

By the Committee on Governmental Oversight and Productivity;
and Senator Haridopolos

585-2295-05

1 A bill to be entitled
2 An act relating to obsolete or outdated agency
3 plans, reports, and programs; repealing s.
4 14.25, F.S., relating to the Florida State
5 Commission on Hispanic Affairs; amending s.
6 14.26, F.S.; revising reporting requirements of
7 the Citizen's Assistance Office; repealing s.
8 14.27, F.S., relating to the Florida Commission
9 of African-American Affairs; repealing s.
10 16.58, F.S., relating to the Florida Legal
11 Resource Center; amending s. 17.32, F.S.;
12 revising the recipients of the annual report of
13 trust funds by the Chief Financial Officer;
14 amending s. 17.325, F.S.; deleting a reporting
15 requirement relating to the governmental
16 efficiency hotline; amending s. 20.057, F.S.;
17 deleting a reporting requirement of the
18 Governor relating to interagency agreements to
19 delete duplication of inspections; amending s.
20 20.19, F.S.; deleting provisions relating to
21 planning by the Department of Children and
22 Family Services; deleting provisions relating
23 to planning in service districts of the
24 department; repealing s. 20.316(4)(e), (f), and
25 (g), F.S.; deleting provisions relating to
26 information systems of the Department of
27 Juvenile Justice; amending s. 20.43, F.S.;
28 revising provisions relating to planning by the
29 Department of Health; amending s. 39.001, F.S.;
30 revising provisions relating to planning by the
31 Department of Children and Family Services;

1 repealing s. 39.4086, F.S.; deleting provisions
2 relating to research and a report by the State
3 Courts Administrator on a guardian ad litem
4 pilot program for dependent children; amending
5 s. 98.255, F.S.; deleting provisions relating
6 to a report on the effectiveness of voter
7 education programs; repealing s. 106.22(10),
8 F.S.; deleting a provision relating to a report
9 by the Division of Elections; amending s.
10 110.1227, F.S.; revising provisions relating to
11 a report by the board of directors of the
12 Florida Long-Term Care Plan; amending s.
13 120.60, F.S.; deleting a provision relating to
14 filing of notice and certification of an
15 agency's intent to grant or deny a license;
16 amending s. 120.695, F.S.; deleting obsolete
17 provisions relating to agency review of rules;
18 amending s. 120.74, F.S.; deleting provisions
19 relating to an agency report of review and
20 revision of rules; amending s. 121.45, F.S.;
21 deleting provisions relating to reports on
22 interstate compacts relating to pension
23 portability; repealing s. 153.952, F.S.,
24 relating to legislative findings and intent on
25 privately owned wastewater systems and
26 facilities; amending s. 161.053, F.S.; deleting
27 a provision relating to a report on the coastal
28 construction control line; amending s. 161.161,
29 F.S.; deleting a provision requiring a report
30 on funding for beach erosion control; repealing
31 s. 163.2526, F.S., relating to a review and

1 evaluation of urban infill; amending s.
2 163.3167, F.S.; deleting provisions relating to
3 local government comprehensive plans; amending
4 s. 163.3177, F.S.; revising requirements for
5 comprehensive plans; amending s. 163.3178,
6 F.S.; deleting a duty of the Coastal Resources
7 Interagency Management Committee to submit
8 certain recommendations; repealing s.
9 163.519(12), F.S.; deleting a requirement of a
10 report on neighborhood improvement districts by
11 the Department of Legal Affairs; repealing s.
12 186.007(9), F.S.; deleting provisions relating
13 to a committee to recommend to the Governor
14 changes in the state comprehensive plan;
15 amending s. 186.022, F.S.; deleting a reference
16 to the Criminal and Juvenile Justice
17 Information Systems Council; amending ss.
18 189.4035, 189.412, F.S.; revising requirements
19 relating to dissemination of the official list
20 of special districts; amending s. 206.606,
21 F.S.; revising provisions relating to a report
22 on the Florida Boating Improvement Program;
23 amending s. 212.054, F.S.; deleting the
24 requirement of a report on costs of
25 administering the discretionary sales surtax;
26 amending s. 212.08, F.S.; deleting a
27 requirement for a report on the sales tax
28 exemption for machinery and equipment used in
29 semiconductor, defense, or space technology
30 production and research and development;
31 repealing s. 213.0452, F.S., relating to a

