional services, and recommendations for~~  
6 ~~appropriations to subsidize extended congregate care services~~  
7 ~~for such persons.~~

8           ~~h. Such other information as the department considers~~  
9 ~~appropriate.~~

10           Section 127. Paragraph (i) of subsection (1) of  
11 section 400.408, Florida Statutes, is repealed.

12           Section 128. Subsection (13) of section 400.419,  
13 Florida Statutes, is amended to read:

14           400.419 Violations; imposition of administrative  
15 fines; grounds.--

16           (13) The agency shall develop and disseminate an  
17 annual list of all facilities sanctioned or fined \$5,000 or  
18 more for violations of state standards, the number and class  
19 of violations involved, the penalties imposed, and the current  
20 status of cases. The list shall be disseminated, at no charge,  
21 to the Department of Elderly Affairs, the Department of  
22 Health, the Department of Children and Family Services, the  
23 Agency for Persons with Disabilities, the area agencies on  
24 aging, the Florida Statewide Advocacy Council, and the state  
25 and local ombudsman councils. The Department of Children and  
26 Family Services shall disseminate the list to service  
27 providers under contract to the department who are responsible  
28 for referring persons to a facility for residency. The agency  
29 may charge a fee commensurate with the cost of printing and  
30 postage to other interested parties requesting a copy of this  
31 list.



1           Section 129. Subsection (4) of section 400.441,  
2 Florida Statutes, is amended to read:

3           400.441 Rules establishing standards.--

4           (4) The agency may use an abbreviated biennial  
5 standard licensure inspection that consists of a review of key  
6 quality-of-care standards in lieu of a full inspection in  
7 facilities which have a good record of past performance.

8 However, a full inspection shall be conducted in facilities  
9 which have had a history of class I or class II violations,  
10 uncorrected class III violations, confirmed ombudsman council  
11 complaints, or confirmed licensure complaints, within the  
12 previous licensure period immediately preceding the inspection  
13 or when a potentially serious problem is identified during the  
14 abbreviated inspection. The agency, in consultation with the  
15 department, shall develop the key quality-of-care standards  
16 with input from the State Long-Term Care Ombudsman Council and  
17 representatives of provider groups for incorporation into its  
18 rules. ~~The department, in consultation with the agency, shall~~  
19 ~~report annually to the Legislature concerning its~~  
20 ~~implementation of this subsection. The report shall include,~~  
21 ~~at a minimum, the key quality of care standards which have~~  
22 ~~been developed; the number of facilities identified as being~~  
23 ~~eligible for the abbreviated inspection; the number of~~  
24 ~~facilities which have received the abbreviated inspection and,~~  
25 ~~of those, the number that were converted to full inspection;~~  
26 ~~the number and type of subsequent complaints received by the~~  
27 ~~agency or department on facilities which have had abbreviated~~  
28 ~~inspections; any recommendations for modification to this~~  
29 ~~subsection; any plans by the agency to modify its~~  
30 ~~implementation of this subsection; and any other information~~  
31 ~~which the department believes should be reported.~~

1           Section 130. Subsection (2) of section 400.967,  
2 Florida Statutes, is amended to read:

3           400.967 Rules and classification of deficiencies.--

4           (2) Pursuant to the intention of the Legislature, the  
5 agency, in consultation with the Agency for Persons with  
6 Disabilities ~~Department of Children and Family Services~~ and  
7 the Department of Elderly Affairs, shall adopt and enforce  
8 rules to administer this part, which shall include reasonable  
9 and fair criteria governing:

10           (a) The location and construction of the facility;  
11 including fire and life safety, plumbing, heating, cooling,  
12 lighting, ventilation, and other housing conditions that will  
13 ensure the health, safety, and comfort of residents. The  
14 agency shall establish standards for facilities and equipment  
15 to increase the extent to which new facilities and a new wing  
16 or floor added to an existing facility after July 1, 2000, are  
17 structurally capable of serving as shelters only for  
18 residents, staff, and families of residents and staff, and  
19 equipped to be self-supporting during and immediately  
20 following disasters. ~~The Agency for Health Care Administration~~  
21 ~~shall work with facilities licensed under this part and report~~  
22 ~~to the Governor and the Legislature by April 1, 2000, its~~  
23 ~~recommendations for cost effective renovation standards to be~~  
24 ~~applied to existing facilities. In making such rules, the~~  
25 ~~agency shall be guided by criteria recommended by nationally~~  
26 ~~recognized, reputable professional groups and associations~~  
27 ~~having knowledge concerning such subject matters.~~ The agency  
28 shall update or revise such criteria as the need arises. All  
29 facilities must comply with those lifesafety code requirements  
30 and building code standards applicable at the time of approval  
31 of their construction plans. The agency may require

1 alterations to a building if it determines that an existing  
2 condition constitutes a distinct hazard to life, health, or  
3 safety. The agency shall adopt fair and reasonable rules  
4 setting forth conditions under which existing facilities  
5 undergoing additions, alterations, conversions, renovations,  
6 or repairs are required to comply with the most recent updated  
7 or revised standards.

8 (b) The number and qualifications of all personnel,  
9 including management, ~~medical~~ nursing, and other personnel,  
10 having responsibility for any part of the care given to  
11 residents.

12 (c) All sanitary conditions within the facility and  
13 its surroundings, including water supply, sewage disposal,  
14 food handling, and general hygiene, which will ensure the  
15 health and comfort of residents.

16 (d) The equipment essential to the health and welfare  
17 of the residents.

18 (e) A uniform accounting system.

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

21 (g) The preparation and annual update of a  
22 comprehensive emergency management plan. The agency shall  
23 adopt rules establishing minimum criteria for the plan after  
24 consultation with the Department of Community Affairs. At a  
25 minimum, the rules must provide for plan components that  
26 address emergency evacuation transportation; adequate  
27 sheltering arrangements; postdisaster activities, including  
28 emergency power, food, and water; postdisaster transportation;  
29 supplies; staffing; emergency equipment; individual  
30 identification of residents and transfer of records; and  
31 responding to family inquiries. The comprehensive emergency

1 management plan is subject to review and approval by the local  
2 emergency management agency. During its review, the local  
3 emergency management agency shall ensure that the following  
4 agencies, at a minimum, are given the opportunity to review  
5 the plan: the Department of Elderly Affairs, the Agency for  
6 Persons with Disabilities ~~Department of Children and Family~~  
7 ~~Services~~, the Agency for Health Care Administration, and the  
8 Department of Community Affairs. Also, appropriate volunteer  
9 organizations must be given the opportunity to review the  
10 plan. The local emergency management agency shall complete its  
11 review within 60 days and either approve the plan or advise  
12 the facility of necessary revisions.

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

17 Section 131. Subsection (3) of section 402.3016,  
18 Florida Statutes, is repealed.

19 Section 132. Subsection (9) of section 402.40, Florida  
20 Statutes, is repealed.

21 Section 133. Paragraph (c) of subsection (1) of  
22 section 402.73, Florida Statutes, is amended to read:

23 402.73 Contracting and performance standards.--

24 (1) The Department of Children and Family Services  
25 shall establish performance standards for all contracted  
26 client services. Notwithstanding s. 287.057(5)(f), the  
27 department must competitively procure any contract for client  
28 services when any of the following occurs:

29 (c) The department has concluded, after reviewing  
30 market prices and available treatment options, that there is  
31 evidence that the department can improve the performance

1 outcomes produced by its contract resources. At a minimum, the  
2 department shall review market prices and available treatment  
3 options biennially. ~~The department shall compile the results~~  
4 ~~of the biennial review and include the results in its annual~~  
5 ~~performance report to the Legislature pursuant to chapter~~  
6 ~~94-249, Laws of Florida.~~ The department shall provide notice  
7 and an opportunity for public comment on its review of market  
8 prices and available treatment options.

9 Section 134. Paragraph (d) of subsection (2) and  
10 subsection (6) of section 403.067, Florida Statutes, are  
11 amended to read:

12 403.067 Establishment and implementation of total  
13 maximum daily loads.--

14 (2) LIST OF SURFACE WATERS OR SEGMENTS.--In accordance  
15 with s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33  
16 U.S.C. ss. 1251 et seq., the department must submit  
17 periodically to the United States Environmental Protection  
18 Agency a list of surface waters or segments for which total  
19 maximum daily load assessments will be conducted. The  
20 assessments shall evaluate the water quality conditions of the  
21 listed waters and, if such waters are determined not to meet  
22 water quality standards, total maximum daily loads shall be  
23 established, subject to the provisions of subsection (4). The  
24 department shall establish a priority ranking and schedule for  
25 analyzing such waters.

26 (d) If the department proposes to implement total  
27 maximum daily load calculations or allocations established  
28 prior to the effective date of this act, the department shall  
29 adopt those calculations and allocations by rule by the  
30 secretary pursuant to ss. 120.536(1) and 120.54 and paragraph  
31 ~~(6)(c)(6)(d)~~.

1           (6) CALCULATION AND ALLOCATION.--

2           (a) Calculation of total maximum daily load.

3           1. Prior to developing a total maximum daily load  
4 calculation for each water body or water body segment on the  
5 list specified in subsection (4), the department shall  
6 coordinate with applicable local governments, water management  
7 districts, the Department of Agriculture and Consumer  
8 Services, other appropriate state agencies, local soil and  
9 water conservation districts, environmental groups, regulated  
10 interests, and affected pollution sources to determine the  
11 information required, accepted methods of data collection and  
12 analysis, and quality control/quality assurance requirements.  
13 The analysis may include mathematical water quality modeling  
14 using approved procedures and methods.

15           2. The department shall develop total maximum daily  
16 load calculations for each water body or water body segment on  
17 the list described in subsection (4) according to the priority  
18 ranking and schedule unless the impairment of such waters is  
19 due solely to activities other than point and nonpoint sources  
20 of pollution. For waters determined to be impaired due solely  
21 to factors other than point and nonpoint sources of pollution,  
22 no total maximum daily load will be required. A total maximum  
23 daily load may be required for those waters that are impaired  
24 predominantly due to activities other than point and nonpoint  
25 sources. The total maximum daily load calculation shall  
26 establish the amount of a pollutant that a water body or water  
27 body segment may receive from all sources without exceeding  
28 water quality standards, and shall account for seasonal  
29 variations and include a margin of safety that takes into  
30 account any lack of knowledge concerning the relationship  
31 between effluent limitations and water quality. The total

1 maximum daily load may be based on a pollutant load reduction  
2 goal developed by a water management district, provided that  
3 such pollutant load reduction goal is promulgated by the  
4 department in accordance with the procedural and substantive  
5 requirements of this subsection.

6 (b) Allocation of total maximum daily loads. The total  
7 maximum daily loads shall include establishment of reasonable  
8 and equitable allocations of the total maximum daily load  
9 among point and nonpoint sources that will alone, or in  
10 conjunction with other management and restoration activities,  
11 provide for the attainment of water quality standards and the  
12 restoration of impaired waters. The allocations may establish  
13 the maximum amount of the water pollutant from a given source  
14 or category of sources that may be discharged or released into  
15 the water body or water body segment in combination with other  
16 discharges or releases. Allocations may also be made to  
17 individual basins and sources or as a whole to all basins and  
18 sources or categories of sources of inflow to the water body  
19 or water body segments. Allocations shall be designed to  
20 attain water quality standards and shall be based on  
21 consideration of the following:

- 22 1. Existing treatment levels and management practices;
- 23 2. Differing impacts pollutant sources may have on  
24 water quality;
- 25 3. The availability of treatment technologies,  
26 management practices, or other pollutant reduction measures;
- 27 4. Environmental, economic, and technological  
28 feasibility of achieving the allocation;
- 29 5. The cost benefit associated with achieving the  
30 allocation;
- 31 6. Reasonable timeframes for implementation;

1           7. Potential applicability of any moderating  
2 provisions such as variances, exemptions, and mixing zones;  
3 and

4           8. The extent to which nonattainment of water quality  
5 standards is caused by pollution sources outside of Florida,  
6 discharges that have ceased, or alterations to water bodies  
7 prior to the date of this act.

8           ~~(c) Not later than February 1, 2001, the department~~  
9 ~~shall submit a report to the Governor, the President of the~~  
10 ~~Senate, and the Speaker of the House of Representatives~~  
11 ~~containing recommendations, including draft legislation, for~~  
12 ~~any modifications to the process for allocating total maximum~~  
13 ~~daily loads, including the relationship between allocations~~  
14 ~~and the watershed or basin management planning process. Such~~  
15 ~~recommendations shall be developed by the department in~~  
16 ~~cooperation with a technical advisory committee which includes~~  
17 ~~representatives of affected parties, environmental~~  
18 ~~organizations, water management districts, and other~~  
19 ~~appropriate local, state, and federal government agencies. The~~  
20 ~~technical advisory committee shall also include such members~~  
21 ~~as may be designated by the President of the Senate and the~~  
22 ~~Speaker of the House of Representatives.~~

23           (c)(d) The total maximum daily load calculations and  
24 allocations for each water body or water body segment shall be  
25 adopted by rule by the secretary pursuant to ss. 120.536(1),  
26 120.54, and 403.805. The rules adopted pursuant to this  
27 paragraph shall not be subject to approval by the  
28 Environmental Regulation Commission. As part of the rule  
29 development process, the department shall hold at least one  
30 public workshop in the vicinity of the water body or water  
31 body segment for which the total maximum daily load is being



1 developed. Notice of the public workshop shall be published  
2 not less than 5 days nor more than 15 days before the public  
3 workshop in a newspaper of general circulation in the county  
4 or counties containing the water bodies or water body segments  
5 for which the total maximum daily load calculation and  
6 allocation are being developed.

7 Section 135. Subsection (3) of section 403.4131,  
8 Florida Statutes, is amended to read:

9 403.4131 "Keep Florida Beautiful, Incorporated";  
10 placement of signs.--

11 (3) The Department of Transportation shall establish  
12 an "adopt-a-highway" program to allow local organizations to  
13 be identified with specific highway cleanup and highway  
14 beautification projects authorized under s. 339.2405 and shall  
15 coordinate such efforts with Keep Florida Beautiful, Inc. ~~The~~  
16 ~~department shall report to the Governor and the Legislature on~~  
17 ~~the progress achieved and the savings incurred by the~~  
18 ~~"adopt a highway" program.~~ The department shall also monitor  
19 ~~and report on~~ compliance with the provisions of the  
20 ~~adopt a highway~~ program to ensure that organizations that  
21 participate ~~in the program~~ comply with the goals identified by  
22 the department.

23 Section 136. Section 403.7226, Florida Statutes, is  
24 amended to read:

25 403.7226 Technical assistance by the department.--The  
26 department shall+

27 ~~(1)~~ provide technical assistance to county governments  
28 and regional planning councils to ensure consistency in  
29 implementing local hazardous waste management assessments as  
30 provided in ss. 403.7225, 403.7234, and 403.7236. In order to  
31 ensure that each local assessment is properly implemented and

1 that all information gathered during the assessment is  
2 uniformly compiled and documented, each county or regional  
3 planning council shall contact the department during the  
4 preparation of the local assessment to receive technical  
5 assistance. Each county or regional planning council shall  
6 follow guidelines established by the department, and adopted  
7 by rule as appropriate, in order to properly implement these  
8 assessments.

9 ~~(2) Identify short term needs and long term needs for~~  
10 ~~hazardous waste management for the state on the basis of the~~  
11 ~~information gathered through the local hazardous waste~~  
12 ~~management assessments and other information from state and~~  
13 ~~federal regulatory agencies and sources. The state needs~~  
14 ~~assessment must be ongoing and must be updated when new data~~  
15 ~~concerning waste generation and waste management technologies~~  
16 ~~become available. The department shall annually send a copy of~~  
17 ~~this assessment to the Governor and to the Legislature.~~

18 Section 137. Subsection (2) of section 403.7265,  
19 Florida Statutes, is repealed.

20 Section 138. Section 403.756, Florida Statutes, is  
21 repealed.

22 Section 139. Paragraph (b) of subsection (3) and  
23 subsection (5) of section 403.7895, Florida Statutes, are  
24 amended to read:

25 403.7895 Requirements for the permitting and  
26 certification of commercial hazardous waste incinerators.--

27 (3) CERTIFICATION OF NEED.--

28 (b) The board shall make a determination of the need  
29 for hazardous waste incinerators, based upon the best  
30 available evidence of existing and projected need and  
31

1 available capacity, as presented by the applicant, ~~and as~~  
2 ~~determined by the study required by subsection (5).~~

3 ~~(5) HAZARDOUS WASTE NEEDS AND CAPACITY STUDY.—~~

4 ~~(a) The department shall conduct, by November 1, 1994,~~  
5 ~~or the date by which phase 2 of the next capacity assurance~~  
6 ~~plan must be submitted to the United States Environmental~~  
7 ~~Protection Agency, whichever date occurs first, a~~  
8 ~~comprehensive independent study of the current and future need~~  
9 ~~for hazardous waste incineration in the state. The study~~  
10 ~~shall evaluate the projected statewide capacity needs for a~~  
11 ~~20 year period. The study shall be updated at least every 5~~  
12 ~~years.~~

13 ~~(b) The department shall consult with state and~~  
14 ~~nationally recognized experts in the field of hazardous waste~~  
15 ~~management, including representatives from state and federal~~  
16 ~~agencies, industry, local government, environmental groups,~~  
17 ~~universities, and other interested parties.~~

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

20 ~~1. Existing and projected sources, amounts, and types~~  
21 ~~of hazardous waste in the state for which incineration is an~~  
22 ~~appropriate treatment alternative, taking into account all~~  
23 ~~applicable federal regulations on the disposal, storage and~~  
24 ~~treatment or definition of hazardous waste.~~

25 ~~2. Existing and projected hazardous waste incinerator~~  
26 ~~capacity in the state and the nation.~~

27 ~~3. Existing and projected hazardous waste incineration~~  
28 ~~capacity in boilers and industrial furnaces in the state and~~  
29 ~~the nation.~~

30 ~~4. Existing and projected hazardous waste incineration~~  
31 ~~needs, specifically taking into account the impacts of~~

1 ~~pollution prevention, recycling, and other waste reduction~~  
2 ~~strategies.~~

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

5 ~~(d) Upon completion of the study, the department shall~~  
6 ~~present its findings and make recommendations to the board and~~  
7 ~~the Legislature regarding changes in state hazardous waste~~  
8 ~~policies and management strategies. The recommendations shall~~  
9 ~~address the advisability of establishing by statute the~~  
10 ~~maximum capacity for hazardous waste incineration in this~~  
11 ~~state.~~

12 Section 140. Paragraph (a) of subsection (4) of  
13 section 406.02, Florida Statutes, is repealed.

14 Section 141. Paragraph (g) of subsection (1) of  
15 section 408.033, Florida Statutes, is amended to read:

16 408.033 Local and state health planning.--

17 (1) LOCAL HEALTH COUNCILS.--

18 (g) Each local health council is authorized to accept  
19 and receive, in furtherance of its health planning functions,  
20 funds, grants, and services from governmental agencies and  
21 from private or civic sources and to perform studies related  
22 to local health planning in exchange for such funds, grants,  
23 or services. Each ~~local health~~ council shall, no later than  
24 January 30 of each year, render an accounting of the receipt  
25 and disbursement of such funds received by it to the  
26 Department of Health. ~~The department shall consolidate all~~  
27 ~~such reports and submit such consolidated report to the~~  
28 ~~Legislature no later than March 1 of each year.~~

29 Section 142. Subsection (4) of section 408.914,  
30 Florida Statutes, is repealed.

31

1           Section 143. Paragraph (i) of subsection (3) of  
2 section 408.915, Florida Statutes, is repealed.

3           Section 144. Section 408.917, Florida Statutes, is  
4 repealed.

5           Section 145. Paragraph (b) of subsection (7) of  
6 section 409.1451, Florida Statutes, is amended to read:

7           409.1451 Independent living transition services.--

8           (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.--The  
9 Secretary of Children and Family Services shall establish the  
10 Independent Living Services Advisory Council for the purpose  
11 of reviewing and making recommendations concerning the  
12 implementation and operation of the independent living  
13 transition services. This advisory council shall continue to  
14 function as specified in this subsection until the Legislature  
15 determines that the advisory council can no longer provide a  
16 valuable contribution to the department's efforts to achieve  
17 the goals of the independent living transition services.

18           (b) The advisory council shall report to the secretary  
19 ~~appropriate substantive committees of the Senate and the House~~  
20 ~~of Representatives~~ on the status of the implementation of the  
21 system of independent living transition services; efforts to  
22 publicize the availability of aftercare support services, the  
23 Road-to-Independence Scholarship Program, and transitional  
24 support services; specific barriers to financial aid created  
25 by the scholarship and possible solutions; the success of the  
26 services; problems identified; recommendations for department  
27 or legislative action; and the department's implementation of  
28 the recommendations contained in the Independent Living  
29 Services Integration Workgroup Report submitted to the Senate  
30 and the House substantive committees December 31, 2002. The  
31 department shall submit a report by December 31 of each year

1 ~~to the Governor and Legislature This advisory council report~~  
2 ~~shall be submitted by December 31 of each year that the~~  
3 ~~council is in existence and shall be accompanied by a report~~  
4 ~~from the department which includes a summary of the factors~~  
5 ~~reported on by the council and identifies the recommendations~~  
6 of the advisory council and either describes the department's  
7 actions to implement these recommendations or provides the  
8 department's rationale for not implementing the  
9 recommendations.

10 Section 146. Section 409.146, Florida Statutes, is  
11 repealed.

12 Section 147. Section 409.152, Florida Statutes, is  
13 repealed.

14 Section 148. Subsections (1) and (2) of section  
15 409.1679, Florida Statutes, are repealed.

16 Section 149. Section 409.1685, Florida Statutes, is  
17 amended to read:

18 409.1685 Children in foster care; annual report to  
19 Legislature.--The Department of Children and Family Services  
20 shall submit a written report to the Governor and ~~substantive~~  
21 ~~committees of the~~ Legislature concerning the status of  
22 children in foster care and ~~concerning~~ the judicial review  
23 mandated by part X of chapter 39. This report shall be  
24 submitted by ~~May~~ March 1 of each year and shall include the  
25 following information for the prior calendar year:

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

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

31

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

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

5           (b) The total number of terminations of parental  
6 rights ordered.

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

9           Section 150. Paragraph (d) of subsection (5) of  
10 section 409.178, Florida Statutes, is amended to read:

11           409.178 Child Care Executive Partnership Act; findings  
12 and intent; grant; limitation; rules.--

13           (5)

14           (d) Each community coordinated child care agency shall  
15 be required to establish a community child care task force for  
16 each child care purchasing pool. The task force must be  
17 composed of employers, parents, private child care providers,  
18 and one representative from the local children's services  
19 council, if one exists in the area of the purchasing pool. The  
20 community coordinated child care agency is expected to recruit  
21 the task force members from existing child care councils,  
22 commissions, or task forces already operating in the area of a  
23 purchasing pool. A majority of the task force shall consist of  
24 employers. ~~Each task force shall develop a plan for the use of~~  
25 ~~child care purchasing pool funds. The plan must show how many~~  
26 ~~children will be served by the purchasing pool, how many will~~  
27 ~~be new to receiving child care services, and how the community~~  
28 ~~coordinated child care agency intends to attract new employers~~  
29 ~~and their employees to the program.~~

30           Section 151. Paragraph (k) of subsection (4) of  
31 section 409.221, Florida Statutes, is repealed.

1           Section 152. Paragraph (a) of subsection (3) of  
2 section 409.25575, Florida Statutes, is amended to read:

3           409.25575 Support enforcement; privatization.--

4           (3)(a) The department shall establish a quality  
5 assurance program for the privatization of services. The  
6 quality assurance program must include standards for each  
7 specific component of these services. The department shall  
8 establish minimum thresholds for each component. Each program  
9 operated pursuant to contract must be evaluated annually by  
10 the department or by an objective competent entity designated  
11 by the department under the provisions of the quality  
12 assurance program. The evaluation must be financed from cost  
13 savings associated with the privatization of services. ~~The~~  
14 ~~department shall submit an annual report regarding quality~~  
15 ~~performance, outcome measure attainment, and cost efficiency~~  
16 ~~to the President of the Senate, the Speaker of the House of~~  
17 ~~Representatives, the Minority leader of each house of the~~  
18 ~~Legislature, and the Governor no later than January 31 of each~~  
19 ~~year, beginning in 1999.~~ The quality assurance program must be  
20 financed through administrative savings generated by this act.

21           Section 153. Subsection (7) of section 409.2558,  
22 Florida Statutes, is amended to read:

23           409.2558 Support distribution and disbursement.--

24           (7) RULEMAKING AUTHORITY.--The department may adopt  
25 rules to administer this section. ~~The department shall provide~~  
26 ~~a draft of the proposed concepts for the rule for the~~  
27 ~~undistributable collections to interested parties for review~~  
28 ~~and recommendations prior to full development of the rule and~~  
29 ~~initiating the formal rule development process. The department~~  
30 ~~shall consider but is not required to implement the~~  
31 ~~recommendations. The department shall provide a report to the~~



1 ~~President of the Senate and the Speaker of the House of~~  
2 ~~Representatives containing the recommendations received from~~  
3 ~~interested parties and the department's response regarding~~  
4 ~~incorporating the recommendations into the rule.~~

5           Section 154. Section 409.2567, Florida Statutes, is  
6 amended to read:

7           409.2567 Services to individuals not otherwise  
8 eligible.--All support services provided by the department  
9 shall be made available on behalf of all dependent children.  
10 Services shall be provided upon acceptance of public  
11 assistance or upon proper application filed with the  
12 department. The department shall adopt rules to provide for  
13 the payment of a \$25 application fee from each applicant who  
14 is not a public assistance recipient. The application fee  
15 shall be deposited in the Child Support Enforcement  
16 Application and Program Revenue Trust Fund within the  
17 Department of Revenue to be used for the Child Support  
18 Enforcement Program. The obligor is responsible for all  
19 administrative costs, as defined in s. 409.2554. The court  
20 shall order payment of administrative costs without requiring  
21 the department to have a member of the bar testify or submit  
22 an affidavit as to the reasonableness of the costs. An  
23 attorney-client relationship exists only between the  
24 department and the legal services providers in Title IV-D  
25 cases. The attorney shall advise the obligee in Title IV-D  
26 cases that the attorney represents the agency and not the  
27 obligee. In Title IV-D cases, any costs, including filing  
28 fees, recording fees, mediation costs, service of process  
29 fees, and other expenses incurred by the clerk of the circuit  
30 court, shall be assessed only against the nonprevailing  
31 obligor after the court makes a determination of the

1 nonprevailing obligor's ability to pay such costs and fees. In  
2 any case where the court does not award all costs, the court  
3 shall state in the record its reasons for not awarding the  
4 costs. The Department of Revenue shall not be considered a  
5 party for purposes of this section; however, fees may be  
6 assessed against the department pursuant to s. 57.105(1). ~~The~~  
7 ~~department shall submit a monthly report to the Governor and~~  
8 ~~the chairs of the Health and Human Services Fiscal Committee~~  
9 ~~of the House of Representatives and the Ways and Means~~  
10 ~~Committee of the Senate specifying the funds identified for~~  
11 ~~collection from the noncustodial parents of children receiving~~  
12 ~~temporary assistance and the amounts actually collected.~~

13           Section 155. Subsection (3) of section 409.441,  
14 Florida Statutes, is repealed.

15           Section 156. Subsection (24) of section 409.906,  
16 Florida Statutes, is amended to read:

17           409.906 Optional Medicaid services.--Subject to  
18 specific appropriations, the agency may make payments for  
19 services which are optional to the state under Title XIX of  
20 the Social Security Act and are furnished by Medicaid  
21 providers to recipients who are determined to be eligible on  
22 the dates on which the services were provided. Any optional  
23 service that is provided shall be provided only when medically  
24 necessary and in accordance with state and federal law.

25 Optional services rendered by providers in mobile units to  
26 Medicaid recipients may be restricted or prohibited by the  
27 agency. Nothing in this section shall be construed to prevent  
28 or limit the agency from adjusting fees, reimbursement rates,  
29 lengths of stay, number of visits, or number of services, or  
30 making any other adjustments necessary to comply with the  
31 availability of moneys and any limitations or directions

1 provided for in the General Appropriations Act or chapter 216.  
2 If necessary to safeguard the state's systems of providing  
3 services to elderly and disabled persons and subject to the  
4 notice and review provisions of s. 216.177, the Governor may  
5 direct the Agency for Health Care Administration to amend the  
6 Medicaid state plan to delete the optional Medicaid service  
7 known as "Intermediate Care Facilities for the Developmentally  
8 Disabled." Optional services may include:  
9           (24) CHILD-WELFARE-TARGETED CASE MANAGEMENT.--The  
10 Agency for Health Care Administration, in consultation with  
11 the Department of Children and Family Services, may establish  
12 a targeted case-management project in those counties  
13 identified by the Department of Children and Family Services  
14 and for all counties with a community-based child welfare  
15 project, as authorized under s. 409.1671, which have been  
16 specifically approved by the department. ~~Results of targeted~~  
17 ~~case management projects shall be reported to the Social~~  
18 ~~Services Estimating Conference established under s. 216.136.~~  
19 The covered group of individuals who are eligible to receive  
20 targeted case management include children who are eligible for  
21 Medicaid; who are between the ages of birth through 21; and  
22 who are under protective supervision or postplacement  
23 supervision, under foster-care supervision, or in shelter care  
24 or foster care. The number of individuals who are eligible to  
25 receive targeted case management shall be limited to the  
26 number for whom the Department of Children and Family Services  
27 has available matching funds to cover the costs. The general  
28 revenue funds required to match the funds for services  
29 provided by the community-based child welfare projects are  
30 limited to funds available for services described under s.  
31 409.1671. The Department of Children and Family Services may

1 transfer the general revenue matching funds as billed by the  
2 Agency for Health Care Administration.

3 Section 157. Subsection (4) of section 409.9065,  
4 Florida Statutes, is amended to read:

5 409.9065 Pharmaceutical expense assistance.--

6 (4) ADMINISTRATION.--The pharmaceutical expense  
7 assistance program shall be administered by the agency, in  
8 collaboration with the Department of Elderly Affairs and the  
9 Department of Children and Family Services.

10 ~~(a)~~ The agency shall, by rule, establish for the  
11 pharmaceutical expense assistance program eligibility  
12 requirements; limits on participation; benefit limitations,  
13 including copayments; a requirement for generic drug  
14 substitution; and other program parameters comparable to those  
15 of the Medicaid program. Individuals eligible to participate  
16 in this program are not subject to the limit of four brand  
17 name drugs per month per recipient as specified in s.

18 409.912(39)(a) ~~s. 409.912(40)(a)~~. There shall be no monetary  
19 limit on prescription drugs purchased with discounts of less  
20 than 51 percent unless the agency determines there is a risk  
21 of a funding shortfall in the program. If the agency  
22 determines there is a risk of a funding shortfall, the agency  
23 may establish monetary limits on prescription drugs which  
24 shall not be less than \$160 worth of prescription drugs per  
25 month.

26 ~~(b) By January 1 of each year, the agency shall report~~  
27 ~~to the Legislature on the operation of the program. The report~~  
28 ~~shall include information on the number of individuals served,~~  
29 ~~use rates, and expenditures under the program. The report~~  
30 ~~shall also address the impact of the program on reducing unmet~~

31

1 ~~pharmaceutical drug needs among the elderly and recommend~~  
2 ~~programmatic changes.~~

3           Section 158. Section 409.91188, Florida Statutes, is  
4 amended to read:

5           409.91188 Specialty prepaid health plans for Medicaid  
6 recipients with HIV or AIDS.--The Agency for Health Care  
7 Administration is authorized to contract with specialty  
8 prepaid health plans and pay them on a prepaid capitated basis  
9 to provide Medicaid benefits to Medicaid-eligible recipients  
10 who have human immunodeficiency syndrome (HIV) or acquired  
11 immunodeficiency syndrome (AIDS). The agency shall apply for  
12 and is authorized to implement federal waivers or other  
13 necessary federal authorization to implement the prepaid  
14 health plans authorized by this section. The agency shall  
15 procure the specialty prepaid health plans through a  
16 competitive procurement. In awarding a contract to a managed  
17 care plan, the agency shall take into account price, quality,  
18 accessibility, linkages to community-based organizations, and  
19 the comprehensiveness of the benefit package offered by the  
20 plan. The agency may bid the HIV/AIDS specialty plans on a  
21 county, regional, or statewide basis. Qualified plans must be  
22 licensed under chapter 641. ~~The agency shall monitor and~~  
23 ~~evaluate the implementation of this waiver program if it is~~  
24 ~~approved by the Federal Government and shall report on its~~  
25 ~~status to the President of the Senate and the Speaker of the~~  
26 ~~House of Representatives by February 1, 2001.~~ To improve  
27 coordination of medical care delivery and to increase cost  
28 efficiency for the Medicaid program in treating HIV disease,  
29 the agency for Health Care Administration shall seek all  
30 necessary federal waivers to allow participation in the  
31 Medipass HIV disease management program for Medicare

1 beneficiaries who test positive for HIV infection and who also  
2 qualify for Medicaid benefits such as prescription medications  
3 not covered by Medicare.

4 Section 159. Paragraph (b) of subsection (4) and  
5 subsections (5), (21), (29), (41), (44), and (49) of section  
6 409.912, Florida Statutes, are amended to read:

7 409.912 Cost-effective purchasing of health care.--The  
8 agency shall purchase goods and services for Medicaid  
9 recipients in the most cost-effective manner consistent with  
10 the delivery of quality medical care. To ensure that medical  
11 services are effectively utilized, the agency may, in any  
12 case, require a confirmation or second physician's opinion of  
13 the correct diagnosis for purposes of authorizing future  
14 services under the Medicaid program. This section does not  
15 restrict access to emergency services or poststabilization  
16 care services as defined in 42 C.F.R. part 438.114. Such  
17 confirmation or second opinion shall be rendered in a manner  
18 approved by the agency. The agency shall maximize the use of  
19 prepaid per capita and prepaid aggregate fixed-sum basis  
20 services when appropriate and other alternative service  
21 delivery and reimbursement methodologies, including  
22 competitive bidding pursuant to s. 287.057, designed to  
23 facilitate the cost-effective purchase of a case-managed  
24 continuum of care. The agency shall also require providers to  
25 minimize the exposure of recipients to the need for acute  
26 inpatient, custodial, and other institutional care and the  
27 inappropriate or unnecessary use of high-cost services. The  
28 agency may mandate prior authorization, drug therapy  
29 management, or disease management participation for certain  
30 populations of Medicaid beneficiaries, certain drug classes,  
31 or particular drugs to prevent fraud, abuse, overuse, and

1 possible dangerous drug interactions. The Pharmaceutical and  
2 Therapeutics Committee shall make recommendations to the  
3 agency on drugs for which prior authorization is required. The  
4 agency shall inform the Pharmaceutical and Therapeutics  
5 Committee of its decisions regarding drugs subject to prior  
6 authorization. The agency is authorized to limit the entities  
7 it contracts with or enrolls as Medicaid providers by  
8 developing a provider network through provider credentialing.  
9 The agency may limit its network based on the assessment of  
10 beneficiary access to care, provider availability, provider  
11 quality standards, time and distance standards for access to  
12 care, the cultural competence of the provider network,  
13 demographic characteristics of Medicaid beneficiaries,  
14 practice and provider-to-beneficiary standards, appointment  
15 wait times, beneficiary use of services, provider turnover,  
16 provider profiling, provider licensure history, previous  
17 program integrity investigations and findings, peer review,  
18 provider Medicaid policy and billing compliance records,  
19 clinical and medical record audits, and other factors.  
20 Providers shall not be entitled to enrollment in the Medicaid  
21 provider network. The agency is authorized to seek federal  
22 waivers necessary to implement this policy.

23 (4) The agency may contract with:

24 (b) An entity that is providing comprehensive  
25 behavioral health care services to certain Medicaid recipients  
26 through a capitated, prepaid arrangement pursuant to the  
27 federal waiver provided for by s. 409.905(5). Such an entity  
28 must be licensed under chapter 624, chapter 636, or chapter  
29 641 and must possess the clinical systems and operational  
30 competence to manage risk and provide comprehensive behavioral  
31 health care to Medicaid recipients. As used in this paragraph,

1 | the term "comprehensive behavioral health care services" means  
2 | covered mental health and substance abuse treatment services  
3 | that are available to Medicaid recipients. The secretary of  
4 | the Department of Children and Family Services shall approve  
5 | provisions of procurements related to children in the  
6 | department's care or custody prior to enrolling such children  
7 | in a prepaid behavioral health plan. Any contract awarded  
8 | under this paragraph must be competitively procured. In  
9 | developing the behavioral health care prepaid plan procurement  
10 | document, the ~~agency shall ensure that the procurement~~  
11 | document must require ~~requires~~ the contractor to develop and  
12 | implement a plan to ensure compliance with s. 394.4574 related  
13 | to services provided to residents of licensed assisted living  
14 | facilities that hold a limited mental health license. Except  
15 | as provided in subparagraph 8., the agency shall seek federal  
16 | approval to contract with a single entity meeting these  
17 | requirements to provide comprehensive behavioral health care  
18 | services to all Medicaid recipients not enrolled in a managed  
19 | care plan in an AHCA area. Each entity must offer sufficient  
20 | choice of providers in its network to ensure recipient access  
21 | to care and the opportunity to select a provider with whom  
22 | they are satisfied. The network shall include all public  
23 | mental health hospitals. To ensure unimpaired access to  
24 | behavioral health care services by Medicaid recipients, all  
25 | contracts issued pursuant to this paragraph shall require 80  
26 | percent of the capitation paid to the managed care plan,  
27 | including health maintenance organizations, to be expended for  
28 | the provision of behavioral health care services. In the event  
29 | the managed care plan expends less than 80 percent of the  
30 | capitation paid pursuant to this paragraph for the provision  
31 | of behavioral health care services, the difference shall be



1 returned to the agency. The agency shall provide the managed  
2 care plan with a certification letter indicating the amount of  
3 capitation paid during each calendar year for the provision of  
4 behavioral health care services pursuant to this section. The  
5 agency may reimburse for substance abuse treatment services on  
6 a fee-for-service basis until the agency finds that adequate  
7 funds are available for capitated, prepaid arrangements.

8 ~~1. By January 1, 2001, the agency shall modify the~~  
9 ~~contracts with the entities providing comprehensive inpatient~~  
10 ~~and outpatient mental health care services to Medicaid~~  
11 ~~recipients in Hillsborough, Highlands, Hardee, Manatee, and~~  
12 ~~Polk Counties, to include substance abuse treatment services.~~

13 ~~2. By July 1, 2003, the agency and the Department of~~  
14 ~~Children and Family Services shall execute a written agreement~~  
15 ~~that requires collaboration and joint development of all~~  
16 ~~policy, budgets, procurement documents, contracts, and~~  
17 ~~monitoring plans that have an impact on the state and Medicaid~~  
18 ~~community mental health and targeted case management programs.~~

19 1.3- Except as provided in subparagraph 6. 8-, by July  
20 1, 2006, the agency and the Department of Children and Family  
21 Services shall contract with managed care entities in each  
22 AHCA area except area 6 or arrange to provide comprehensive  
23 inpatient and outpatient mental health and substance abuse  
24 services through capitated prepaid arrangements to all  
25 Medicaid recipients who are eligible to participate in such  
26 plans under federal law and regulation. In AHCA areas where  
27 eligible individuals number less than 150,000, the agency  
28 shall contract with a single managed care plan to provide  
29 comprehensive behavioral health services to all recipients who  
30 are not enrolled in a Medicaid health maintenance  
31 organization. The agency may contract with more than one

1 comprehensive behavioral health provider to provide care to  
2 recipients who are not enrolled in a Medicaid health  
3 maintenance organization in AHCA areas where the eligible  
4 population exceeds 150,000. Contracts for comprehensive  
5 behavioral health providers awarded pursuant to this section  
6 shall be competitively procured. Both for-profit and  
7 not-for-profit corporations shall be eligible to compete.  
8 Managed care plans contracting with the agency under  
9 subsection (3) shall provide and receive payment for the same  
10 comprehensive behavioral health benefits as provided in AHCA  
11 rules, including handbooks incorporated by reference.

12 ~~4. By October 1, 2003, the agency and the department~~  
13 ~~shall submit a plan to the Governor, the President of the~~  
14 ~~Senate, and the Speaker of the House of Representatives which~~  
15 ~~provides for the full implementation of capitated prepaid~~  
16 ~~behavioral health care in all areas of the state.~~

17 ~~a. Implementation shall begin in 2003 in those AHCA~~  
18 ~~areas of the state where the agency is able to establish~~  
19 ~~sufficient capitation rates.~~

20 2.b. If the agency determines that the proposed  
21 capitation rate in any area is insufficient to provide  
22 appropriate services, the agency may adjust the capitation  
23 rate to ensure that care will be available. The agency and the  
24 department may use existing general revenue to address any  
25 additional required match but may not over-obligate existing  
26 funds on an annualized basis.

27 ~~e.~~ Subject to any limitations provided for in the  
28 General Appropriations Act, the agency, in compliance with  
29 appropriate federal authorization, shall develop policies and  
30 procedures that allow for certification of local and state  
31 funds.

1           ~~3.5.~~ Children residing in a statewide inpatient  
2 psychiatric program, or in a Department of Juvenile Justice or  
3 a Department of Children and Family Services residential  
4 program approved as a Medicaid behavioral health overlay  
5 services provider shall not be included in a behavioral health  
6 care prepaid health plan or any other Medicaid managed care  
7 plan pursuant to this paragraph.

8           ~~4.6.~~ In converting to a prepaid system of delivery,  
9 the agency shall in its procurement document require an entity  
10 providing only comprehensive behavioral health care services  
11 to prevent the displacement of indigent care patients by  
12 enrollees in the Medicaid prepaid health plan providing  
13 behavioral health care services from facilities receiving  
14 state funding to provide indigent behavioral health care, to  
15 facilities licensed under chapter 395 which do not receive  
16 state funding for indigent behavioral health care, or  
17 reimburse the unsubsidized facility for the cost of behavioral  
18 health care provided to the displaced indigent care patient.