1 report on the structure of the Department of
2 Revenue; repealing s. 213.054, F.S., relating
3 to monitoring and reporting on persons claiming
4 tax exemptions; amending s. 216.011, F.S.;
5 redefining the term "long-range program plan";
6 amending s. 216.013, F.S.; revising
7 requirements with respect to long-range program
8 plans; repealing s. 216.1825, F.S., relating to
9 zero-based budgeting; amending s. 252.55, F.S.;
10 revising certain reporting requirements
11 relating to the Civil Air Patrol; amending s.
12 253.7825, F.S.; deleting provisions relating to
13 the plan for the Cross Florida Greenways State
14 Recreation and Conservation Area; repealing s.
15 253.7826, F.S., relating to Cross Florida Barge
16 Canal structures; amending s. 259.037, F.S.;
17 revising provisions relating to a report of the
18 Land Management Uniform Accounting Council;
19 repealing s. 265.56, F.S., relating to an
20 annual report by the Department of State;
21 repealing s. 267.074(4), F.S.; deleting
22 provisions relating to a plan for the State
23 Historical Marker Program; repealing s.
24 282.102(28), F.S.; deleting a requirement for a
25 report by the State Technology Office;
26 repealing s. 284.50(3), F.S.; deleting a
27 requirement for a report by the Interagency
28 Advisory Council on Loss Prevention and
29 department heads; amending s. 287.059, F.S.;
30 deleting a requirement for reporting proposed
31 fee schedules for private attorney services for

1 the Attorney General's office; repealing s.
2 288.108(7), F.S.; deleting a requirement for a
3 report by the Office of Tourism, Trade, and
4 Economic Development on high-impact businesses;
5 repealing s. 288.1185, F.S., relating to the
6 Recycling Markets Advisory Committee; amending
7 s. 288.1229, F.S.; revising duties of the
8 direct-support organization to support
9 sports-related industries and amateur
10 athletics; repealing s. 288.7015(4), F.S.;
11 deleting a requirement for a report by the
12 rules ombudsman in the Executive Office of the
13 Governor; repealing s. 288.8175(8), (10), and
14 (11), F.S.; deleting certain responsibilities
15 of the Department of Education with respect to
16 linkage institutes between postsecondary
17 institutions in this state and foreign
18 countries; repealing s. 288.853(5), F.S.;
19 deleting the requirement of a report on
20 assistance to and commerce with Cuba; amending
21 s. 288.95155, F.S.; revising requirements for a
22 report by Enterprise Florida, Inc., on the
23 Florida Small Business Technology Growth
24 Program; amending s. 288.9604, F.S.; deleting a
25 requirement of a report by the Florida
26 Development Finance Corporation; amending s.
27 288.9610, F.S.; revising provisions relating to
28 annual reporting by the corporation; amending
29 s. 292.04, F.S.; deleting provisions relating
30 to a survey by the Florida Commission on
31 Veterans' Affairs; amending s. 292.05, F.S.;

1 revising requirements relating to a report by
2 the Department of Veterans' Affairs; repealing
3 ss. 296.16, 296.29, F.S., relating to reports
4 by the executive director of the Department of
5 Veterans' Affairs; repealing s. 315.03(12)(c),
6 F.S.; deleting provisions relating to
7 legislative review of a loan program of the
8 Florida Seaport Transportation and Economic
9 Development Council; amending s. 319.324, F.S.;
10 deleting provisions relating to funding a
11 report on odometer fraud prevention and
12 detection; amending s. 322.181, F.S.; revising
13 provisions relating to a study by the
14 Department of Highway Safety and Motor Vehicles
15 on driving by the elderly; repealing s.
16 322.251(7)(c), F.S.; deleting provisions
17 relating to a plan to indemnify persons wanted
18 for passing worthless bank checks; repealing s.
19 365.172(6)(d), F.S.; deleting provisions
20 relating to a study by the board of directors
21 of the Wireless 911 Board; repealing s.
22 366.82(4), F.S.; deleting a provision relating
23 to reports by utilities to the Public Service
24 Commission; repealing s. 370.26(8), F.S.;
25 deleting a duty of the Fish and Wildlife
26 Conservation Commission relating to an
27 aquaculture plan; amending s. 372.5712, F.S.;
28 revising provisions relating to a report by the
29 commission on waterfowl permit revenues;
30 amending s. 372.5715, F.S.; revising provisions
31 relating to a report by the commission on wild