19           ~~5.7.~~ Traditional community mental health providers  
20 under contract with the Department of Children and Family  
21 Services pursuant to part IV of chapter 394, child welfare  
22 providers under contract with the Department of Children and  
23 Family Services in areas 1 and 6, and inpatient mental health  
24 providers licensed pursuant to chapter 395 must be offered an  
25 opportunity to accept or decline a contract to participate in  
26 any provider network for prepaid behavioral health services.

27           ~~6.8.~~ For fiscal year 2004-2005, all Medicaid eligible  
28 children, except children in areas 1 and 6, whose cases are  
29 open for child welfare services in the HomeSafeNet system,  
30 shall be enrolled in MediPass or in Medicaid fee-for-service  
31 and all their behavioral health care services including

1 inpatient, outpatient psychiatric, community mental health,  
2 and case management shall be reimbursed on a fee-for-service  
3 basis. Beginning July 1, 2005, such children, who are open for  
4 child welfare services in the HomeSafeNet system, shall  
5 receive their behavioral health care services through a  
6 specialty prepaid plan operated by community-based lead  
7 agencies either through a single agency or formal agreements  
8 among several agencies. The specialty prepaid plan must result  
9 in savings to the state comparable to savings achieved in  
10 other Medicaid managed care and prepaid programs. Such plan  
11 must provide mechanisms to maximize state and local revenues.  
12 The specialty prepaid plan shall be developed by the agency  
13 and the Department of Children and Family Services. The agency  
14 is authorized to seek any federal waivers to implement this  
15 initiative.

16 ~~(5) By October 1, 2003, the agency and the department~~  
17 ~~shall, to the extent feasible, develop a plan for implementing~~  
18 ~~new Medicaid procedure codes for emergency and crisis care,~~  
19 ~~supportive residential services, and other services designed~~  
20 ~~to maximize the use of Medicaid funds for Medicaid eligible~~  
21 ~~recipients. The agency shall include in the agreement~~  
22 ~~developed pursuant to subsection (4) a provision that ensures~~  
23 ~~that the match requirements for these new procedure codes are~~  
24 ~~met by certifying eligible general revenue or local funds that~~  
25 ~~are currently expended on these services by the department~~  
26 ~~with contracted alcohol, drug abuse, and mental health~~  
27 ~~providers. The plan must describe specific procedure codes to~~  
28 ~~be implemented, a projection of the number of procedures to be~~  
29 ~~delivered during fiscal year 2003-2004, and a financial~~  
30 ~~analysis that describes the certified match procedures, and~~  
31 ~~accountability mechanisms, projects the earnings associated~~

1 ~~with these procedures, and describes the sources of state~~  
2 ~~match. This plan may not be implemented in any part until~~  
3 ~~approved by the Legislative Budget Commission. If such~~  
4 ~~approval has not occurred by December 31, 2003, the plan shall~~  
5 ~~be submitted for consideration by the 2004 Legislature.~~

6 (20)~~(21)~~ Any entity contracting with the agency  
7 pursuant to this section to provide health care services to  
8 Medicaid recipients is prohibited from engaging in any of the  
9 following practices or activities:

10 (a) Practices that are discriminatory, including, but  
11 not limited to, attempts to discourage participation on the  
12 basis of actual or perceived health status.

13 (b) Activities that could mislead or confuse  
14 recipients, or misrepresent the organization, its marketing  
15 representatives, or the agency. Violations of this paragraph  
16 include, but are not limited to:

17 1. False or misleading claims that marketing  
18 representatives are employees or representatives of the state  
19 or county, or of anyone other than the entity or the  
20 organization by whom they are reimbursed.

21 2. False or misleading claims that the entity is  
22 recommended or endorsed by any state or county agency, or by  
23 any other organization which has not certified its endorsement  
24 in writing to the entity.

25 3. False or misleading claims that the state or county  
26 recommends that a Medicaid recipient enroll with an entity.

27 4. Claims that a Medicaid recipient will lose benefits  
28 under the Medicaid program, or any other health or welfare  
29 benefits to which the recipient is legally entitled, if the  
30 recipient does not enroll with the entity.

31

1           (c) Granting or offering of any monetary or other  
2 valuable consideration for enrollment, except as authorized by  
3 subsection~~(23)~~~~(24)~~.

4           (d) Door-to-door solicitation of recipients who have  
5 not contacted the entity or who have not invited the entity to  
6 make a presentation.

7           (e) Solicitation of Medicaid recipients by marketing  
8 representatives stationed in state offices unless approved and  
9 supervised by the agency or its agent and approved by the  
10 affected state agency when solicitation occurs in an office of  
11 the state agency. The agency shall ensure that marketing  
12 representatives stationed in state offices shall market their  
13 managed care plans to Medicaid recipients only in designated  
14 areas and in such a way as to not interfere with the  
15 recipients' activities in the state office.

16           (f) Enrollment of Medicaid recipients.

17           ~~(28)~~~~(29)~~ The agency shall perform enrollments and  
18 disenrollments for Medicaid recipients who are eligible for  
19 MediPass or managed care plans. Notwithstanding the  
20 prohibition contained in paragraph~~(20)~~~~(f)~~~~(21)~~~~(f)~~, managed  
21 care plans may perform preenrollments of Medicaid recipients  
22 under the supervision of the agency or its agents. For the  
23 purposes of this section, "preenrollment" means the provision  
24 of marketing and educational materials to a Medicaid recipient  
25 and assistance in completing the application forms, but shall  
26 not include actual enrollment into a managed care plan. An  
27 application for enrollment shall not be deemed complete until  
28 the agency or its agent verifies that the recipient made an  
29 informed, voluntary choice. The agency, in cooperation with  
30 the Department of Children and Family Services, may test new  
31 marketing initiatives to inform Medicaid recipients about

1 | their managed care options at selected sites. ~~The agency shall~~  
2 | ~~report to the Legislature on the effectiveness of such~~  
3 | ~~initiatives.~~ The agency may contract with a third party to  
4 | perform managed care plan and MediPass enrollment and  
5 | disenrollment services for Medicaid recipients and is  
6 | authorized to adopt rules to implement such services. The  
7 | agency may adjust the capitation rate only to cover the costs  
8 | of a third-party enrollment and disenrollment contract, and  
9 | for agency supervision and management of the managed care plan  
10 | enrollment and disenrollment contract.

11 |       (40)~~(41)~~ The agency shall provide for the development  
12 | of a demonstration project by establishment in Miami-Dade  
13 | County of a long-term-care facility licensed pursuant to  
14 | chapter 395 to improve access to health care for a  
15 | predominantly minority, medically underserved, and medically  
16 | complex population and to evaluate alternatives to nursing  
17 | home care and general acute care for such population. Such  
18 | project is to be located in a health care condominium and  
19 | colocated with licensed facilities providing a continuum of  
20 | care. The establishment of this project is not subject to the  
21 | provisions of s. 408.036 or s. 408.039. ~~The agency shall~~  
22 | ~~report its findings to the Governor, the President of the~~  
23 | ~~Senate, and the Speaker of the House of Representatives by~~  
24 | ~~January 1, 2003.~~

25 |       (43)~~(44)~~ The Agency for Health Care Administration  
26 | shall ensure that any Medicaid managed care plan as defined in  
27 | s. 409.9122(2)(h), whether paid on a capitated basis or a  
28 | shared savings basis, is cost-effective. For purposes of this  
29 | subsection, the term "cost-effective" means that a network's  
30 | per-member, per-month costs to the state, including, but not  
31 | limited to, fee-for-service costs, administrative costs, and

1 case-management fees, must be no greater than the state's  
2 costs associated with contracts for Medicaid services  
3 established under subsection (3), which shall be actuarially  
4 adjusted for case mix, model, and service area. The agency  
5 shall conduct actuarially sound audits adjusted for case mix  
6 and model in order to ensure such cost-effectiveness and shall  
7 publish the audit results on its Internet website ~~and submit~~  
8 ~~the audit results annually to the Governor, the President of~~  
9 ~~the Senate, and the Speaker of the House of Representatives no~~  
10 ~~later than December 31 of each year.~~ Contracts established  
11 pursuant to this subsection which are not cost-effective may  
12 not be renewed.

13 (48)~~(49)~~ The agency shall contract with established  
14 minority physician networks that provide services to  
15 historically underserved minority patients. The networks must  
16 provide cost-effective Medicaid services, comply with the  
17 requirements to be a MediPass provider, and provide their  
18 primary care physicians with access to data and other  
19 management tools necessary to assist them in ensuring the  
20 appropriate use of services, including inpatient hospital  
21 services and pharmaceuticals.

22 (a) The agency shall provide for the development and  
23 expansion of minority physician networks in each service area  
24 to provide services to Medicaid recipients who are eligible to  
25 participate under federal law and rules.

26 (b) The agency shall reimburse each minority physician  
27 network as a fee-for-service provider, including the case  
28 management fee for primary care, or as a capitated rate  
29 provider for Medicaid services. Any savings shall be shared  
30 with the minority physician networks pursuant to the contract.

31



1 (c) For purposes of this subsection, the term  
2 "cost-effective" means that a network's per-member, per-month  
3 costs to the state, including, but not limited to,  
4 fee-for-service costs, administrative costs, and  
5 case-management fees, must be no greater than the state's  
6 costs associated with contracts for Medicaid services  
7 established under subsection (3), which shall be actuarially  
8 adjusted for case mix, model, and service area. The agency  
9 shall conduct actuarially sound audits adjusted for case mix  
10 and model in order to ensure such cost-effectiveness and shall  
11 publish the audit results on its Internet website ~~and submit~~  
12 ~~the audit results annually to the Governor, the President of~~  
13 ~~the Senate, and the Speaker of the House of Representatives no~~  
14 ~~later than December 31.~~ Contracts established pursuant to this  
15 subsection which are not cost-effective may not be renewed.

16 (d) The agency may apply for any federal waivers  
17 needed to implement this subsection.

18 Section 160. Section 410.0245, Florida Statutes, is  
19 repealed.

20 Section 161. Subsection (10) of section 410.604,  
21 Florida Statutes, is repealed.

22 Section 162. Section 411.221, Florida Statutes, is  
23 repealed.

24 Section 163. Section 411.242, Florida Statutes, is  
25 repealed.

26 Section 164. Subsection (8) of section 413.402,  
27 Florida Statutes, is repealed.

28 Section 165. Subsection (3) of section 414.1251,  
29 Florida Statutes, is repealed.

30 Section 166. Section 414.14, Florida Statutes, is  
31 amended to read:

1           414.14 Public assistance policy simplification.--To  
2 the extent possible, the department shall align the  
3 requirements for eligibility under this chapter with the food  
4 stamp program and medical assistance eligibility policies and  
5 procedures to simplify the budgeting process and reduce  
6 errors. If the department determines that s. 414.075,  
7 relating to resources, or s. 414.085, relating to income, is  
8 inconsistent with related provisions of federal law which  
9 govern the food stamp program or medical assistance, and that  
10 conformance to federal law would simplify administration of  
11 the WAGES Program or reduce errors without materially  
12 increasing the cost of the program to the state, the secretary  
13 of the department may propose a change in the resource or  
14 income requirements of the program by rule. ~~The secretary~~  
15 ~~shall provide written notice to the President of the Senate,~~  
16 ~~the Speaker of the House of Representatives, and the~~  
17 ~~chairpersons of the relevant committees of both houses of the~~  
18 ~~Legislature summarizing the proposed modifications to be made~~  
19 ~~by rule and changes necessary to conform state law to federal~~  
20 ~~law. The proposed rule shall take effect 14 days after written~~  
21 ~~notice is given unless the President of the Senate or the~~  
22 ~~Speaker of the House of Representatives advises the secretary~~  
23 ~~that the proposed rule exceeds the delegated authority of the~~  
24 ~~Legislature.~~

25           Section 167. Subsection (1) of section 414.36, Florida  
26 Statutes, is repealed.

27           Section 168. Subsection (3) of section 414.391,  
28 Florida Statutes, is repealed.

29           Section 169. Subsection (6) of section 415.1045,  
30 Florida Statutes, is amended to read:

31

1           415.1045 Photographs, videotapes, and medical  
2 examinations; abrogation of privileged communications;  
3 confidential records and documents.--

4           (6) WORKING AGREEMENTS.--~~By March 1, 2004,~~ The  
5 department shall enter into working agreements with the  
6 jurisdictionally responsible county sheriffs' office or local  
7 police department that will be the lead agency when conducting  
8 any criminal investigation arising from an allegation of  
9 abuse, neglect, or exploitation of a vulnerable adult. The  
10 working agreement must specify how the requirements of this  
11 chapter will be met. ~~The Office of Program Policy Analysis and~~  
12 ~~Government Accountability shall conduct a review of the~~  
13 ~~efficacy of the agreements and report its findings to the~~  
14 ~~Legislature by March 1, 2005.~~ For the purposes of such  
15 agreement, the jurisdictionally responsible law enforcement  
16 entity is authorized to share Florida criminal history and  
17 local criminal history information that is not otherwise  
18 exempt from s. 119.07(1) with the district personnel. A law  
19 enforcement entity entering into such agreement must comply  
20 with s. 943.0525. Criminal justice information provided by  
21 such law enforcement entity shall be used only for the  
22 purposes specified in the agreement and shall be provided at  
23 no charge. Notwithstanding any other provision of law, the  
24 Department of Law Enforcement shall provide to the department  
25 electronic access to Florida criminal justice information  
26 which is lawfully available and not exempt from s. 119.07(1),  
27 only for the purpose of protective investigations and  
28 emergency placement. As a condition of access to such  
29 information, the department shall be required to execute an  
30 appropriate user agreement addressing the access, use,  
31 dissemination, and destruction of such information and to

1 | comply with all applicable laws and rules of the Department of  
2 | Law Enforcement.

3 |         Section 170. Paragraph (a) of subsection (5) of  
4 | section 415.111, Florida Statutes, is amended to read:

5 |             415.111 Criminal penalties.--

6 |             (5) A person who knowingly and willfully makes a false  
7 | report of abuse, neglect, or exploitation of a vulnerable  
8 | adult, or a person who advises another to make a false report,  
9 | commits a felony of the third degree, punishable as provided  
10 | in s. 775.082 or s. 775.083.

11 |             (a) The department shall establish procedures for  
12 | determining whether a false report of abuse, neglect, or  
13 | exploitation of a vulnerable adult has been made and for  
14 | submitting all identifying information relating to such a  
15 | false report to the local law enforcement agency as provided  
16 | in this subsection ~~and shall report annually to the~~  
17 | ~~Legislature the number of reports referred.~~

18 |         Section 171. Subsection (9) of section 420.622,  
19 | Florida Statutes, is amended to read:

20 |             420.622 State Office on Homelessness; Council on  
21 | Homelessness.--

22 |             (9) The council shall, by December 31 of each year,  
23 | provide issue to the Governor, the Legislature President of  
24 | ~~the Senate, the Speaker of the House of Representatives,~~ and  
25 | the Secretary of Children and Family Services ~~an evaluation of~~  
26 | ~~the executive director's performance in fulfilling the~~  
27 | ~~statutory duties of the office,~~ a report summarizing the  
28 | status of homelessness in the state and the council's  
29 | ~~recommendations to the office and the corresponding actions~~  
30 | ~~taken by the office, and any recommendations to the~~

31 |

1 ~~Legislature for reducing proposals to reduce~~ homelessness in  
2 this state.

3 Section 172. Subsection (4) of section 420.623,  
4 Florida Statutes, is repealed.

5 Section 173. Subsection (9) of section 427.704,  
6 Florida Statutes, is amended to read:

7 427.704 Powers and duties of the commission.--

8 (9) The commission shall prepare ~~provide to the~~  
9 ~~President of the Senate and to the Speaker of the House of~~  
10 ~~Representatives~~ an annual report on the operation of the  
11 telecommunications access system, which shall be available on  
12 the commission's Internet website. ~~The first report shall be~~  
13 ~~provided no later than January 1, 1992, and successive reports~~  
14 ~~shall be provided by January 1 of each year thereafter.~~

15 Reports shall be prepared in consultation with the  
16 administrator and the advisory committee appointed pursuant to  
17 s. 427.706. The reports shall, at a minimum, briefly outline  
18 the status of developments of the telecommunications access  
19 system, the number of persons served, the call volume,  
20 revenues and expenditures, the allocation of the revenues and  
21 expenditures between provision of specialized  
22 telecommunications devices to individuals and operation of  
23 statewide relay service, other major policy or operational  
24 issues, and proposals for improvements or changes to the  
25 telecommunications access system.

26 Section 174. Subsection (2) of section 427.706,  
27 Florida Statutes, is amended to read:

28 427.706 Advisory committee.--

29 (2) The advisory committee shall provide the  
30 expertise, experience, and perspective of persons who are  
31 hearing impaired or speech impaired to the commission and to

1 | the administrator during all phases of the development and  
2 | operation of the telecommunications access system. The  
3 | advisory committee shall advise the commission and the  
4 | administrator on any matter relating to the quality and  
5 | cost-effectiveness of the telecommunications relay service and  
6 | the specialized telecommunications devices distribution  
7 | system. The advisory committee may submit material for  
8 | inclusion in the annual report prepared pursuant to s. 427.704  
9 | ~~to the President of the Senate and the Speaker of the House of~~  
10 | ~~Representatives.~~

11 |         Section 175. Subsections (3) through (16) of section  
12 | 430.04, Florida Statutes, are amended to read:

13 |         430.04 Duties and responsibilities of the Department  
14 | of Elderly Affairs.--The Department of Elderly Affairs shall:  
15 |         ~~(3) Prepare and submit to the Governor, each Cabinet~~  
16 | ~~member, the President of the Senate, the Speaker of the House~~  
17 | ~~of Representatives, the minority leaders of the House and~~  
18 | ~~Senate, and chairpersons of appropriate House and Senate~~  
19 | ~~committees a master plan for policies and programs in the~~  
20 | ~~state related to aging. The plan must identify and assess the~~  
21 | ~~needs of the elderly population in the areas of housing,~~  
22 | ~~employment, education and training, medical care, long term~~  
23 | ~~care, preventive care, protective services, social services,~~  
24 | ~~mental health, transportation, and long term care insurance,~~  
25 | ~~and other areas considered appropriate by the department. The~~  
26 | ~~plan must assess the needs of particular subgroups of the~~  
27 | ~~population and evaluate the capacity of existing programs,~~  
28 | ~~both public and private and in state and local agencies, to~~  
29 | ~~respond effectively to identified needs. If the plan~~  
30 | ~~recommends the transfer of any program or service from the~~  
31 | ~~Department of Children and Family Services to another state~~

1 ~~department, the plan must also include recommendations that~~  
2 ~~provide for an independent third party mechanism, as currently~~  
3 ~~exists in the Florida advocacy councils established in ss.~~  
4 ~~402.165 and 402.166, for protecting the constitutional and~~  
5 ~~human rights of recipients of departmental services. The plan~~  
6 ~~must include policy goals and program strategies designed to~~  
7 ~~respond efficiently to current and projected needs. The plan~~  
8 ~~must also include policy goals and program strategies to~~  
9 ~~promote intergenerational relationships and activities.~~  
10 ~~Public hearings and other appropriate processes shall be~~  
11 ~~utilized by the department to solicit input for the~~  
12 ~~development and updating of the master plan from parties~~  
13 ~~including, but not limited to, the following:~~  
14 ~~(a) Elderly citizens and their families and~~  
15 ~~caregivers.~~  
16 ~~(b) Local level public and private service providers,~~  
17 ~~advocacy organizations, and other organizations relating to~~  
18 ~~the elderly.~~  
19 ~~(c) Local governments.~~  
20 ~~(d) All state agencies that provide services to the~~  
21 ~~elderly.~~  
22 ~~(e) University centers on aging.~~  
23 ~~(f) Area agency on aging and community care for the~~  
24 ~~elderly lead agencies.~~  
25 (3)(4) Serve as an information clearinghouse at the  
26 state level, and assist local-level information and referral  
27 resources as a repository and means for dissemination of  
28 information regarding all federal, state, and local resources  
29 for assistance to the elderly in the areas of, but not limited  
30 to, health, social welfare, long-term care, protective  
31 services, consumer protection, education and training,

1 housing, employment, recreation, transportation, insurance,  
2 and retirement.

3 ~~(4)(5)~~ Recommend guidelines for the development of  
4 roles for state agencies that provide services for the aging,  
5 review plans of agencies that provide such services, and relay  
6 these plans to the Governor and the Legislature, ~~each Cabinet~~  
7 ~~member, the President of the Senate, the Speaker of the House~~  
8 ~~of Representatives, the minority leaders of the House and~~  
9 ~~Senate, and chairpersons of appropriate House and Senate~~  
10 ~~committees.~~

11 ~~(5)(6)~~ Recommend to the Governor and the Legislature,  
12 ~~each Cabinet member, the President of the Senate, the Speaker~~  
13 ~~of the House of Representatives, the minority leaders of the~~  
14 ~~House and Senate, and chairpersons of appropriate House and~~  
15 ~~Senate committees~~ an organizational framework for the  
16 planning, coordination, implementation, and evaluation of  
17 programs related to aging, with the purpose of expanding and  
18 improving programs and opportunities available to the state's  
19 elderly population and enhancing a continuum of long-term  
20 care. This framework must assure that:

21 (a) Performance objectives are established.

22 (b) Program reviews are conducted statewide.

23 (c) Each major program related to aging is reviewed  
24 every 3 years.

25 ~~(d) Agency budget requests reflect the results and~~  
26 ~~recommendations of such program reviews.~~

27 ~~(d)(e)~~ Program decisions reinforce ~~lead to~~ the  
28 distinctive roles established for state agencies that provide  
29 aging services.

30 ~~(6)(7)~~ Advise the Governor and the Legislature, ~~each~~  
31 ~~Cabinet member, the President of the Senate, the Speaker of~~



1 ~~the House of Representatives, the minority leaders of the~~  
2 ~~House and Senate, and the chairpersons of appropriate House~~  
3 ~~and Senate committees~~ regarding the need for and location of  
4 programs related to aging.

5 ~~(7)(8)~~ Review and coordinate aging research plans of  
6 all state agencies to ensure that ~~the conformance of~~ research  
7 objectives address ~~to~~ issues and needs of the state's elderly  
8 population ~~addressed in the master plan for policies and~~  
9 ~~programs related to aging~~. The research activities that must  
10 be reviewed and coordinated by the department include, but are  
11 not limited to, contracts with academic institutions,  
12 development of educational and training curriculums,  
13 Alzheimer's disease and other medical research, studies of  
14 long-term care and other personal assistance needs, and design  
15 of adaptive or modified living environments.

16 ~~(8)(9)~~ Review budget requests for programs related to  
17 aging to ensure the most cost-effective use of state funding  
18 for the state's elderly population before ~~for compliance with~~  
19 ~~the master plan for policies and programs related to aging~~  
20 ~~before~~ submission to the Governor and the Legislature.

21 ~~(10)~~ ~~Update the master plan for policies and programs~~  
22 ~~related to aging every 3 years.~~

23 ~~(11)~~ ~~Review implementation of the master plan for~~  
24 ~~programs and policies related to aging and annually report to~~  
25 ~~the Governor, each Cabinet member, the President of the~~  
26 ~~Senate, the Speaker of the House of Representatives, the~~  
27 ~~minority leaders of the House and Senate, and the chairpersons~~  
28 ~~of appropriate House and Senate committees the progress~~  
29 ~~towards implementation of the plan.~~

30 ~~(9)(12)~~ Request other departments that administer  
31 programs affecting the state's elderly population to amend

1 their plans, rules, policies, and research objectives as  
2 necessary to ensure that programs and other initiatives are  
3 coordinated and maximize the state's efforts to address the  
4 needs of the elderly ~~conform with the master plan for policies~~  
5 ~~and programs related to aging.~~

6 (10)(13) Hold public meetings regularly throughout the  
7 state for purposes of receiving information and maximizing the  
8 visibility of important issues relating to aging and the  
9 elderly.

10 (11)(14) Conduct policy analysis and program  
11 evaluation studies assigned by the Legislature.

12 (12)(15) Assist the Governor, each Cabinet member, and  
13 members of the Legislature ~~the President of the Senate, the~~  
14 ~~Speaker of the House of Representatives, the minority leaders~~  
15 ~~of the House and Senate, and the chairpersons of appropriate~~  
16 ~~House and Senate committees~~ in the conduct of their  
17 responsibilities in such capacities as they consider  
18 appropriate.

19 (13)(16) Call upon appropriate agencies of state  
20 government for such assistance as is needed in the discharge  
21 of its duties. All agencies shall cooperate in assisting the  
22 department in carrying out its responsibilities as prescribed  
23 by this section. However, no provision of law with respect to  
24 confidentiality of information may be violated.

25 Section 176. Subsections (3) and (8) of section  
26 430.502, Florida Statutes, are amended to read:

27 430.502 Alzheimer's disease; memory disorder clinics  
28 and day care and respite care programs.--

29 (3) The Alzheimer's Disease Advisory Committee shall  
30 ~~must~~ evaluate and make recommendations to the department and  
31 the Legislature concerning the need for additional memory

1 | disorder clinics in the state. ~~The first report will be due by~~  
2 | ~~December 31, 1995.~~

3 |         (8) The department will implement the waiver program  
4 | specified in subsection (7). The agency and the department  
5 | shall ensure that providers are selected that have a history  
6 | of successfully serving persons with Alzheimer's disease. The  
7 | department and the agency shall develop specialized standards  
8 | for providers and services tailored to persons in the early,  
9 | middle, and late stages of Alzheimer's disease and designate a  
10 | level of care determination process and standard that is most  
11 | appropriate to this population. The department and the agency  
12 | shall include in the waiver services designed to assist the  
13 | caregiver in continuing to provide in-home care. The  
14 | department shall implement this waiver program subject to a  
15 | specific appropriation or as provided in the General  
16 | Appropriations Act. ~~The department and the agency shall submit~~  
17 | ~~their program design to the President of the Senate and the~~  
18 | ~~Speaker of the House of Representatives for consultation~~  
19 | ~~during the development process.~~

20 |         Section 177. Subsection (1) of section 430.707,  
21 | Florida Statutes, is amended to read:

22 |             430.707 Contracts.--

23 |         (1) The department, in consultation with the agency,  
24 | shall select and contract with managed care organizations and,  
25 | on a prepaid basis, with other qualified providers as defined  
26 | in s. 430.703(7) to provide long-term care within community  
27 | diversion pilot project areas. ~~The agency shall evaluate and~~  
28 | ~~report quarterly to the department the compliance by other~~  
29 | ~~qualified providers with all the financial and quality~~  
30 | ~~assurance requirements of the contract.~~

31 |

1           Section 178. Paragraph (a) of subsection (3) and  
2 paragraph (c) of subsection (4) of section 445.003, Florida  
3 Statutes, are amended to read:

4           445.003 Implementation of the federal Workforce  
5 Investment Act of 1998.--

6           (3) FUNDING.--

7           (a) Title I, Workforce Investment Act of 1998 funds;  
8 Wagner-Peyser funds; and NAFTA/Trade Act funds will be  
9 expended based on the 5-year plan of Workforce Florida, Inc.

10 The plan shall outline and direct the method used to  
11 administer and coordinate various funds and programs that are  
12 operated by various agencies. The following provisions shall  
13 also apply to these funds:

14           1. At least 50 percent of the Title I funds for Adults  
15 and Dislocated Workers that are passed through to regional  
16 workforce boards shall be allocated to Individual Training  
17 Accounts unless a regional workforce board obtains a waiver  
18 from Workforce Florida, Inc. Tuition, fees, and  
19 performance-based incentive awards paid in compliance with  
20 Florida's Performance-Based Incentive Fund Program qualify as  
21 an Individual Training Account expenditure, as do other  
22 programs developed by regional workforce boards in compliance  
23 with policies of Workforce Florida, Inc.

24           2. Fifteen percent of Title I funding shall be  
25 retained at the state level and shall be dedicated to state  
26 administration and used to design, develop, induce, and fund  
27 innovative Individual Training Account pilots, demonstrations,  
28 and programs. Of such funds retained at the state level, \$2  
29 million shall be reserved for the Incumbent Worker Training  
30 Program, created under subparagraph 3. Eligible state  
31 administration costs include the costs of: funding for the

1 board and staff of Workforce Florida, Inc.; operating fiscal,  
2 compliance, and management accountability systems through  
3 Workforce Florida, Inc.; conducting evaluation and research on  
4 workforce development activities; and providing technical and  
5 capacity building assistance to regions at the direction of  
6 Workforce Florida, Inc. Notwithstanding s. 445.004, such  
7 administrative costs shall not exceed 25 percent of these  
8 funds. An amount not to exceed 75 percent of these funds shall  
9 be allocated to Individual Training Accounts and other  
10 workforce development strategies for: the Minority Teacher  
11 Education Scholars program, the Certified Teacher-Aide  
12 program, the Self-Employment Institute, and other training  
13 designed and tailored by Workforce Florida, Inc., including,  
14 but not limited to, programs for incumbent workers, displaced  
15 homemakers, nontraditional employment, empowerment zones, and  
16 enterprise zones. Workforce Florida, Inc., shall design,  
17 adopt, and fund Individual Training Accounts for distressed  
18 urban and rural communities.

19         3. The Incumbent Worker Training Program is created  
20 for the purpose of providing grant funding for continuing  
21 education and training of incumbent employees at existing  
22 Florida businesses. The program will provide reimbursement  
23 grants to businesses that pay for preapproved, direct,  
24 training-related costs.

25             a. The Incumbent Worker Training Program will be  
26 administered by Workforce Florida, Inc. Workforce Florida,  
27 Inc., at its discretion, may contract with a private business  
28 organization to serve as grant administrator.

29             b. To be eligible for the program's grant funding, a  
30 business must have been in operation in Florida for a minimum  
31 of 1 year prior to the application for grant funding; have at

1 | least one full-time employee; demonstrate financial viability;  
2 | and be current on all state tax obligations. Priority for  
3 | funding shall be given to businesses with 25 employees or  
4 | fewer, businesses in rural areas, businesses in distressed  
5 | inner-city areas, businesses in a qualified targeted industry,  
6 | businesses whose grant proposals represent a significant  
7 | upgrade in employee skills, or businesses whose grant  
8 | proposals represent a significant layoff avoidance strategy.

9 |       c. All costs reimbursed by the program must be  
10 | preapproved by Workforce Florida, Inc., or the grant  
11 | administrator. The program will not reimburse businesses for  
12 | trainee wages, the purchase of capital equipment, or the  
13 | purchase of any item or service that may possibly be used  
14 | outside the training project. A business approved for a grant  
15 | may be reimbursed for preapproved, direct, training-related  
16 | costs including tuition and fees; books and classroom  
17 | materials; and overhead or indirect costs not to exceed 5  
18 | percent of the grant amount.

19 |       d. A business that is selected to receive grant  
20 | funding must provide a matching contribution to the training  
21 | project, including, but not limited to, wages paid to trainees  
22 | or the purchase of capital equipment used in the training  
23 | project; must sign an agreement with Workforce Florida, Inc.,  
24 | or the grant administrator to complete the training project as  
25 | proposed in the application; must keep accurate records of the  
26 | project's implementation process; and must submit monthly or  
27 | quarterly reimbursement requests with required documentation.

28 |       e. All Incumbent Worker Training Program grant  
29 | projects shall be performance-based with specific measurable  
30 | performance outcomes, including completion of the training  
31 | project and job retention. Workforce Florida, Inc., or the

1 grant administrator shall withhold the final payment to the  
2 grantee until a final grant report is submitted and all  
3 performance criteria specified in the grant contract have been  
4 achieved.

5 f. Workforce Florida, Inc., may establish guidelines  
6 necessary to implement the Incumbent Worker Training Program.

7 g. No more than 10 percent of the Incumbent Worker  
8 Training Program's total appropriation may be used for  
9 overhead or indirect purposes.

10 h. Workforce Florida, Inc., shall submit a report to  
11 the Legislature on the financial and general operations of the  
12 Incumbent Worker Training Program as part of its annual report  
13 submitted pursuant to s. 445.004. Such report will be due  
14 ~~before October 1 of any fiscal year for which the program is~~  
15 ~~funded by the Legislature.~~

16 4. At least 50 percent of Rapid Response funding shall  
17 be dedicated to Intensive Services Accounts and Individual  
18 Training Accounts for dislocated workers and incumbent workers  
19 who are at risk of dislocation. Workforce Florida, Inc., shall  
20 also maintain an Emergency Preparedness Fund from Rapid  
21 Response funds which will immediately issue Intensive Service  
22 Accounts and Individual Training Accounts as well as other  
23 federally authorized assistance to eligible victims of natural  
24 or other disasters. At the direction of the Governor, for  
25 events that qualify under federal law, these Rapid Response  
26 funds shall be released to regional workforce boards for  
27 immediate use. Funding shall also be dedicated to maintain a  
28 unit at the state level to respond to Rapid Response  
29 emergencies around the state, to work with state emergency  
30 management officials, and to work with regional workforce  
31 boards. All Rapid Response funds must be expended based on a

1 plan developed by Workforce Florida, Inc., and approved by the  
2 Governor.

3 (4) FEDERAL REQUIREMENTS, EXCEPTIONS AND REQUIRED  
4 MODIFICATIONS.--

5 (c) Workforce Florida, Inc., may make modifications to  
6 the state's plan, policies, and procedures to comply with  
7 federally mandated requirements that in its judgment must be  
8 complied with to maintain funding provided pursuant to Pub. L.  
9 No. 105-220. ~~The board shall notify in writing the Governor,~~  
10 ~~the President of the Senate, and the Speaker of the House of~~  
11 ~~Representatives within 30 days after any such changes or~~  
12 ~~modifications.~~

13 Section 179. Paragraph (a) of subsection (3) of  
14 section 445.004, Florida Statutes, is amended to read:

15 445.004 Workforce Florida, Inc.; creation; purpose;  
16 membership; duties and powers.--

17 (3)(a) Workforce Florida, Inc., shall be governed by a  
18 board of directors, the number of directors to be determined  
19 by the Governor, whose membership and appointment must be  
20 consistent with Pub. L. No. 105-220, Title I, s. 111(b), and  
21 contain one member representing the licensed nonpublic  
22 postsecondary educational institutions authorized as  
23 individual training account providers, one member from the  
24 staffing service industry, at least one member who is a  
25 current or former recipient of welfare transition services as  
26 defined in s. 445.002(3) or workforce services as provided in  
27 s. 445.009(1), and five representatives of organized labor who  
28 shall be appointed by the Governor. ~~Notwithstanding s.~~  
29 ~~114.05(1)(f), the Governor may appoint remaining members to~~  
30 ~~Workforce Florida, Inc., from the current Workforce~~  
31 ~~Development Board and the WAGES Program State Board of~~



1 ~~Directors, established pursuant to chapter 96-175, Laws of~~  
2 ~~Florida, to serve on the reconstituted board. By July 1, 2000,~~  
3 ~~the Workforce Development Board will provide to the Governor a~~  
4 ~~transition plan to incorporate the changes required by this~~  
5 ~~act and Pub. L. No. 105-220, specifying the manner of changes~~  
6 ~~to the board. This plan shall govern the transition, unless~~  
7 ~~otherwise notified by the Governor.~~ The importance of  
8 minority, gender, and geographic representation shall be  
9 considered when making appointments to the board.

10 Section 180. Subsection (1) and paragraph (a) of  
11 subsection (6) of section 445.006, Florida Statutes, are  
12 amended to read:

13 445.006 Strategic plan for workforce development.--

14 (1) Workforce Florida, Inc., in conjunction with state  
15 and local partners in the workforce system, shall develop a  
16 strategic plan for workforce, with the goal of producing  
17 skilled employees for employers in the state. ~~The strategic~~  
18 ~~plan shall be submitted to the Governor, the President of the~~  
19 ~~Senate, and the Speaker of the House of Representatives by~~  
20 ~~February 1, 2001.~~ The strategic plan shall be updated or  
21 modified by January 1 of each year ~~thereafter~~. The plan must  
22 include, but need not be limited to, strategies for:

23 (a) Fulfilling the workforce system goals and  
24 strategies prescribed in s. 445.004;

25 (b) Aggregating, integrating, and leveraging workforce  
26 system resources;

27 (c) Coordinating the activities of federal, state, and  
28 local workforce system partners;

29 (d) Addressing the workforce needs of small  
30 businesses; and  
31

1 (e) Fostering the participation of rural communities  
2 and distressed urban cores in the workforce system.

3 (6)(a) The strategic plan must include strategies that  
4 are designed to prevent or reduce the need for a person to  
5 receive public assistance. These strategies must include:

6 1. A teen pregnancy prevention component that  
7 includes, but is not limited to, a plan for implementing the  
8 ~~Florida Education Now and Babies Later (ENABL) program under~~  
9 ~~s. 411.242 and the Teen Pregnancy Prevention Community~~  
10 Initiative within each county of the services area in which  
11 the teen birth rate is higher than the state average;

12 2. A component that encourages creation of  
13 community-based welfare prevention and reduction initiatives  
14 that increase support provided by noncustodial parents to  
15 their welfare-dependent children and are consistent with  
16 program and financial guidelines developed by Workforce  
17 Florida, Inc., and the Commission on Responsible Fatherhood.  
18 These initiatives may include, but are not limited to,  
19 improved paternity establishment, work activities for  
20 noncustodial parents, programs aimed at decreasing  
21 out-of-wedlock pregnancies, encouraging involvement of fathers  
22 with their children including court-ordered supervised  
23 visitation, and increasing child support payments;

24 3. A component that encourages formation and  
25 maintenance of two-parent families through, among other  
26 things, court-ordered supervised visitation;

27 4. A component that fosters responsible fatherhood in  
28 families receiving assistance; and

29 5. A component that fosters provision of services that  
30 reduce the incidence and effects of domestic violence on women  
31 and children in families receiving assistance.

1           Section 181. Subsection (4) of section 445.022,  
2 Florida Statutes, is repealed.

3           Section 182. Subsection (9) of section 445.049,  
4 Florida Statutes, is repealed.

5           Section 183. Section 446.27, Florida Statutes, is  
6 repealed.

7           Section 184. Paragraphs (a) and (c) of subsection (4)  
8 of section 446.50, Florida Statutes, are amended to read:

9           446.50 Displaced homemakers; multiservice programs;  
10 report to the Legislature; Displaced Homemaker Trust Fund  
11 created.--

12           (4) STATE PLAN.--

13           (a) The Agency for Workforce Innovation shall develop  
14 a 3-year state plan for the displaced homemaker program which  
15 shall be updated annually and submitted to the Legislature by  
16 January 1. The plan must address, at a minimum, the need for  
17 programs specifically designed to serve displaced homemakers,  
18 any necessary service components for such programs in addition  
19 to those enumerated in this section, goals of the displaced  
20 homemaker program with an analysis of the extent to which  
21 those goals are being met, and recommendations for ways to  
22 address any unmet program goals. Any request for funds for  
23 program expansion must be based on the state plan.

24           ~~(c) The 3 year state plan must be submitted to the~~  
25 ~~President of the Senate, the Speaker of the House of~~  
26 ~~Representatives, and the Governor on or before January 1,~~  
27 ~~2001, and annual updates of the plan must be submitted by~~  
28 ~~January 1 of each subsequent year.~~

29           Section 185. Subsection (10) of section 446.609,  
30 Florida Statutes, is amended to read:

31           446.609 Jobs for Florida's Graduates Act.--

1           (10) ASSESSMENT OF PROGRAM RESULTS.--~~The success of~~  
2 ~~the Jobs for Florida's Graduates Program shall be assessed as~~  
3 ~~follows:~~

4           ~~(a) No later than November 1 of each year of the Jobs~~  
5 ~~for Florida's Graduates Program, Jobs for America's Graduates,~~  
6 ~~Inc., shall conduct and deliver to the Office of Program~~  
7 ~~Policy Analysis and Government Accountability a full review~~  
8 ~~and report of the program's activities. The Office of Program~~  
9 ~~Policy Analysis and Government Accountability shall audit and~~  
10 ~~review the report and deliver the report, along with its~~  
11 ~~analysis and any recommendations for expansion, curtailment,~~  
12 ~~modification, or continuation, to the board not later than~~  
13 ~~December 31 of the same year.~~

14           ~~(b) Beginning in the first year of the Jobs for~~  
15 ~~Florida's Graduates Program, the Office of Economic and~~  
16 ~~Demographic Research shall undertake, during the initial~~  
17 ~~phase, an ongoing longitudinal study of participants to~~  
18 ~~determine the overall efficacy of the program. The division~~  
19 ~~shall transmit its findings each year to the Office of Program~~  
20 ~~Policy Analysis and Government Accountability for inclusion in~~  
21 ~~the report provided for in paragraph (a).~~

22           Section 186. Section 455.204, Florida Statutes, is  
23 repealed.

24           Section 187. Subsection (8) of section 455.2226,  
25 Florida Statutes, is repealed.

26           Section 188. Subsection (6) of section 455.2228,  
27 Florida Statutes, is repealed.

28           Section 189. Section 456.005, Florida Statutes, is  
29 amended to read:

30           456.005 Long-range policy planning; plans, reports,  
31 and recommendations.--To facilitate efficient and

1 | cost-effective regulation, the department and the board, where  
2 | appropriate, shall develop and implement a long-range policy  
3 | planning and monitoring process to include recommendations  
4 | specific to each profession. Such process shall include  
5 | estimates of revenues, expenditures, cash balances, and  
6 | performance statistics for each profession. The period  
7 | covered shall not be less than 5 years. The department, with  
8 | input from the boards and licensees, shall develop and adopt  
9 | the long-range plan ~~and must obtain the approval of the~~  
10 | ~~secretary~~. The department shall monitor compliance with the  
11 | ~~approved long range~~ plan and, with input from the boards and  
12 | licensees, shall annually update the plans ~~for approval by the~~  
13 | ~~secretary~~. The department shall provide concise management  
14 | reports to the boards quarterly. As part of the review  
15 | process, the department shall evaluate:

16 |       (1) Whether the department, including the boards and  
17 | the various functions performed by the department, is  
18 | operating efficiently and effectively and if there is a need  
19 | for a board or council to assist in cost-effective regulation.