1 turkey permit revenues; repealing s. 372.673,
2 F.S., relating to the Florida Panther Technical
3 Advisory Council; repealing s. 372.674, F.S.,
4 relating to environmental education; amending
5 s. 373.0391, F.S.; deleting provisions relating
6 to provision of certain information by water
7 management districts; amending s. 373.046,
8 F.S.; deleting an obsolete provision requiring
9 a report by the secretary of the Department of
10 Environmental Protection; amending s. 373.1963,
11 F.S.; deleting an obsolete provision relating
12 to an agreement between the West Coast Regional
13 Water Supply Authority and the Southwest
14 Florida Water Management District; repealing s.
15 376.121(14), F.S.; deleting a provision
16 relating to a report by the Department of
17 Environmental Protection on damage to natural
18 resources; repealing s. 376.17, F.S., relating
19 to reports of the department to the
20 Legislature; repealing s. 376.30713(5), F.S.;
21 deleting provisions relating to a report on
22 preapproved advanced cleanup; amending s.
23 377.703, F.S.; deleting a requirement for a
24 report from the Public Service Commission on
25 electricity, natural gas, and energy
26 conservation; amending s. 380.06, F.S.;
27 deleting provisions on transmission of
28 revisions relating to statewide guidelines and
29 standards for developments of regional impact;
30 repealing s. 381.0011(3), F.S.; deleting
31 provisions relating to an inclusion in the

1 Department of Health's strategic plan;
2 repealing s. 381.0066, F.S., relating to
3 planning for implementation of educational
4 requirements concerning HIV and AIDS; repealing
5 s. 381.731, F.S., relating to strategic
6 planning of the Department of Health; amending
7 s. 381.795, F.S.; deleting provisions relating
8 to studies by the Department of Health on
9 long-term, community-based supports; repealing
10 s. 381.90(7)(a), F.S.; deleting provisions
11 relating to the Health Information Systems
12 Council's duty to develop a strategic plan;
13 repealing s. 394.4573(4), F.S.; deleting the
14 requirement for a report by the Department of
15 Children and Family Services on state mental
16 health facility staffing; amending s. 394.4985,
17 F.S.; deleting provisions relating to plans by
18 department districts; amending s. 394.75, F.S.;
19 revising provisions relating to reports by the
20 department on substance abuse and mental health
21 plans; repealing s. 394.82, F.S., relating to
22 funding of expanded community mental health
23 services; amending s. 394.9082, F.S.; deleting
24 obsolete provisions relating to an amendment to
25 the master state plan on behavioral health
26 services and to provision of status reports;
27 repealing s. 394.9083, F.S., relating to the
28 Behavioral Health Services Integration
29 Workgroup; repealing s. 397.321(1) and (20),
30 F.S.; deleting a requirement that the
31 Department of Children and Family Services

1 develop a plan for substance abuse services;
2 amending s. 397.333, F.S.; deleting the
3 requirement for a report by the Statewide Drug
4 Policy Advisory Council; repealing s.
5 397.94(1), F.S.; deleting provisions relating
6 to children's substance abuse services plans by
7 service districts of the Department of Children
8 and Family Services; amending s. 400.0067,
9 F.S.; revising requirements relating to a
10 report by the State Long-Term Care Ombudsman
11 Council; repealing s. 400.0075(3), F.S.;
12 deleting a provision relating to such report;
13 amending s. 400.0089, F.S.; revising
14 requirements relating to a report by the
15 Department of Elderly Affairs and transferring
16 responsibility for the report to the council;
17 repealing s. 400.148(2), F.S.; deleting a
18 provision relating to a pilot program of the
19 Agency for Health Care Administration on a
20 quality-of-care contract management program;
21 amending s. 400.407, F.S.; deleting provisions
22 relating to a report by the Department of
23 Elderly Affairs on extended congregate care
24 facilities; amending s. 400.419, F.S.;
25 requiring a specified report to be distributed
26 to the Agency for Persons with Disabilities;
27 amending s. 400.967, F.S.; deleting provisions
28 relating to a report by the Agency for Health
29 Care Administration on intermediate care
30 facilities for developmentally disabled
31 persons; revising agencies that may review the

1 agency's plan; amending s. 402.73, F.S.;

2 deleting provisions relating to a report by the

3 Department of Children and Family Services on

4 competitive procurement of client services;

5 amending s. 403.4131, F.S.; deleting provisions

6 relating to a report on the adopt-a-highway

7 program; repealing s. 403.756, F.S., relating

8 to a report on oil recycling; amending s.

9 403.7895, F.S.; deleting provisions relating to

10 a hazardous waste needs and capacity study;

11 repealing s. 406.02(4)(a), F.S.; deleting a

12 requirement for a report by the Medical

13 Examiners Commission; amending s. 408.033,

14 F.S.; revising provisions relating to reports

15 by local health councils; repealing s.

16 408.914(4), F.S.; deleting provisions requiring

17 the Agency for Health Care Administration to

18 submit a plan on comprehensive health and human

19 services eligibility access to the Governor;

20 amending s. 408.915(3)(i), F.S.; deleting

21 provisions requiring periodic reports on the

22 pilot program for such access; repealing s.

23 408.917, F.S., relating to evaluation of the

24 pilot project; amending s. 409.1451, F.S.;

25 revising requirements relating to reports on

26 independent living transition services;

27 repealing s. 409.146, F.S., relating to the

28 children and families client and management

29 information system; repealing s. 409.152, F.S.,

30 relating to service integration and family

31 preservation; repealing s. 409.1679(1), F.S.;

1 deleting provisions relating to reports
2 concerning residential group care services;
3 repealing s. 409.221(4)(k), F.S.; deleting
4 provisions relating to reports on
5 consumer-directed care; amending s. 409.25575,
6 F.S.; deleting provisions relating to a report
7 by the Department of Revenue regarding a
8 quality assurance program for privatization of
9 services; amending s. 409.2558, F.S.; deleting
10 provisions relating to the Department of
11 Revenue's solicitation of recommendations
12 related to a rule on undistributable
13 collections; amending s. 409.2567, F.S.;
14 deleting provisions relating to a report by the
15 Department of Revenue on collection of
16 assistance from noncustodial parents; amending
17 s. 409.906, F.S.; deleting a requirement for
18 reports of child-welfare-targeted case
19 management projects; amending s. 409.9065,
20 F.S.; deleting a provision relating to a report
21 by the Agency for Health Care Administration on
22 the pharmaceutical expense assistance program;
23 amending s. 409.91188, F.S.; deleting a
24 requirement that the Agency for Health Care
25 Administration monitor and report on a waiver
26 program for specialty prepaid health plans;
27 amending s. 409.912, F.S.; revising provisions
28 relating to duties of the agency with respect
29 to cost-effective purchasing of health care;
30 repealing s. 410.0245, F.S., relating to a
31 study of service needs of the disabled adult

1 population; repealing s. 410.604(10), F.S.;

2 deleting a requirement for the Department of

3 Children and Family Services to evaluate the

4 community care for disabled adults program;

5 repealing s. 411.221, F.S., relating to

6 prevention and early assistance; repealing s.

7 411.242, F.S., relating to the Florida

8 Education Now and Babies Later program;

9 repealing s. 413.402(8), F.S.; deleting a

10 provision relating to a plan by the Association

11 of Centers for Independent Living on a personal

12 care attendant program; repealing s.