20 |       (2) How and why the various professions are regulated.

21 |       (3) Whether there is a need to continue regulation,  
22 | and to what degree.

23 |       (4) Whether or not consumer protection is adequate,  
24 | and how it can be improved.

25 |       (5) Whether there is consistency between the various  
26 | practice acts.

27 |       (6) Whether unlicensed activity is adequately  
28 | enforced.

29 |

30 | Such plans should include conclusions and recommendations on  
31 | these and other issues as appropriate. ~~Such plans shall be~~

1 ~~provided to the Governor and the Legislature by November 1 of~~  
2 ~~each year.~~

3           Section 190. Subsection (9) of section 456.025,  
4 Florida Statutes, is amended to read:

5           456.025 Fees; receipts; disposition.--

6           (9) The department shall provide a ~~condensed~~  
7 management report of revenues and expenditures ~~budgets,~~  
8 ~~finances,~~ performance measures ~~statistics,~~ and recommendations  
9 to each board at least once a quarter. ~~The department shall~~  
10 ~~identify and include in such presentations any changes, or~~  
11 ~~projected changes, made to the board's budget since the last~~  
12 ~~presentation.~~

13           Section 191. Subsection (5) of section 456.031,  
14 Florida Statutes, is repealed.

15           Section 192. Subsection (8) of section 456.033,  
16 Florida Statutes, is repealed.

17           Section 193. Subsection (6) of section 456.034,  
18 Florida Statutes, is repealed.

19           Section 194. Subsections (3) and (4) of section  
20 517.302, Florida Statutes, are amended to read:

21           517.302 Criminal penalties; alternative fine;  
22 Anti-Fraud Trust Fund; time limitation for criminal  
23 prosecution.--

24           (3) In lieu of a fine otherwise authorized by law, a  
25 person who has been convicted of or who has pleaded guilty or  
26 no contest to having engaged in conduct in violation of the  
27 provisions of this chapter may be sentenced to pay a fine that  
28 does not exceed the greater of three times the gross value  
29 gained or three times the gross loss caused by such conduct,  
30 plus court costs and the costs of investigation and  
31 prosecution reasonably incurred.

1           ~~(4)(a)~~ There is created within the office a trust fund  
2 to be known as the Anti-Fraud Trust Fund. Any amounts  
3 assessed as costs of investigation and prosecution under this  
4 subsection shall be deposited in the trust fund. Funds  
5 deposited in such trust fund shall be used, when authorized by  
6 appropriation, for investigation and prosecution of  
7 administrative, civil, and criminal actions arising under the  
8 provisions of this chapter. Funds may also be used to improve  
9 the public's awareness and understanding of prudent investing.

10           ~~(b) The office shall report to the Executive Office of~~  
11 ~~the Governor annually by November 15, the amounts deposited~~  
12 ~~into the Anti Fraud Trust Fund during the previous fiscal~~  
13 ~~year. The Executive Office of the Governor shall distribute~~  
14 ~~these reports to the President of the Senate and the Speaker~~  
15 ~~of the House of Representatives.~~

16           ~~(5)(4)~~ Criminal prosecution for offenses under this  
17 chapter is subject to the time limitations of s. 775.15.

18           Section 195. Section 526.3135, Florida Statutes, is  
19 repealed.

20           Section 196. Subsection (3) of section 531.415,  
21 Florida Statutes, is repealed.

22           Section 197. Section 553.975, Florida Statutes, is  
23 repealed.

24           Section 198. Subsection (3) of section 570.0705,  
25 Florida Statutes, is repealed.

26           Section 199. Subsection (5) of section 570.0725,  
27 Florida Statutes, is repealed.

28           Section 200. Subsection (3) of section 570.235,  
29 Florida Statutes, is repealed.

30           Section 201. Subsection (3) of section 570.543,  
31 Florida Statutes, is repealed.

1           Section 202. Subsection (5) of section 570.952,  
2 Florida Statutes, is repealed.

3           Section 203. Section 603.204, Florida Statutes, is  
4 amended to read:

5           603.204 South Florida Tropical Fruit Plan.--

6           ~~(1)~~ The Commissioner of Agriculture, in consultation  
7 with the Tropical Fruit Advisory Council, shall develop and  
8 update, ~~at least 90 days prior to the 1991 legislative~~  
9 ~~session, submit to the President of the Senate, the Speaker of~~  
10 ~~the House of Representatives, and the chairs of appropriate~~  
11 ~~Senate and House of Representatives committees,~~ a South  
12 Florida Tropical Fruit Plan, which shall identify problems and  
13 constraints of the tropical fruit industry, propose possible  
14 solutions to such problems, and develop planning mechanisms  
15 for orderly growth of the industry, including:

16           ~~(1)(a)~~ Criteria for tropical fruit research, service,  
17 and management priorities.

18           ~~(2)(b)~~ ~~Additional~~ Proposed legislation that ~~which~~ may  
19 be required.

20           ~~(3)(c)~~ Plans relating to other tropical fruit programs  
21 and related disciplines in the State University System.

22           ~~(4)(d)~~ Potential tropical fruit products in terms of  
23 market and needs for development.

24           ~~(5)(e)~~ Evaluation of production and fresh fruit policy  
25 alternatives, including, but not limited to, setting minimum  
26 grades and standards, promotion and advertising, development  
27 of production and marketing strategies, and setting minimum  
28 standards on types and quality of nursery plants.

29           ~~(6)(f)~~ Evaluation of policy alternatives for processed  
30 tropical fruit products, including, but not limited to,  
31



1 setting minimum quality standards and development of  
2 production and marketing strategies.

3 ~~(7)(g)~~ Research and service priorities for further  
4 development of the tropical fruit industry.

5 ~~(8)(h)~~ Identification of state agencies and public and  
6 private institutions concerned with research, education,  
7 extension, services, planning, promotion, and marketing  
8 functions related to tropical fruit development, and  
9 delineation of contributions and responsibilities. The  
10 recommendations in the ~~South Florida Tropical Fruit~~ plan  
11 relating to education or research shall be submitted to the  
12 Institute of Food and Agricultural Sciences. ~~The~~  
13 ~~recommendations relating to regulation or marketing shall be~~  
14 ~~submitted to the Department of Agriculture and Consumer~~  
15 ~~Services.~~

16 ~~(9)(i)~~ Business planning, investment potential,  
17 financial risks, and economics of production and utilization.

18 ~~(2) A revision and update of the South Florida~~  
19 ~~Tropical Fruit Plan shall be submitted biennially, and a~~  
20 ~~progress report and budget request shall be submitted~~  
21 ~~annually, to the officials specified in subsection (1).~~

22 Section 204. Paragraph (d) of subsection (6) of  
23 section 627.351, Florida Statutes, is amended to read:

24 627.351 Insurance risk apportionment plans.--

25 (6) CITIZENS PROPERTY INSURANCE CORPORATION.--

26 (d)1. It is the intent of the Legislature that the  
27 rates for coverage provided by the corporation be actuarially  
28 sound and not competitive with approved rates charged in the  
29 admitted voluntary market, so that the corporation functions  
30 as a residual market mechanism to provide insurance only when  
31 the insurance cannot be procured in the voluntary market.

1 Rates shall include an appropriate catastrophe loading factor  
2 that reflects the actual catastrophic exposure of the  
3 corporation.

4         2. For each county, the average rates of the  
5 corporation for each line of business for personal lines  
6 residential policies excluding rates for wind-only policies  
7 shall be no lower than the average rates charged by the  
8 insurer that had the highest average rate in that county among  
9 the 20 insurers with the greatest total direct written premium  
10 in the state for that line of business in the preceding year,  
11 except that with respect to mobile home coverages, the average  
12 rates of the corporation shall be no lower than the average  
13 rates charged by the insurer that had the highest average rate  
14 in that county among the 5 insurers with the greatest total  
15 written premium for mobile home owner's policies in the state  
16 in the preceding year.

17         3. Rates for personal lines residential wind-only  
18 policies must be actuarially sound and not competitive with  
19 approved rates charged by authorized insurers. However, for  
20 personal lines residential wind-only policies issued or  
21 renewed between July 1, 2002, and June 30, 2003, the maximum  
22 premium increase must be no greater than 10 percent of the  
23 Florida Windstorm Underwriting Association premium for that  
24 policy in effect on June 30, 2002, as adjusted for coverage  
25 changes and seasonal occupancy surcharges. For personal lines  
26 residential wind-only policies issued or renewed between July  
27 1, 2003, and June 30, 2004, the corporation shall use its  
28 existing filed and approved wind-only rating and  
29 classification plans, provided, however, that the maximum  
30 premium increase must be no greater than 20 percent of the  
31 premium for that policy in effect on June 30, 2003, as

1 | adjusted for coverage changes and seasonal occupancy  
2 | surcharges. Corporation rate manuals shall include a rate  
3 | surcharge for seasonal occupancy. ~~To ensure that personal~~  
4 | ~~lines residential wind only rates effective on or after July~~  
5 | ~~1, 2004, are not competitive with approved rates charged by~~  
6 | ~~authorized insurers, the corporation, in conjunction with the~~  
7 | ~~office, shall develop a wind only ratemaking methodology,~~  
8 | ~~which methodology shall be contained in a rate filing made by~~  
9 | ~~the corporation with the office by January 1, 2004. If the~~  
10 | ~~office thereafter determines that the wind only rates or~~  
11 | ~~rating factors filed by the corporation fail to comply with~~  
12 | ~~the wind only ratemaking methodology provided for in this~~  
13 | ~~subsection, it shall so notify the corporation and require the~~  
14 | ~~corporation to amend its rates or rating factors to come into~~  
15 | ~~compliance within 90 days of notice from the office. The~~  
16 | ~~office shall report to the Speaker of the House of~~  
17 | ~~Representatives and the President of the Senate on the~~  
18 | ~~provisions of the wind only ratemaking methodology by January~~  
19 | ~~31, 2004.~~

20 |           4. Rates for commercial lines coverage shall not be  
21 | subject to the requirements of subparagraph 2., but shall be  
22 | subject to all other requirements of this paragraph and s.  
23 | 627.062.

24 |           5. Nothing in this paragraph shall require or allow  
25 | the corporation to adopt a rate that is inadequate under s.  
26 | 627.062.

27 |           6. The corporation shall certify to the office at  
28 | least twice annually that its personal lines rates comply with  
29 | the requirements of subparagraphs 1. and 2. If any adjustment  
30 | in the rates or rating factors of the corporation is necessary  
31 | to ensure such compliance, the corporation shall make and

1 | implement such adjustments and file its revised rates and  
2 | rating factors with the office. If the office thereafter  
3 | determines that the revised rates and rating factors fail to  
4 | comply with the provisions of subparagraphs 1. and 2., it  
5 | shall notify the corporation and require the corporation to  
6 | amend its rates or rating factors in conjunction with its next  
7 | rate filing. The office must notify the corporation by  
8 | electronic means of any rate filing it approves for any  
9 | insurer among the insurers referred to in subparagraph 2.

10 |         7. In addition to the rates otherwise determined  
11 | pursuant to this paragraph, the corporation shall impose and  
12 | collect an amount equal to the premium tax provided for in s.  
13 | 624.509 to augment the financial resources of the corporation.

14 |         ~~8.a. To assist the corporation in developing~~  
15 | ~~additional ratemaking methods to assure compliance with~~  
16 | ~~subparagraphs 1. and 4., the corporation shall appoint a rate~~  
17 | ~~methodology panel consisting of one person recommended by the~~  
18 | ~~Florida Association of Insurance Agents, one person~~  
19 | ~~recommended by the Professional Insurance Agents of Florida,~~  
20 | ~~one person recommended by the Florida Association of Insurance~~  
21 | ~~and Financial Advisors, one person recommended by the insurer~~  
22 | ~~with the highest voluntary market share of residential~~  
23 | ~~property insurance business in the state, one person~~  
24 | ~~recommended by the insurer with the second highest voluntary~~  
25 | ~~market share of residential property insurance business in the~~  
26 | ~~state, one person recommended by an insurer writing commercial~~  
27 | ~~residential property insurance in this state, one person~~  
28 | ~~recommended by the Office of Insurance Regulation, and one~~  
29 | ~~board member designated by the board chairman, who shall serve~~  
30 | ~~as chairman of the panel.~~

1           ~~b. By January 1, 2004, the rate methodology panel~~  
2 ~~shall provide a report to the corporation of its findings and~~  
3 ~~recommendations for the use of additional ratemaking methods~~  
4 ~~and procedures, including the use of a rate equalization~~  
5 ~~surcharge in an amount sufficient to assure that the total~~  
6 ~~cost of coverage for policyholders or applicants to the~~  
7 ~~corporation is sufficient to comply with subparagraph 1.~~

8           ~~c. Within 30 days after such report, the corporation~~  
9 ~~shall present to the President of the Senate, the Speaker of~~  
10 ~~the House of Representatives, the minority party leaders of~~  
11 ~~each house of the Legislature, and the chairs of the standing~~  
12 ~~committees of each house of the Legislature having~~  
13 ~~jurisdiction of insurance issues, a plan for implementing the~~  
14 ~~additional ratemaking methods and an outline of any~~  
15 ~~legislation needed to facilitate use of the new methods.~~

16           ~~d. The plan must include a provision that producer~~  
17 ~~commissions paid by the corporation shall not be calculated in~~  
18 ~~such a manner as to include any rate equalization surcharge.~~  
19 ~~However, without regard to the plan to be developed or its~~  
20 ~~implementation, producer commissions paid by the corporation~~  
21 ~~for each account, other than the quota share primary program,~~  
22 ~~shall remain fixed as to percentage, effective rate,~~  
23 ~~calculation, and payment method until January 1, 2004.~~

24           ~~9. By January 1, 2004, the corporation shall develop a~~  
25 ~~notice to policyholders or applicants that the rates of~~  
26 ~~Citizens Property Insurance Corporation are intended to be~~  
27 ~~higher than the rates of any admitted carrier and providing~~  
28 ~~other information the corporation deems necessary to assist~~  
29 ~~consumers in finding other voluntary admitted insurers willing~~  
30 ~~to insure their property.~~

31

1           Section 205. Subsection (6) of section 627.64872,  
2 Florida Statutes, is amended to read:

3           627.64872 Florida Health Insurance Plan.--

4           (6) ~~INTERIM REPORT;~~ ANNUAL REPORT.--

5           ~~(a) By no later than December 1, 2004, the board shall~~  
6 ~~report to the Governor, the President of the Senate, and the~~  
7 ~~Speaker of the House of Representatives the results of an~~  
8 ~~actuarial study conducted by the board to determine,~~  
9 ~~including, but not limited to:~~

10           ~~1. The impact the creation of the plan will have on~~  
11 ~~the small group insurance market and the individual market on~~  
12 ~~premiums paid by insureds. This shall include an estimate of~~  
13 ~~the total anticipated aggregate savings for all small~~  
14 ~~employers in the state.~~

15           ~~2. The number of individuals the pool could reasonably~~  
16 ~~cover at various funding levels, specifically, the number of~~  
17 ~~people the pool may cover at each of those funding levels.~~

18           ~~3. A recommendation as to the best source of funding~~  
19 ~~for the anticipated deficits of the pool.~~

20           ~~4. The effect on the individual and small group market~~  
21 ~~by including in the Florida Health Insurance Plan persons~~  
22 ~~eligible for coverage under s. 627.6487, as well as the cost~~  
23 ~~of including these individuals.~~

24  
25 ~~The board shall take no action to implement the Florida Health~~  
26 ~~Insurance Plan, other than the completion of the actuarial~~  
27 ~~study authorized in this paragraph, until funds are~~  
28 ~~appropriated for startup cost and any projected deficits.~~

29           ~~(b)~~ No later than December 1, 2005, and annually  
30 thereafter, the board shall submit to the Governor, the  
31 President of the Senate, the Speaker of the House of

1 Representatives, and the substantive legislative committees of  
2 the Legislature a report which includes an independent  
3 actuarial study to determine, including, but not be limited  
4 to:

5 ~~(a)1-~~ The impact the creation of the plan has on the  
6 small group and individual insurance market, specifically on  
7 the premiums paid by insureds. This shall include an estimate  
8 of the total anticipated aggregate savings for all small  
9 employers in the state.

10 ~~(b)2-~~ The actual number of individuals covered at the  
11 current funding and benefit level, the projected number of  
12 individuals that may seek coverage in the forthcoming fiscal  
13 year, and the projected funding needed to cover anticipated  
14 increase or decrease in plan participation.

15 ~~(c)3-~~ A recommendation as to the best source of  
16 funding for the anticipated deficits of the pool.

17 ~~(d)4-~~ A summarization of the activities of the plan in  
18 the preceding calendar year, including the net written and  
19 earned premiums, plan enrollment, the expense of  
20 administration, and the paid and incurred losses.

21 ~~(e)5-~~ A review of the operation of the plan as to  
22 whether the plan has met the intent of this section.

23  
24 The board shall take no action to implement the Florida Health  
25 Insurance Plan, other than the completion of the actuarial  
26 study authorized in this subsection, until funds are  
27 appropriated for startup costs and any projected deficits.

28 Section 206. Subsection (2) of section 744.7021,  
29 Florida Statutes, is amended to read:

30  
31

1           744.7021 Statewide Public Guardianship Office.--There  
2 is hereby created the Statewide Public Guardianship Office  
3 within the Department of Elderly Affairs.

4           (2) The executive director shall, within available  
5 resources, have oversight responsibilities for all public  
6 guardians.

7           (a) The executive director shall review the current  
8 public guardian programs in Florida and other states.

9           (b) The executive director, in consultation with local  
10 guardianship offices, shall develop statewide performance  
11 measures and standards.

12           (c) The executive director shall review the various  
13 methods of funding guardianship programs, the kinds of  
14 services being provided by such programs, and the demographics  
15 of the wards. In addition, the executive director shall review  
16 and make recommendations regarding the feasibility of  
17 recovering a portion or all of the costs of providing public  
18 guardianship services from the assets or income of the wards.

19           ~~(d) By January 1, 2004, and by January 1 of each year~~  
20 ~~thereafter, the executive director shall provide a status~~  
21 ~~report and provide further recommendations to the secretary~~  
22 ~~that address the need for public guardianship services and~~  
23 ~~related issues.~~

24           (d)(e) The executive director may provide assistance  
25 to local governments or entities in pursuing grant  
26 opportunities. The executive director shall evaluate ~~review~~  
27 and make recommendations ~~in the annual report~~ on the  
28 availability and efficacy of seeking Medicaid matching funds.  
29 The executive director shall diligently seek ways to use  
30 existing programs and services to meet the needs of public  
31 wards.



1           ~~(e)(f)~~ The executive director, in consultation with  
2 the Florida Guardianship Foundation, shall develop a  
3 guardianship training program curriculum that may be offered  
4 to all guardians whether public or private.

5           (f) The executive director shall provide an annual  
6 status report to the secretary which includes policy and  
7 legislative recommendations relating to the provision of  
8 public guardianship.

9           Section 207. Subsections (5) and (7) of section  
10 744.708, Florida Statutes, are amended to read:

11           744.708 Reports and standards.--

12           (5) An independent audit of each public guardian  
13 office by a qualified certified public accountant shall be  
14 conducted by a qualified certified public accountant performed  
15 at least every 2 years. The audit should include an  
16 investigation into the practices of the office for managing  
17 the person and property of the wards. A copy of the report  
18 shall be submitted to the Statewide Public Guardianship  
19 Office. ~~In addition, the office of public guardian shall be~~  
20 ~~subject to audits or examinations by the Auditor General and~~  
21 ~~the Office of Program Policy Analysis and Government~~  
22 ~~Accountability pursuant to law.~~

23           (7) The ratio for professional staff to wards shall be  
24 1 professional to 40 wards. The Statewide Public Guardianship  
25 Office may increase or decrease the ratio after consultation  
26 with the local public guardian and the chief judge of the  
27 circuit court. ~~The basis of the decision to increase or~~  
28 ~~decrease the prescribed ratio shall be reported in the annual~~  
29 ~~report to the Governor, the President of the Senate, the~~  
30 ~~Speaker of the House of Representatives, and the Chief Justice~~  
31 ~~of the Supreme Court.~~

1           Section 208. Subsection (3) of section 765.5215,  
2 Florida Statutes, is repealed.

3           Section 209. Subsection (6) of section 768.295,  
4 Florida Statutes, is amended to read:

5           768.295 Strategic Lawsuits Against Public  
6 Participation (SLAPP) suits by governmental entities  
7 prohibited.--

8           (6) In any case filed by a governmental entity which  
9 is found by a court to be in violation of this section, the  
10 governmental entity shall report such finding and provide a  
11 copy of the court's order to the Attorney General no later  
12 than 30 days after such order is final. The Attorney General  
13 shall maintain a record of such court orders ~~report any~~  
14 ~~violation of this section by a governmental entity to the~~  
15 ~~Cabinet, the President of the Senate, and the Speaker of the~~  
16 ~~House of Representatives. A copy of such report shall be~~  
17 ~~provided to the affected governmental entity.~~

18           Section 210. Paragraph (c) of subsection (3) of  
19 section 775.084, Florida Statutes, is amended to read:

20           775.084 Violent career criminals; habitual felony  
21 offenders and habitual violent felony offenders; three-time  
22 violent felony offenders; definitions; procedure; enhanced  
23 penalties or mandatory minimum prison terms.--

24           (3)

25           (c) In a separate proceeding, the court shall  
26 determine whether the defendant is a violent career criminal  
27 with respect to a primary offense committed on or after  
28 October 1, 1995. The procedure shall be as follows:

29           1. Written notice shall be served on the defendant and  
30 the defendant's attorney a sufficient time prior to the entry  
31 of a plea or prior to the imposition of sentence in order to

1 allow the preparation of a submission on behalf of the  
2 defendant.

3 2. All evidence presented shall be presented in open  
4 court with full rights of confrontation, cross-examination,  
5 and representation by counsel.

6 3. Each of the findings required as the basis for such  
7 sentence shall be found to exist by a preponderance of the  
8 evidence and shall be appealable only as provided in paragraph  
9 (d).

10 4. For the purpose of identification, the court shall  
11 fingerprint the defendant pursuant to s. 921.241.

12 ~~5. For an offense committed on or after October 1,~~  
13 ~~1995, if the state attorney pursues a violent career criminal~~  
14 ~~sanction against the defendant and the court, in a separate~~  
15 ~~proceeding pursuant to this paragraph, determines that the~~  
16 ~~defendant meets the criteria under subsection (1) for imposing~~  
17 ~~such sanction, the court must sentence the defendant as a~~  
18 ~~violent career criminal, subject to imprisonment pursuant to~~  
19 ~~this section unless the court finds that such sentence is not~~  
20 ~~necessary for the protection of the public. If the court~~  
21 ~~finds that it is not necessary for the protection of the~~  
22 ~~public to sentence the defendant as a violent career criminal,~~  
23 ~~the court shall provide written reasons; a written transcript~~  
24 ~~of orally stated reasons is permissible, if filed by the court~~  
25 ~~within 7 days after the date of sentencing. Each month, the~~  
26 ~~court shall submit to the Office of Economic and Demographic~~  
27 ~~Research of the Legislature the written reasons or transcripts~~  
28 ~~in each case in which the court determines not to sentence a~~  
29 ~~defendant as a violent career criminal as provided in this~~  
30 ~~subparagraph.~~

31

1           Section 211. Subsection (8) of section 790.22, Florida  
2 Statutes, is amended to read:

3           790.22 Use of BB guns, air or gas-operated guns, or  
4 electric weapons or devices by minor under 16; limitation;  
5 possession of firearms by minor under 18 prohibited;  
6 penalties.--

7           (8) Notwithstanding s. 985.213 or s. 985.215(1), if a  
8 minor under 18 years of age is charged with an offense that  
9 involves the use or possession of a firearm, as defined in s.  
10 790.001, including a violation of subsection (3), or is  
11 charged for any offense during the commission of which the  
12 minor possessed a firearm, the minor shall be detained in  
13 secure detention, unless the state attorney authorizes the  
14 release of the minor, and shall be given a hearing within 24  
15 hours after being taken into custody. At the hearing, the  
16 court may order that the minor continue to be held in secure  
17 detention in accordance with the applicable time periods  
18 specified in s. 985.215(5), if the court finds that the minor  
19 meets the criteria specified in s. 985.215(2), or if the court  
20 finds by clear and convincing evidence that the minor is a  
21 clear and present danger to himself or herself or the  
22 community. The Department of Juvenile Justice shall prepare a  
23 form for all minors charged under this subsection that states  
24 the period of detention and the relevant demographic  
25 information, including, but not limited to, the sex, age, and  
26 race of the minor; whether or not the minor was represented by  
27 private counsel or a public defender; the current offense; and  
28 the minor's complete prior record, including any pending  
29 cases. The form shall be provided to the judge to be  
30 considered when determining whether the minor should be  
31 continued in secure detention under this subsection. An order

1 placing a minor in secure detention because the minor is a  
2 clear and present danger to himself or herself or the  
3 community must be in writing, must specify the need for  
4 detention and the benefits derived by the minor or the  
5 community by placing the minor in secure detention, and must  
6 include a copy of the form provided by the department. ~~The~~  
7 ~~Department of Juvenile Justice must send the form, including a~~  
8 ~~copy of any order, without client identifying information, to~~  
9 ~~the Office of Economic and Demographic Research.~~

10 Section 212. Paragraph (b) of subsection (9) of  
11 section 932.7055, Florida Statutes, is repealed.

12 Section 213. Subsection (3) of section 943.08, Florida  
13 Statutes, is repealed.

14 Section 214. Subsection (2) of section 943.125,  
15 Florida Statutes, is repealed.

16 Section 215. Subsection (9) of section 943.68, Florida  
17 Statutes, is amended to read:

18 943.68 Transportation and protective services.--

19 (9) The department shall submit reports annually on  
20 July 15 and January 15 of each year to the ~~President of the~~  
21 ~~Senate, Speaker of the House of Representatives,~~ Governor, the  
22 Legislature, and ~~members of the~~ Cabinet, detailing all  
23 transportation and protective services provided under  
24 subsections (1), (5), and (6) within the preceding fiscal year  
25 ~~6 months~~. Each report shall include a detailed accounting of  
26 the cost of such transportation and protective services,  
27 including the names of persons provided such services and the  
28 nature of state business performed.

29 Section 216. Section 944.023, Florida Statutes, is  
30 amended to read:

31

1           944.023 Institutional capacity ~~Comprehensive~~  
2 ~~correctional master plan.--~~

3           (1) As used in this section and s. 944.0231, the term:

4           (a) "Criminal Justice Estimating Conference" means the  
5 Criminal Justice Estimating Conference referred to in s.  
6 216.136 ~~s. 216.136(5)~~.

7           (b) "Total capacity" of the state correctional system  
8 means the total design capacity of all institutions and  
9 facilities in the state correctional system, which may include  
10 those facilities authorized and funded under chapter 957,  
11 increased by one-half, with the following exceptions:

12           1. Medical and mental health beds must remain at  
13 design capacity.

14           2. Community-based contracted beds must remain at  
15 design capacity.

16           3. The one-inmate-per-cell requirement at Florida  
17 State Prison and other maximum security facilities must be  
18 maintained pursuant to ~~paragraph(3)(a)(7)(a)~~.

19           4. Community correctional centers and drug treatment  
20 centers must be increased by one-third.

21           5. A housing unit may not exceed its maximum capacity  
22 pursuant to ~~paragraphs(3)(a)(7)(a)~~ and (b).

23           6. A number of beds equal to 5 percent of total  
24 capacity shall be deducted for management beds at  
25 institutions.

26           (c) "State correctional system" means the correctional  
27 system as defined in s. 944.02.

28           ~~(2) The department shall develop a comprehensive~~  
29 ~~correctional master plan. The master plan shall project the~~  
30 ~~needs for the state correctional system for the coming 5 year~~  
31 ~~period and shall be updated annually and submitted to the~~

1 ~~Governor's office and the Legislature at the same time the~~  
2 ~~department submits its legislative budget request as provided~~  
3 ~~in chapter 216.~~

4 ~~(3) The purposes of the comprehensive correctional~~  
5 ~~master plan shall be:~~

6 ~~(a) To ensure that the penalties of the criminal~~  
7 ~~justice system are completely and effectively administered to~~  
8 ~~the convicted criminals and, to the maximum extent possible,~~  
9 ~~that the criminal is provided opportunities for~~  
10 ~~self improvement and returned to freedom as a productive~~  
11 ~~member of society.~~

12 ~~(b) To the extent possible, to protect the public~~  
13 ~~safety and the law abiding citizens of this state and to carry~~  
14 ~~out the laws protecting the rights of the victims of convicted~~  
15 ~~criminals.~~

16 ~~(c) To develop and maintain a humane system of~~  
17 ~~punishment providing prison inmates with proper housing,~~  
18 ~~nourishment, and medical attention.~~

19 ~~(d) To provide fair and adequate compensation and~~  
20 ~~benefits to the employees of the state correctional system.~~

21 ~~(e) To the extent possible, to maximize the effective~~  
22 ~~and efficient use of the principles used in private business.~~

23 ~~(f) To provide that convicted criminals not be~~  
24 ~~incarcerated for any longer period of time or in any more~~  
25 ~~secure facility than is necessary to ensure adequate~~  
26 ~~sanctions, rehabilitation of offenders, and protection of~~  
27 ~~public safety.~~

28 ~~(4) The comprehensive correctional master plan shall~~  
29 ~~use the estimates of the Criminal Justice Estimating~~  
30 ~~Conference and shall include:~~

31

1           ~~(a) A plan for the decentralization of reception and~~  
2 ~~classification facilities for the implementation of a~~  
3 ~~systemwide diagnosis and evaluation capability for adult~~  
4 ~~offenders. The plan shall provide for a system of~~  
5 ~~psychological testing and evaluation as well as medical~~  
6 ~~screening through department resources or with other public or~~  
7 ~~private agencies through a purchase of services agreement.~~

8           ~~(b) A plan developed by the department for the~~  
9 ~~comprehensive vocational and educational training of, and~~  
10 ~~treatment programs for, offenders and their evaluation within~~  
11 ~~each institution, program, or facility of the department,~~  
12 ~~based upon the identified needs of the offender and the~~  
13 ~~requirements of the employment market.~~

14           ~~(c) A plan contracting with local facilities and~~  
15 ~~programs as short term confinement resources of the department~~  
16 ~~for offenders who are sentenced to 3 years or less, or who are~~  
17 ~~within 3 years or less of their anticipated release date, and~~  
18 ~~integration of detention services which have community based~~  
19 ~~programs. The plan shall designate such facilities and~~  
20 ~~programs by region of the state and identify, by county, the~~  
21 ~~capability for local incarceration.~~

22           ~~(d) A detailed analysis of methods to implement~~  
23 ~~diversified alternatives to institutionalization when such~~  
24 ~~alternatives can be safely employed. The analysis shall~~  
25 ~~include an assessment of current pretrial intervention,~~  
26 ~~probation, and community control alternatives and their~~  
27 ~~cost effectiveness with regard to restitution to victims,~~  
28 ~~reimbursements for cost of supervision, and subsequent~~  
29 ~~violations resulting in commitments to the department. Such~~  
30 ~~analysis shall also include an assessment of current use of~~  
31 ~~electronic surveillance of offenders and projected potential~~



1 ~~for diverting additional categories of offenders from~~  
2 ~~incarceration within the department.~~

3 ~~(e) A detailed analysis of current incarceration rates~~  
4 ~~of both the state and county correctional systems with the~~  
5 ~~calculation by the department of the current and projected~~  
6 ~~ratios of inmates in the correctional system, as defined in s.~~  
7 ~~945.01, to the general population of the state which will~~  
8 ~~serve as a basis for projecting construction needs.~~

9 ~~(f) A plan for community based facilities and programs~~  
10 ~~for the reintegration of offenders into society whereby~~  
11 ~~inmates who are being released shall receive assistance. Such~~  
12 ~~assistance may be through work release, transition assistance,~~  
13 ~~release assistance stipend, contract release, postrelease~~  
14 ~~special services, temporary housing, or job placement~~  
15 ~~programs.~~

16 ~~(g) A plan reflecting parity of pay or comparable~~  
17 ~~economic benefits for correctional officers with that of law~~  
18 ~~enforcement officers in this state, and an assessment of~~  
19 ~~projected impacts on turnover rates within the department.~~

20 ~~(h) A plan containing habitability criteria which~~  
21 ~~defines when beds are available and functional for use by~~  
22 ~~inmates, and containing factors which define when institutions~~  
23 ~~and facilities may be added to the inventory of the state~~  
24 ~~correctional system.~~

25 ~~(5) The comprehensive correctional master plan shall~~  
26 ~~project by year the total operating and capital outlay costs~~  
27 ~~necessary for constructing a sufficient number of prison beds~~  
28 ~~to avoid a deficiency in prison beds. Included in the master~~  
29 ~~plan which projects operating and capital outlay costs shall~~  
30 ~~be a siting plan which shall assess, rank, and designate~~  
31 ~~appropriate sites pursuant to s. 944.095(2)(a) (k). The~~

1 ~~master plan shall include an assessment of the department's~~  
2 ~~current capability for providing the degree of security~~  
3 ~~necessary to ensure public safety and should reflect the~~  
4 ~~levels of security needed for the forecasted admissions of~~  
5 ~~various types of offenders based upon sentence lengths and~~  
6 ~~severity of offenses. The plan shall also provide~~  
7 ~~construction options for targeting violent and habitual~~  
8 ~~offenders for incarceration while providing specific~~  
9 ~~alternatives for the various categories of lesser offenders.~~

10 (2)~~(6)~~ Institutions within the state correctional  
11 system shall have the following design capacity factors:

12 (a) Rooms and prison cells between 40 square feet and  
13 90 square feet, inclusive: one inmate per room or prison  
14 cell.

15 (b) Dormitory-style rooms and other rooms exceeding 90  
16 square feet: one inmate per 55 square feet.

17 (c) At institutions with rooms or cells, except to the  
18 extent that separate confinement cells have been constructed,  
19 a number of rooms or prison cells equal to 3 percent of total  
20 design capacity must be deducted from design capacity and set  
21 aside for confinement purposes.

22 (d) Bed count calculations used to determine design  
23 capacity shall only include beds which are functional and  
24 available for use by inmates.

25 (3)~~(7)~~ Institutions within the state correctional  
26 system shall have the following maximum capacity factors:

27 (a) Rooms and prison cells between 40 square feet and  
28 60 square feet, inclusive: one inmate per room or cell. If  
29 the room or prison cell is between 60 square feet and 90  
30 square feet, inclusive, two inmates are allowed in each room,  
31 except that one inmate per room or prison cell is allowed at

1 Florida State Prison or any other maximum security institution  
2 or facility which may be constructed.

3 (b) Dormitory-style rooms and other rooms exceeding 90  
4 square feet: one inmate per 37.5 square feet. Double-bunking  
5 is generally allowed only along the outer walls of a  
6 dormitory.

7 (c) At institutions with rooms or cells, except to the  
8 extent that separate confinement cells have been constructed,  
9 a number of rooms or prison cells equal to 3 percent of total  
10 maximum capacity are not available for maximum capacity, and  
11 must be set aside for confinement purposes, thereby reducing  
12 maximum capacity by 6 percent since these rooms would  
13 otherwise house two inmates.

14 (d) A number of beds equal to 5 percent of total  
15 maximum capacity must be deducted for management at  
16 institutions.

17 Section 217. Paragraph (f) of subsection (3) of  
18 section 944.801, Florida Statutes, is amended to read:

19 944.801 Education for state prisoners.--

20 (3) The responsibilities of the Correctional Education  
21 Program shall be to:

22 (f) Report annual activities to the Secretary of  
23 Corrections, ~~the Commissioner of Education, the Governor, and~~  
24 ~~the Legislature.~~

25 Section 218. Subsection (10) of section 945.35,  
26 Florida Statutes, is repealed.

27 Section 219. Paragraph (d) of subsection (8) of  
28 section 948.10, Florida Statutes, is repealed.

29 Section 220. Subsection (9) of section 958.045,  
30 Florida Statutes, is repealed.

31

1           Section 221. Paragraph (c) of subsection (1) of  
2 section 960.045, Florida Statutes, is amended to read:

3           960.045 Department of Legal Affairs; powers and  
4 duties.--It shall be the duty of the department to assist  
5 persons who are victims of crime.

6           (1) The department shall:

7           (c) Prepare an annual ~~Render, prior to January 1 of~~  
8 ~~each year, to the presiding officers of the Senate and House~~  
9 ~~of Representatives~~ a written report of the activities of the  
10 Crime Victims' Services Office, which shall be available on  
11 the department's Internet website.

12           Section 222. Paragraph (c) of subsection (8) of  
13 section 985.02, Florida Statutes, is repealed.

14           Section 223. Subsections (3), (4), and (5) of section  
15 985.08, Florida Statutes, are amended to read:

16           985.08 Information systems.--

17           ~~(3) In order to assist in the integration of the~~  
18 ~~information to be shared, the sharing of information obtained,~~  
19 ~~the joint planning on diversion and early intervention~~  
20 ~~strategies for juveniles at risk of becoming serious habitual~~  
21 ~~juvenile offenders, and the intervention strategies for~~  
22 ~~serious habitual juvenile offenders, a multiagency task force~~  
23 ~~should be organized and utilized by the law enforcement agency~~  
24 ~~or county in conjunction with the initiation of the~~  
25 ~~information system described in subsections (1) and (2). The~~  
26 ~~multiagency task force shall be composed of representatives of~~  
27 ~~those agencies and persons providing information for the~~  
28 ~~central identification file and the multiagency information~~  
29 ~~sheet.~~

30           ~~(4) This multiagency task force shall develop a plan~~  
31 ~~for the information system that includes measures which~~

1 ~~identify and address any disproportionate representation of~~  
2 ~~ethnic or racial minorities in the information systems and~~  
3 ~~shall develop strategies that address the protection of~~  
4 ~~individual constitutional rights.~~

5 (3)(5) Any law enforcement agency, or county which  
6 implements a juvenile offender information system ~~and the~~  
7 ~~multiagency task force which maintain the information system~~  
8 must annually provide any information gathered during the  
9 previous year to the delinquency and gang prevention council  
10 of the judicial circuit in which the county is located. This  
11 information shall include the number, types, and patterns of  
12 delinquency tracked by the juvenile offender information  
13 system.

14 Section 224. Subsections (2) and (3) of section  
15 985.3045, Florida Statutes, are amended to read:

16 985.3045 Prevention service program; monitoring;  
17 report; uniform performance measures.--

18 ~~(2) No later than January 31, 2001, the prevention~~  
19 ~~service program shall submit a report to the Governor, the~~  
20 ~~Speaker of the House, and the President of the Senate~~  
21 ~~concerning the implementation of a statewide multiagency plan~~  
22 ~~to coordinate the efforts of all state funded programs,~~  
23 ~~grants, appropriations, or activities that are designed to~~  
24 ~~prevent juvenile crime, delinquency, gang membership, or~~  
25 ~~status offense behaviors and all state funded programs,~~  
26 ~~grants, appropriations, or activities that are designed to~~  
27 ~~prevent a child from becoming a "child in need of services,"~~  
28 ~~as defined in chapter 984. The report shall include a~~  
29 ~~proposal for a statewide coordinated multiagency juvenile~~  
30 ~~delinquency prevention policy. In preparing the report, the~~  
31 ~~department shall coordinate with and receive input from each~~

1 ~~state agency or entity that receives or uses state~~  
2 ~~appropriations to fund programs, grants, appropriations, or~~  
3 ~~activities that are designed to prevent juvenile crime,~~  
4 ~~delinquency, gang membership, status offense, or that are~~  
5 ~~designed to prevent a child from becoming a "child in need of~~  
6 ~~services," as defined in chapter 984. The report shall~~  
7 ~~identify whether legislation will be needed to effect a~~  
8 ~~statewide plan to coordinate the efforts of all state funded~~  
9 ~~programs, grants, appropriations, or activities that are~~  
10 ~~designed to prevent juvenile crime, delinquency, gang~~  
11 ~~membership, or status offense behaviors and all state funded~~  
12 ~~programs, grants, appropriations, or activities that are~~  
13 ~~designed to prevent a child from becoming a "child in need of~~  
14 ~~services," as defined in chapter 984. The report shall~~  
15 ~~consider the potential impact of requiring such state funded~~  
16 ~~efforts to target at least one of the following strategies~~  
17 ~~designed to prevent youth from entering or reentering the~~  
18 ~~juvenile justice system and track the associated outcome data:~~  
19       ~~(a) Encouraging youth to attend school, which may~~  
20 ~~include special assistance and tutoring to address~~  
21 ~~deficiencies in academic performance; outcome data to reveal~~  
22 ~~the number of days youth attended school while participating~~  
23 ~~in the program.~~  
24       ~~(b) Engaging youth in productive and wholesome~~  
25 ~~activities during nonschool hours that build positive~~  
26 ~~character or instill positive values, or that enhance~~  
27 ~~educational experiences; outcome data to reveal the number of~~  
28 ~~youth who are arrested during nonschool hours while~~  
29 ~~participating in the program.~~  
30       ~~(c) Encouraging youth to avoid the use of violence;~~  
31 ~~outcome data to reveal the number of youth who are arrested~~

1 ~~for crimes involving violence while participating in the~~  
2 ~~program.~~

3 ~~(d) Assisting youth to acquire skills needed to find~~  
4 ~~meaningful employment, which may include assistance in finding~~  
5 ~~a suitable employer for the youth; outcome data to reveal the~~  
6 ~~number of youth who obtain and maintain employment for at~~  
7 ~~least 180 days.~~

8  
9 ~~The department is encouraged to identify additional strategies~~  
10 ~~which may be relevant to preventing youth from becoming~~  
11 ~~children in need of services and to preventing juvenile crime,~~  
12 ~~delinquency, gang membership and status offense behaviors.~~  
13 ~~The report shall consider the feasibility of developing~~  
14 ~~uniform performance measures and methodology for collecting~~  
15 ~~such outcome data to be utilized by all state funded programs,~~  
16 ~~grants, appropriations, or activities that are designed to~~  
17 ~~prevent juvenile crime, delinquency, gang membership, or~~  
18 ~~status offense behaviors and all state funded programs,~~  
19 ~~grants, appropriations, or activities that are designed to~~  
20 ~~prevent a child from becoming a "child in need of services,"~~  
21 ~~as defined in chapter 984. The prevention service program is~~  
22 ~~encouraged to identify other issues that may be of critical~~  
23 ~~importance to preventing a child from becoming a child in need~~  
24 ~~of services, as defined in chapter 984, or to preventing~~  
25 ~~juvenile crime, delinquency, gang membership, or status~~  
26 ~~offense behaviors.~~

27 ~~(2)(3)~~ The department shall expend funds related to  
28 the prevention of juvenile delinquency in a manner consistent  
29 with the policies expressed in ss. 984.02 and 985.02. The  
30 department shall expend said funds in a manner that maximizes  
31

1 public accountability and ensures the documentation of  
2 outcomes.

3 ~~(a) All entities that receive or use state moneys to~~  
4 ~~fund juvenile delinquency prevention services through~~  
5 ~~contracts or grants with the department shall design the~~  
6 ~~programs providing such services to further one or more of the~~  
7 ~~strategies specified in paragraphs (2)(a) (d).~~

8 ~~(b) The department shall develop an outcome measure~~  
9 ~~for each program strategy specified in paragraphs (2)(a) (d)~~  
10 ~~that logically relates to the risk factor addressed by the~~  
11 ~~strategy.~~

12 (c) All entities that receive or use state moneys to  
13 fund the juvenile delinquency prevention services through  
14 contracts or grants with the department shall, as a condition  
15 of receipt of state funds, provide the department with  
16 personal demographic information concerning all participants  
17 in the service sufficient to allow the department to verify  
18 criminal or delinquent history information, school attendance  
19 or academic information, employment information, or other  
20 requested performance information.

21 Section 225. Section 985.3046, Florida Statutes, is  
22 repealed.

23 Section 226. Subsection (5) of section 985.305,  
24 Florida Statutes, is repealed.

25 Section 227. Subsection (9) of section 985.309,  
26 Florida Statutes, is amended to read:

27 985.309 Boot camp for children.--

28 (9) If a department-operated boot camp fails to pass  
29 the department's quarterly inspection and evaluation, the  
30 department must take necessary and sufficient steps to ensure  
31 and document program changes to achieve compliance with



1 department rules. If the department-operated boot camp fails  
2 to achieve compliance with department rules within 3 months  
3 and if there are no documented extenuating circumstances, the  
4 department may take ~~must notify the Executive Office of the~~  
5 ~~Governor and the Legislature of the~~ corrective action ~~taken~~.

6 Appropriate corrective action may include, but is not limited  
7 to:

8 (a) Contracting out for the operation of the boot  
9 camp;

10 (b) Initiating appropriate disciplinary action against  
11 all employees whose conduct or performance is deemed to have  
12 materially contributed to the program's failure to meet  
13 department rules;

14 (c) Redesigning the program; or

15 (d) Realigning the program.

16 Section 228. Paragraph (a) of subsection (1) of  
17 section 985.31, Florida Statutes, is amended to read:

18 985.31 Serious or habitual juvenile offender.--

19 (1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to  
20 the provisions of this chapter and the establishment of  
21 appropriate program guidelines and standards, contractual  
22 instruments, which shall include safeguards of all  
23 constitutional rights, shall be developed as follows:

24 (a) The department shall provide for:

25 1. The oversight of implementation of assessment and  
26 treatment approaches.

27 2. The identification and prequalification of  
28 appropriate individuals or not-for-profit organizations,  
29 including minority individuals or organizations when possible,  
30 to provide assessment and treatment services to serious or  
31 habitual delinquent children.

1           3. The monitoring and evaluation of assessment and  
2 treatment services for compliance with the provisions of this  
3 chapter and all applicable rules and guidelines pursuant  
4 thereto.

5           ~~4. The development of an annual report on the  
6 performance of assessment and treatment to be presented to the  
7 Governor, the Attorney General, the President of the Senate,  
8 the Speaker of the House of Representatives, and the Auditor  
9 General no later than January 1 of each year.~~

10           Section 229. Paragraph (a) of subsection (1) of  
11 section 985.311, Florida Statutes, is amended to read:

12           985.311 Intensive residential treatment program for  
13 offenders less than 13 years of age.--

14           (1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to  
15 the provisions of this chapter and the establishment of  
16 appropriate program guidelines and standards, contractual  
17 instruments, which shall include safeguards of all  
18 constitutional rights, shall be developed for intensive  
19 residential treatment programs for offenders less than 13  
20 years of age as follows:

21           (a) The department shall provide for:

22           1. The oversight of implementation of assessment and  
23 treatment approaches.

24           2. The identification and prequalification of  
25 appropriate individuals or not-for-profit organizations,  
26 including minority individuals or organizations when possible,  
27 to provide assessment and treatment services to intensive  
28 offenders less than 13 years of age.

29           3. The monitoring and evaluation of assessment and  
30 treatment services for compliance with the provisions of this  
31

1 chapter and all applicable rules and guidelines pursuant  
2 thereto.

3 ~~4. The development of an annual report on the~~  
4 ~~performance of assessment and treatment to be presented to the~~  
5 ~~Governor, the Attorney General, the President of the Senate,~~  
6 ~~the Speaker of the House of Representatives, the Auditor~~  
7 ~~General, and the Office of Program Policy Analysis and~~  
8 ~~Government Accountability no later than January 1 of each~~  
9 ~~year.~~

10 Section 230. Subsection (1) of section 985.3155,  
11 Florida Statutes, is amended to read:

12 985.3155 Multiagency plan for vocational education.--

13 (1) The Department of Juvenile Justice and the  
14 Department of Education shall, in consultation with the  
15 statewide Workforce Development Youth Council, school  
16 districts, providers, and others, jointly develop a  
17 multiagency plan for vocational education that establishes the  
18 curriculum, goals, and outcome measures for vocational  
19 programs in juvenile commitment facilities. The plan must  
20 include:

21 (a) Provisions for maximizing appropriate state and  
22 federal funding sources, including funds under the Workforce  
23 Investment Act and the Perkins Act;

24 (b) The responsibilities of both departments and all  
25 other appropriate entities; and

26 (c) A detailed implementation schedule.

27  
28 ~~The plan must be submitted to the Governor, the President of~~  
29 ~~the Senate, and the Speaker of the House of Representatives by~~  
30 ~~May 1, 2001.~~

1           Section 231. Section 985.403, Florida Statutes, is  
2 repealed.

3           Section 232. Subsection (7) of section 985.412,  
4 Florida Statutes, is repealed.

5           Section 233. Subsections (3) and (4) of section  
6 1001.02, Florida Statutes, are repealed.

7           Section 234. Subsection (14) of section 1001.03,  
8 Florida Statutes, is repealed.

9           Section 235. Subsection (19) of section 1002.34,  
10 Florida Statutes, is repealed.

11           Section 236. Subsection (4) of section 1003.492,  
12 Florida Statutes, is repealed.

13           Section 237. Subsection (4) of section 1003.61,  
14 Florida Statutes, is repealed.

15           Section 238. Subsections (5) through (13) of section  
16 1004.22, Florida Statutes, are amended to read:

17           1004.22 Divisions of sponsored research at state  
18 universities.--

19           (5) Moneys deposited in the permanent sponsored  
20 research development fund of a university shall be disbursed  
21 in accordance with the terms of the contract, grant, or  
22 donation under which they are received. Moneys received for  
23 overhead or indirect costs and other moneys not required for  
24 the payment of direct costs shall be applied to the cost of  
25 operating the division of sponsored research. Any surplus  
26 moneys shall be used to support other research or sponsored  
27 training programs in any area of the university.

28 Transportation and per diem expense allowances shall be the  
29 same as those provided by law in s. 112.061, except that  
30 personnel performing travel under a sponsored research  
31 subcontract may be reimbursed for travel expenses in

1 accordance with the provisions of the applicable prime  
2 contract or grant and the travel allowances established by the  
3 subcontractor, subject to the requirements of subsection (6)  
4 ~~(7)~~, or except as provided in subsection (10) ~~(11)~~.

5 ~~(6)(a) Each university shall submit to the State Board  
6 of Education a report of the activities of each division of  
7 sponsored research together with an estimated budget for the  
8 next fiscal year.~~

9 ~~(b) Not less than 90 days prior to the convening of  
10 each regular session of the Legislature in which an  
11 appropriation shall be made, the State Board of Education  
12 shall submit to the chair of the appropriations committee of  
13 each house of the Legislature a compiled report, together with  
14 a compiled estimated budget for the next fiscal year. A copy  
15 of such report and estimated budget shall be furnished to the  
16 Governor, as the chief budget officer of the state.~~

17 (6)(7) All purchases of a division of sponsored  
18 research shall be made in accordance with the policies and  
19 procedures of the university; however, upon certification  
20 addressed to the university president that it is necessary for  
21 the efficient or expeditious prosecution of a research  
22 project, the president may exempt the purchase of material,  
23 supplies, equipment, or services for research purposes from  
24 the general purchasing requirement of the Florida Statutes.

25 (7)(8) The university may authorize the construction,  
26 alteration, or remodeling of buildings when the funds used are  
27 derived entirely from the sponsored research development fund  
28 of a university or from that fund in combination with other  
29 nonstate sources, provided that such construction, alteration,  
30 or remodeling is for use exclusively in the area of research;  
31 it also may authorize the acquisition of real property when

1 | the cost is entirely from said funds. Title to all real  
2 | property purchased prior to January 7, 2003, or with funds  
3 | appropriated by the Legislature shall vest in the Board of  
4 | Trustees of the Internal Improvement Trust Fund and shall only  
5 | be transferred or conveyed by it.

6 |       ~~(8)(9)~~ The sponsored research programs of the  
7 | Institute of Food and Agricultural Sciences, the University of  
8 | Florida Health Science Center, and the engineering and  
9 | industrial experiment station shall continue to be centered at  
10 | the University of Florida as heretofore provided by law.  
11 | Indirect cost reimbursements of all grants deposited in the  
12 | Division of Sponsored Research shall be distributed directly  
13 | to the above units in direct proportion to the amounts earned  
14 | by each unit.

15 |       ~~(9)(10)~~ The operation of the divisions of sponsored  
16 | research and the conduct of the sponsored research program are  
17 | expressly exempted from the provisions of any other laws or  
18 | portions of laws in conflict herewith and are, subject to the  
19 | requirements of subsection~~(6)(7)~~, exempted from the  
20 | provisions of chapters 215, 216, and 283.

21 |       ~~(10)(11)~~ The divisions of sponsored research may pay,  
22 | by advancement or reimbursement, or a combination thereof, the  
23 | costs of per diem of university employees and of other  
24 | authorized persons, as defined in s. 112.061(2)(e), for  
25 | foreign travel up to the current rates as stated in the grant  
26 | and contract terms and may also pay incidental expenses as  
27 | authorized by s. 112.061(8). This subsection applies to any  
28 | university employee traveling in foreign countries for  
29 | sponsored programs of the university, if such travel expenses  
30 | are approved in the terms of the contract or grant. The  
31 | provisions of s. 112.061, other than those relating to per

1 diem, apply to the travel described in this subsection. As  
2 used in this subsection, "foreign travel" means any travel  
3 outside the United States and its territories and possessions  
4 and Canada. Persons traveling in foreign countries pursuant  
5 to this section shall not be entitled to reimbursements or  
6 advancements pursuant to s. 112.061(6)(a)2. for such travel.

7 ~~(11)(12)~~ Each division of sponsored research is  
8 authorized to advance funds to any principal investigator who,  
9 under the contract or grant terms, will be performing a  
10 portion of his or her research at a site that is remote from  
11 the university. Funds shall be advanced only to employees who  
12 have executed a proper power of attorney with the university  
13 to ensure the proper collection of such advanced funds if it  
14 becomes necessary. As used in this subsection, the term  
15 "remote" means so far removed from the university as to render  
16 normal purchasing and payroll functions ineffective.

17 ~~(12)(13)~~ Each university board of trustees is  
18 authorized to adopt rules, as necessary, to administer this  
19 section.

20 Section 239. Subsection (6) of section 1004.50,  
21 Florida Statutes, is repealed.

22 Section 240. Subsections (2) and (4) of section  
23 1004.94, Florida Statutes, are repealed.

24 Section 241. Subsection (4) of section 1004.95,  
25 Florida Statutes, is amended to read:

26 1004.95 Adult literacy centers.--

27 (4) The State Board of Education shall develop rules  
28 for implementing this section, ~~including criteria for~~  
29 ~~evaluating the performance of the centers, and shall submit an~~  
30 ~~evaluation report of the centers to the Legislature on or~~  
31 ~~before February 1 of each year.~~

1           Section 242. Section 1006.0605, Florida Statutes, is  
2 repealed.

3           Section 243. Section 1006.67, Florida Statutes, is  
4 repealed.

5           Section 244. Subsection (11) of section 1007.27,  
6 Florida Statutes, is repealed.

7           Section 245. Subsection (8) of section 1009.70,  
8 Florida Statutes, is amended to read:

9           1009.70 Florida Education Fund.--

10           (8) There is created a legal education component of  
11 the Florida Education Fund to provide the opportunity for  
12 minorities to attain representation within the legal  
13 profession proportionate to their representation within the  
14 general population. The legal education component of the  
15 Florida Education Fund includes a law school program and a  
16 pre-law program.

17           (a) The law school scholarship program of the Florida  
18 Education Fund is to be administered by the Board of Directors  
19 of the Florida Education Fund for the purpose of increasing by  
20 200 the number of minority students enrolled in law schools in  
21 this state. Implementation of this program is to be phased in  
22 over a 3-year period.

23           1. The board of directors shall provide financial,  
24 academic, and other support to students selected for  
25 participation in this program from funds appropriated by the  
26 Legislature.

27           2. Student selection must be made in accordance with  
28 rules adopted by the board of directors for that purpose and  
29 must be based, at least in part, on an assessment of potential  
30 for success, merit, and financial need.

31



1           3. Support must be made available to students who  
2 enroll in private, as well as public, law schools in this  
3 state which are accredited by the American Bar Association.

4           4. Scholarships must be paid directly to the  
5 participating students.

6           5. Students who participate in this program must agree  
7 in writing to sit for The Florida Bar examination and, upon  
8 successful admission to The Florida Bar, to either practice  
9 law in the state for a period of time equal to the amount of  
10 time for which the student received aid, up to 3 years, or  
11 repay the amount of aid received.

12           ~~6. Annually, the board of directors shall compile a~~  
13 ~~report that includes a description of the selection process,~~  
14 ~~an analysis of the academic progress of all scholarship~~  
15 ~~recipients, and an analysis of expenditures. This report must~~  
16 ~~be submitted to the President of the Senate, the Speaker of~~  
17 ~~the House of Representatives, and the Governor.~~

18           (b) The minority pre-law scholarship loan program of  
19 the Florida Education Fund is to be administered by the Board  
20 of Directors of the Florida Education Fund for the purpose of  
21 increasing the opportunity of minority students to prepare for  
22 law school.

23           1. From funds appropriated by the Legislature, the  
24 board of directors shall provide for student fees, room,  
25 board, books, supplies, and academic and other support to  
26 selected minority undergraduate students matriculating at  
27 eligible public and independent colleges and universities in  
28 Florida.

29           2. Student selection must be made in accordance with  
30 rules adopted by the board of directors for that purpose and  
31

1 must be based, at least in part, on an assessment of potential  
2 for success, merit, and financial need.

3           3. To be eligible, a student must make a written  
4 agreement to enter or be accepted to enter a law school in  
5 this state within 2 years after graduation or repay the  
6 scholarship loan amount plus interest at the prevailing rate.

7           4. Recipients who fail to gain admission to a law  
8 school within the specified period of time, may, upon  
9 admission to law school, be eligible to have their loans  
10 canceled.

11           5. Minority pre-law scholarship loans shall be  
12 provided to 34 minority students per year for up to 4 years  
13 each, for a total of 136 scholarship loans. To continue  
14 receipt of scholarship loans, recipients must maintain a 2.75  
15 grade point average for the freshman year and a 3.25 grade  
16 point average thereafter. Participants must also take  
17 specialized courses to enhance competencies in English and  
18 logic.

19           6. The board of directors shall maintain records on  
20 all scholarship loan recipients. Participating institutions  
21 shall submit academic progress reports to the board of  
22 directors following each academic term. ~~Annually, the board of~~  
23 ~~directors shall compile a report that includes a description~~  
24 ~~of the selection process, an analysis of the academic progress~~  
25 ~~of all scholarship loan recipients, and an analysis of~~  
26 ~~expenditures. This report must be submitted to the President~~  
27 ~~of the Senate, the Speaker of the House of Representatives,~~  
28 ~~and the Governor.~~

29           Section 246. Subsection (8) of section 1011.32,  
30 Florida Statutes, is amended to read:

31

1           1011.32 Community College Facility Enhancement  
2 Challenge Grant Program.--

3           (8) By September 1 of each year, the State Board of  
4 Education shall transmit to the Governor and Legislature a  
5 list of projects which meet all eligibility requirements to  
6 participate in the Community College Facility Enhancement  
7 Challenge Grant Program and a budget request which includes  
8 the recommended schedule necessary to complete each project.

9           Section 247. Subsection (5) of section 1011.4105,  
10 Florida Statutes, is repealed.

11           Section 248. Paragraph (p) of subsection (1) of  
12 section 1011.62, Florida Statutes, is amended to read:

13           1011.62 Funds for operation of schools.--If the annual  
14 allocation from the Florida Education Finance Program to each  
15 district for operation of schools is not determined in the  
16 annual appropriations act or the substantive bill implementing  
17 the annual appropriations act, it shall be determined as  
18 follows:

19           (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
20 OPERATION.--The following procedure shall be followed in  
21 determining the annual allocation to each district for  
22 operation:

23           (p) Extended-school-year program.--It is the intent of  
24 the Legislature that students be provided additional  
25 instruction by extending the school year to 210 days or more.  
26 Districts may apply to the Commissioner of Education for funds  
27 to be used in planning and implementing an  
28 extended-school-year program. ~~The Department of Education~~  
29 ~~shall recommend to the Legislature the policies necessary for~~  
30 ~~full implementation of an extended school year.~~

1           Section 249. Paragraph (1) of subsection (2) of  
2 section 1012.05, Florida Statutes, is repealed.

3           Section 250. Subsection (1) of section 1012.42,  
4 Florida Statutes, is amended to read:

5           1012.42 Teacher teaching out-of-field.--

6           (1) ASSISTANCE.--Each district school board shall  
7 adopt and implement a plan to assist any teacher teaching  
8 out-of-field, and priority consideration in professional  
9 development activities shall be given to teachers who are  
10 teaching out-of-field. The district school board shall require  
11 that such teachers participate in a certification or staff  
12 development program designed to provide the teacher with the  
13 competencies required for the assigned duties. The  
14 board-approved assistance plan must include duties of  
15 administrative personnel and other instructional personnel to  
16 provide students with instructional services. ~~Each district~~  
17 ~~school board shall contact its regional workforce board,~~  
18 ~~created pursuant to s. 445.007, to identify resources that may~~  
19 ~~assist teachers who are teaching out of field and who are~~  
20 ~~pursuing certification.~~

21           Section 251. Subsection (13) of section 1013.03,  
22 Florida Statutes, is repealed.

23           Section 252. Section 1013.11, Florida Statutes, is  
24 amended to read:

25           1013.11 Postsecondary institutions assessment of  
26 physical plant safety.--The president of each postsecondary  
27 institution shall conduct or cause to be conducted an annual  
28 assessment of physical plant safety. An annual report shall  
29 incorporate the findings obtained through such assessment and  
30 recommendations for the improvement of safety on each campus.  
31 The annual report shall be submitted to the respective

1 governing or licensing board of jurisdiction no later than  
2 January 1 of each year. Each board shall compile the  
3 individual institutional reports and convey the aggregate  
4 institutional reports to the Commissioner of Education. ~~The~~  
5 ~~Commissioner of Education shall convey these reports and the~~  
6 ~~reports required in s. 1008.48 to the President of the Senate~~  
7 ~~and the Speaker of the House of Representatives no later than~~  
8 ~~March 1 of each year.~~

9 Section 253. Paragraph (b) of subsection (11) of  
10 section 259.041, Florida Statutes, is amended to read:

11 259.041 Acquisition of state-owned lands for  
12 preservation, conservation, and recreation purposes.--

13 (11)

14 (b) All project applications shall identify, within  
15 their acquisition plans, those projects which require a full  
16 fee simple interest to achieve the public policy goals,  
17 together with the reasons full title is determined to be  
18 necessary. The state agencies and the water management  
19 districts may use alternatives to fee simple acquisition to  
20 bring the remaining projects in their acquisition plans under  
21 public protection. For the purposes of this subsection, the  
22 term "alternatives to fee simple acquisition" includes, but is  
23 not limited to: purchase of development rights; obtaining  
24 conservation easements; obtaining flowage easements; purchase  
25 of timber rights, mineral rights, or hunting rights; purchase  
26 of agricultural interests or silvicultural interests; entering  
27 into land protection agreements as defined in s. 380.0677(3)  
28 ~~s. 380.0677(4)~~; fee simple acquisitions with reservations;  
29 creating life estates; or any other acquisition technique  
30 which achieves the public policy goals listed in paragraph  
31 (a). It is presumed that a private landowner retains the full

1 range of uses for all the rights or interests in the  
2 landowner's land which are not specifically acquired by the  
3 public agency. The lands upon which hunting rights are  
4 specifically acquired pursuant to this paragraph shall be  
5 available for hunting in accordance with the management plan  
6 or hunting regulations adopted by the Florida Fish and  
7 Wildlife Conservation Commission, unless the hunting rights  
8 are purchased specifically to protect activities on adjacent  
9 lands.

10 Section 254. Paragraph (c) of subsection (3) of  
11 section 259.101, Florida Statutes, is amended to read:

12 259.101 Florida Preservation 2000 Act.--

13 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.--Less the  
14 costs of issuance, the costs of funding reserve accounts, and  
15 other costs with respect to the bonds, the proceeds of bonds  
16 issued pursuant to this act shall be deposited into the  
17 Florida Preservation 2000 Trust Fund created by s. 375.045. In  
18 fiscal year 2000-2001, for each Florida Preservation 2000  
19 program described in paragraphs (a)-(g), that portion of each  
20 program's total remaining cash balance which, as of June 30,  
21 2000, is in excess of that program's total remaining  
22 appropriation balances shall be redistributed by the  
23 department and deposited into the Save Our Everglades Trust  
24 Fund for land acquisition. For purposes of calculating the  
25 total remaining cash balances for this redistribution, the  
26 Florida Preservation 2000 Series 2000 bond proceeds, including  
27 interest thereon, and the fiscal year 1999-2000 General  
28 Appropriations Act amounts shall be deducted from the  
29 remaining cash and appropriation balances, respectively. The  
30 remaining proceeds shall be distributed by the Department of  
31 Environmental Protection in the following manner:

1           (c) Ten percent to the Department of Community Affairs  
2 to provide land acquisition grants and loans to local  
3 governments through the Florida Communities Trust pursuant to  
4 part III of chapter 380. From funds allocated to the trust,  
5 \$3 million annually shall be used by the Division of State  
6 Lands within the Department of Environmental Protection to  
7 implement the Green Swamp Land Protection Initiative  
8 specifically for the purchase of conservation easements, as  
9 defined in s. 380.0677(3) ~~s. 380.0677(4)~~, of lands, or  
10 severable interests or rights in lands, in the Green Swamp  
11 Area of Critical State Concern. From funds allocated to the  
12 trust, \$3 million annually shall be used by the Monroe County  
13 Comprehensive Plan Land Authority specifically for the  
14 purchase of any real property interest in either those lands  
15 subject to the Rate of Growth Ordinances adopted by local  
16 governments in Monroe County or those lands within the  
17 boundary of an approved Conservation and Recreation Lands  
18 project located within the Florida Keys or Key West Areas of  
19 Critical State Concern; however, title to lands acquired  
20 within the boundary of an approved Conservation and Recreation  
21 Lands project may, in accordance with an approved joint  
22 acquisition agreement, vest in the Board of Trustees of the  
23 Internal Improvement Trust Fund. Of the remaining funds  
24 allocated to the trust after the above transfers occur,  
25 one-half shall be matched by local governments on a  
26 dollar-for-dollar basis. To the extent allowed by federal  
27 requirements for the use of bond proceeds, the trust shall  
28 expend Preservation 2000 funds to carry out the purposes of  
29 part III of chapter 380.

30  
31

1 | Local governments may use federal grants or loans, private  
2 | donations, or environmental mitigation funds, including  
3 | environmental mitigation funds required pursuant to s.  
4 | 338.250, for any part or all of any local match required for  
5 | the purposes described in this subsection. Bond proceeds  
6 | allocated pursuant to paragraph (c) may be used to purchase  
7 | lands on the priority lists developed pursuant to s. 259.035.  
8 | Title to lands purchased pursuant to paragraphs (a), (d), (e),  
9 | (f), and (g) shall be vested in the Board of Trustees of the  
10 | Internal Improvement Trust Fund. Title to lands purchased  
11 | pursuant to paragraph (c) may be vested in the Board of  
12 | Trustees of the Internal Improvement Trust Fund. The board of  
13 | trustees shall hold title to land protection agreements and  
14 | conservation easements that were or will be acquired pursuant  
15 | to s. 380.0677, and the Southwest Florida Water Management  
16 | District and the St. Johns River Water Management District  
17 | shall monitor such agreements and easements within their  
18 | respective districts until the state assumes this  
19 | responsibility.

20 |           Section 255. Paragraph (g) of subsection (1) of  
21 | section 370.12, Florida Statutes, is amended to read:

22 |           370.12 Marine animals; regulation.--

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

24 |           (g) The Department of Environmental Protection may  
25 | condition the nature, timing, and sequence of construction of  
26 | permitted activities to provide protection to nesting marine  
27 | turtles and hatchlings and their habitat pursuant to s.  
28 | 161.053(4) ~~the provisions of s. 161.053(5)~~. When the  
29 | department is considering a permit for a beach restoration,  
30 | beach renourishment, or inlet sand transfer project and the  
31 | applicant has had an active marine turtle nest relocation



1 | program or the applicant has agreed to and has the ability to  
2 | administer a program, the department must not restrict the  
3 | timing of the project. Where appropriate, the department, in  
4 | accordance with the applicable rules of the Fish and Wildlife  
5 | Conservation Commission, shall require as a condition of the  
6 | permit that the applicant relocate and monitor all turtle  
7 | nests that would be affected by the beach restoration, beach  
8 | renourishment, or sand transfer activities. Such relocation  
9 | and monitoring activities shall be conducted in a manner that  
10 | ensures successful hatching. This limitation on the  
11 | department's authority applies only on the Atlantic coast of  
12 | Florida.

13 |           Section 256. Paragraph (d) of subsection (2) of  
14 | section 372.672, Florida Statutes, is amended to read:

15 |           372.672 Florida Panther Research and Management Trust  
16 | Fund.--

17 |           (2) Money from the fund shall be spent only for the  
18 | following purposes:

19 |           ~~(d) To fund and administer education programs~~  
20 | ~~authorized in s. 372.674.~~

21 |           Section 257. Paragraph (b) of subsection (1) of  
22 | section 403.7264, Florida Statutes, is amended to read:

23 |           403.7264 Amnesty days for purging small quantities of  
24 | hazardous wastes.--Amnesty days are authorized by the state  
25 | for the purpose of purging small quantities of hazardous  
26 | waste, free of charge, from the possession of homeowners,  
27 | farmers, schools, state agencies, and small businesses. These  
28 | entities have no appropriate economically feasible mechanism  
29 | for disposing of their hazardous wastes at the present time.  
30 | In order to raise public awareness on this issue, provide an  
31 | educational process, accommodate those entities which have a

1 need to dispose of small quantities of hazardous waste, and  
2 preserve the waters of the state, amnesty days shall be  
3 carried out in the following manner:

4 (1)

5 (b) If a local government has established a local or  
6 regional hazardous waste collection center pursuant to s.  
7 403.7265 ~~s. 403.7265(3)~~ and such center is in operation, the  
8 department and the local government may enter into a contract  
9 whereby the local government shall administer and supervise  
10 amnesty days. If a contract is entered into, the department  
11 shall provide to the local government, from funds appropriated  
12 to the department for amnesty days, an amount of money as  
13 determined by the department that is equal to the amount of  
14 money that would have been spent by the department to  
15 administer and supervise amnesty days in the local  
16 government's area. A local government that wishes to  
17 administer and supervise amnesty days shall notify the  
18 department at least 30 days prior to the beginning of the  
19 state fiscal year during which the amnesty days are scheduled  
20 to be held in the local government's area.

21 Section 258. Subsections (1) and (2) of section  
22 409.91196, Florida Statutes, are amended to read:

23 409.91196 Supplemental rebate agreements;  
24 confidentiality of records and meetings.--

25 (1) Trade secrets, rebate amount, percent of rebate,  
26 manufacturer's pricing, and supplemental rebates which are  
27 contained in records of the Agency for Health Care  
28 Administration and its agents with respect to supplemental  
29 rebate negotiations and which are prepared pursuant to a  
30 supplemental rebate agreement under s. 409.912(38)(a)7. ~~s.~~  
31

1 ~~409.912(40)(a)7.~~ are confidential and exempt from s. 119.07  
2 and s. 24(a), Art. I of the State Constitution.

3 (2) Those portions of meetings of the Medicaid  
4 Pharmaceutical and Therapeutics Committee at which trade  
5 secrets, rebate amount, percent of rebate, manufacturer's  
6 pricing, and supplemental rebates are disclosed for discussion  
7 or negotiation of a supplemental rebate agreement under s.  
8 409.912(38)(a)7. ~~s. 409.912(40)(a)7.~~ are exempt from s.  
9 286.011 and s. 24(b), Art. I of the State Constitution.

10 Section 259. Paragraph (d) of subsection (5) of  
11 section 411.01, Florida Statutes, as amended by section 2 of  
12 chapter 2004-484, Laws of Florida, is amended to read:

13 411.01 School readiness programs; early learning  
14 coalitions.--

15 (5) CREATION OF EARLY LEARNING COALITIONS.--

16 (d) Implementation.--

17 1. An early learning coalition may not implement the  
18 school readiness program until the coalition is authorized  
19 through approval of the coalition's school readiness plan by  
20 the Agency for Workforce Innovation.

21 2. Each early learning coalition shall develop a plan  
22 for implementing the school readiness program to meet the  
23 requirements of this section and the performance standards and  
24 outcome measures adopted by the Agency for Workforce  
25 Innovation. The plan must demonstrate how the program will  
26 ensure that each 3-year-old and 4-year-old child in a publicly  
27 funded school readiness program receives scheduled activities  
28 and instruction designed to enhance the age-appropriate  
29 progress of the children in attaining the performance  
30 standards adopted by the Agency for Workforce Innovation under  
31 subparagraph (4)(d)8. Before implementing the school readiness

1 program, the early learning coalition must submit the plan to  
2 the Agency for Workforce Innovation for approval. The Agency  
3 for Workforce Innovation may approve the plan, reject the  
4 plan, or approve the plan with conditions. The Agency for  
5 Workforce Innovation shall review school readiness plans at  
6 least annually.

7           3. If the Agency for Workforce Innovation determines  
8 during the annual review of school readiness plans, or through  
9 monitoring and performance evaluations conducted under  
10 paragraph (4)(1), that an early learning coalition has not  
11 substantially implemented its plan, has not substantially met  
12 the performance standards and outcome measures adopted by the  
13 agency, or has not effectively administered the school  
14 readiness program or Voluntary Prekindergarten Education  
15 Program, the Agency for Workforce Innovation may dissolve the  
16 coalition and temporarily contract with a qualified entity to  
17 continue school readiness and prekindergarten services in the  
18 coalition's county or multicounty region until the coalition  
19 is reestablished through resubmission of a school readiness  
20 plan and approval by the agency.

21           4. The Agency for Workforce Innovation shall adopt  
22 criteria for the approval of school readiness plans. The  
23 criteria must be consistent with the performance standards and  
24 outcome measures adopted by the agency and must require each  
25 approved plan to include the following minimum standards and  
26 provisions:

27           a. A sliding fee scale establishing a copayment for  
28 parents based upon their ability to pay, which is the same for  
29 all program providers, to be implemented and reflected in each  
30 program's budget.

31

1           b. A choice of settings and locations in licensed,  
2 registered, religious-exempt, or school-based programs to be  
3 provided to parents.

4           c. Instructional staff who have completed the training  
5 course as required in s. 402.305(2)(d)1., as well as staff who  
6 have additional training or credentials as required by the  
7 Agency for Workforce Innovation. The plan must provide a  
8 method for assuring the qualifications of all personnel in all  
9 program settings.

10          d. Specific eligibility priorities for children within  
11 the early learning coalition's county or multicounty region in  
12 accordance with subsection (6).

13          e. Performance standards and outcome measures adopted  
14 by the Agency for Workforce Innovation.

15          f. Payment rates adopted by the early learning  
16 coalition and approved by the Agency for Workforce Innovation.  
17 Payment rates may not have the effect of limiting parental  
18 choice or creating standards or levels of services that have  
19 not been authorized by the Legislature.

20          g. Systems support services, including a central  
21 agency, child care resource and referral, eligibility  
22 determinations, training of providers, and parent support and  
23 involvement.

24          h. Direct enhancement services to families and  
25 children. System support and direct enhancement services shall  
26 be in addition to payments for the placement of children in  
27 school readiness programs.

28          i. The business organization of the early learning  
29 coalition, which must include the coalition's articles of  
30 incorporation and bylaws if the coalition is organized as a  
31 corporation. If the coalition is not organized as a

1 corporation or other business entity, the plan must include  
2 the contract with a fiscal agent. An early learning coalition  
3 may contract with other coalitions to achieve efficiency in  
4 multicounty services, and these contracts may be part of the  
5 coalition's school readiness plan.

6 j. Strategies to meet the needs of unique populations,  
7 such as migrant workers.

8  
9 As part of the school readiness plan, the early learning  
10 coalition may request the Governor to apply for a waiver to  
11 allow the coalition to administer the Head Start Program to  
12 accomplish the purposes of the school readiness program. If a  
13 school readiness plan demonstrates that specific statutory  
14 goals can be achieved more effectively by using procedures  
15 that require modification of existing rules, policies, or  
16 procedures, a request for a waiver to the Agency for Workforce  
17 Innovation may be submitted as part of the plan. Upon review,  
18 the Agency for Workforce Innovation may grant the proposed  
19 modification.

20 5. Persons with an early childhood teaching  
21 certificate may provide support and supervision to other staff  
22 in the school readiness program.

23 6. An early learning coalition may not implement its  
24 school readiness plan until it submits the plan to and  
25 receives approval from the Agency for Workforce Innovation.  
26 Once the plan is approved, the plan and the services provided  
27 under the plan shall be controlled by the early learning  
28 coalition. The plan shall be reviewed and revised as  
29 necessary, but at least biennially. An early learning  
30 coalition may not implement the revisions until the coalition  
31 submits the revised plan to and receives approval from the

1 Agency for Workforce Innovation. If the Agency for Workforce  
2 Innovation rejects a revised plan, the coalition must continue  
3 to operate under its prior approved plan.

4         7. Sections 125.901(2)(a)3., ~~411.221~~, and 411.232 do  
5 not apply to an early learning coalition with an approved  
6 school readiness plan. To facilitate innovative practices and  
7 to allow the regional establishment of school readiness  
8 programs, an early learning coalition may apply to the  
9 Governor and Cabinet for a waiver of, and the Governor and  
10 Cabinet may waive, any of the provisions of ss. 411.223,  
11 411.232, and 1003.54, if the waiver is necessary for  
12 implementation of the coalition's school readiness plan.

13         8. Two or more counties may join for purposes of  
14 planning and implementing a school readiness program.

15         9. An early learning coalition may, subject to  
16 approval by the Agency for Workforce Innovation as part of the  
17 coalition's school readiness plan, receive subsidized child  
18 care funds for all children eligible for any federal  
19 subsidized child care program.

20         10. An early learning coalition may enter into  
21 multiparty contracts with multicounty service providers in  
22 order to meet the needs of unique populations such as migrant  
23 workers.

24         Section 260. Paragraph (a) of subsection (3) of  
25 section 411.232, Florida Statutes, is amended to read:

26         411.232 Children's Early Investment Program.--

27         (3) ESSENTIAL ELEMENTS.--

28         (a) Initially, the program shall be directed to  
29 geographic areas where at-risk young children and their  
30 families are in greatest need because of an unfavorable  
31 combination of economic, social, environmental, and health

1 factors, including, without limitation, extensive poverty,  
2 high crime rate, great incidence of low birthweight babies,  
3 high incidence of alcohol and drug abuse, and high rates of  
4 teenage pregnancy. The selection of a geographic site shall  
5 also consider the incidence of young children within these  
6 at-risk geographic areas who are cocaine babies, children of  
7 single mothers who receive temporary cash assistance, children  
8 of teenage parents, low birthweight babies, and very young  
9 foster children. To receive funding under this section, an  
10 agency, board, council, or provider must demonstrate:

11       1. Its capacity to administer and coordinate the  
12 programs and services in a comprehensive manner and provide a  
13 flexible range of services;

14       2. Its capacity to identify and serve those children  
15 least able to access existing programs and case management  
16 services;

17       3. Its capacity to administer and coordinate the  
18 programs and services in an intensive and continuous manner;

19       4. The proximity of its facilities to young children,  
20 parents, and other family members to be served by the program,  
21 or its ability to provide offsite services;

22       5. Its ability to use existing federal, state, and  
23 local governmental programs and services in implementing the  
24 investment program;

25       6. Its ability to coordinate activities and services  
26 with existing public and private, state and local agencies and  
27 programs such as those responsible for health, education,  
28 social support, mental health, child care, respite care,  
29 housing, transportation, alcohol and drug abuse treatment and  
30 prevention, income assistance, employment training and  
31



1 placement, nutrition, and other relevant services, all the  
2 foregoing intended to assist children and families at risk;

3 7. How its plan will involve project participants and  
4 community representatives in the planning and operation of the  
5 investment program; and

6 8. Its ability to participate in the evaluation  
7 component required in this section. ~~;~~ ~~and~~

8 ~~9. Its consistency with the strategic plan pursuant to~~  
9 ~~s. 411.221.~~

10 Section 261. Subsection (4) of section 641.386,  
11 Florida Statutes, is amended to read:

12 641.386 Agent licensing and appointment required;  
13 exceptions.--

14 (4) All agents and health maintenance organizations  
15 shall comply with and be subject to the applicable provisions  
16 of ss. 641.309 and 409.912(20) ~~409.912(21)~~, and all companies  
17 and entities appointing agents shall comply with s. 626.451,  
18 when marketing for any health maintenance organization  
19 licensed pursuant to this part, including those organizations  
20 under contract with the Agency for Health Care Administration  
21 to provide health care services to Medicaid recipients or any  
22 private entity providing health care services to Medicaid  
23 recipients pursuant to a prepaid health plan contract with the  
24 Agency for Health Care Administration.

25 Section 262. Paragraph (a) of subsection (4) of  
26 section 1008.30, Florida Statutes, is amended to read:

27 1008.30 Common placement testing for public  
28 postsecondary education.--

29 (4)(a) Public postsecondary educational institution  
30 students who have been identified as requiring additional  
31 preparation pursuant to subsection (1) shall enroll in

1 college-preparatory or other adult education pursuant to s.  
2 1004.93 in community colleges to develop needed college-entry  
3 skills. These students shall be permitted to take courses  
4 within their degree program concurrently in other curriculum  
5 areas for which they are qualified while enrolled in  
6 college-preparatory instruction courses. A student enrolled  
7 in a college-preparatory course may concurrently enroll only  
8 in college credit courses that do not require the skills  
9 addressed in the college-preparatory course. The State Board  
10 of Education shall specify the college credit courses that are  
11 acceptable for students enrolled in each college-preparatory  
12 skill area, pursuant to s. 1001.02(5)(g) ~~s. 1001.02(7)(g)~~. A  
13 student who wishes to earn an associate in arts or a  
14 baccalaureate degree, but who is required to complete a  
15 college-preparatory course, must successfully complete the  
16 required college-preparatory studies by the time the student  
17 has accumulated 12 hours of lower-division college credit  
18 degree coursework; however, a student may continue enrollment  
19 in degree-earning coursework provided the student maintains  
20 enrollment in college-preparatory coursework for each  
21 subsequent semester until college-preparatory coursework  
22 requirements are completed, and the student demonstrates  
23 satisfactory performance in degree-earning coursework. A  
24 passing score on a standardized, institutionally developed  
25 test must be achieved before a student is considered to have  
26 met basic computation and communication skills requirements;  
27 however, no student shall be required to retake any test or  
28 subtest that was previously passed by said student. Credit  
29 awarded for college-preparatory instruction may not be counted  
30 toward fulfilling the number of credits required for a degree.  
31

1           Section 263. Subsection (1) of section 1011.82,  
2 Florida Statutes, is amended to read:

3           1011.82 Requirements for participation in Community  
4 College Program Fund.--Each community college district which  
5 participates in the state appropriations for the Community  
6 College Program Fund shall provide evidence of its effort to  
7 maintain an adequate community college program which shall:

8           (1) Meet the minimum standards prescribed by the State  
9 Board of Education in accordance with s. 1001.02(7) ~~s.~~  
10 ~~1001.02(9)~~.

11           Section 264. This act shall take effect upon becoming  
12 a law.

13  
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15           SENATE SUMMARY

16           Extensively revises statutes relating to agency plans and  
17 agency reports. (See bill for details.)  
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