13 414.1251(3), F.S.; deleting a provision

14 relating to an electronic data transfer system

15 for the learnfare program; amending s. 414.14,

16 F.S.; deleting a provision relating to a report

17 by the secretary of the Department of Children

18 and Family Services on public assistance policy

19 simplification; repealing s. 414.36(1), F.S.;

20 deleting a provision relating to a plan for

21 privatization of recovery of public assistance

22 overpayment claims; repealing s. 414.391(3),

23 F.S.; deleting provisions relating to a plan

24 for automated fingerprint imaging; amending s.

25 415.1045, F.S.; deleting a requirement for a

26 study by the Office of Program Policy Analysis

27 and Government Accountability on documentation

28 of exploitation, abuse, or neglect; amending s.

29 415.111, F.S.; deleting the requirement for a

30 report by the Department of Children and Family

31 Services on exploitation, abuse, or neglect;

1 amending s. 420.622, F.S.; revising
2 requirements relating to a report by the State
3 Council on Homelessness; repealing s.
4 420.623(4), F.S.; deleting a requirement for a
5 report by the Department of Community Affairs
6 on homelessness; amending s. 427.704, F.S.;
7 revising requirements relating to a report by
8 the Public Service Commission on a
9 telecommunications access system; amending s.
10 427.706, F.S.; revising requirements relating
11 to a report by the advisory committee on
12 telecommunications access; amending s. 430.04,
13 F.S.; revising duties of the Department of
14 Elderly Affairs with respect to certain reports
15 and recommendations; amending s. 430.502, F.S.;
16 revising requirements with respect to reports
17 by the Alzheimer's Disease Advisory Committee;
18 amending s. 430.707, F.S.; deleting provisions
19 relating to a report by the Department of
20 Elderly Affairs on contracts with managed care
21 organizations; amending s. 445.003, F.S.;
22 revising requirements relating to a report by
23 Workforce Florida, Inc., on the Incumbent
24 Worker Training Program; amending s. 445.004,
25 F.S.; deleting provisions relating to
26 appointment of members to Workforce Florida,
27 Inc.; amending s. 445.006, F.S.; deleting
28 provisions relating to a strategic plan for
29 workforce development; repealing s. 446.27,
30 F.S., relating to a report by the former
31 Department of Labor and Employment Security;

1 amending s. 446.50, F.S.; deleting provisions
2 relating to a state plan for displaced
3 homemakers; repealing s. 455.204, F.S.,
4 relating to long-range policy planning in the
5 Department of Business and Professional
6 Regulation; repealing s. 455.2226(8), F.S.;
7 deleting a requirement for a report by the
8 Board of Funeral Directors and Embalmers;
9 repealing s. 455.2228(6), F.S.; deleting a
10 requirement for reports by the Barbers' Board
11 and the Board of Cosmetology; amending s.
12 456.025, F.S.; revising requirements relating
13 to a report to professional boards by the
14 Department of Health; repealing s. 456.031(5),
15 F.S.; deleting provisions relating to reports
16 by professional boards about instruction on
17 domestic violence; repealing s. 456.033(8),
18 F.S.; deleting provisions relating to reports
19 by professional boards about HIV and AIDS;
20 repealing s. 456.034(6), F.S.; deleting
21 provisions relating to reports by professional
22 boards about HIV and AIDS; amending s. 517.302,
23 F.S.; deleting a requirement for a report by
24 the Office of Financial Regulation on deposits
25 into the Anti-Fraud Trust Fund; repealing s.
26 526.3135, F.S., relating to reports by the
27 Division of Standards; repealing s. 531.415(3),
28 F.S.; deleting the requirement of a report by
29 the Department of Agriculture and Consumer
30 Services on fees; repealing s. 553.975, F.S.,
31 relating to a report to the Governor and

1 | Legislature by the Public Service Commission;
2 | repealing s. 570.0705(3), F.S.; deleting the
3 | requirement of a report by the Commissioner of
4 | Agriculture about advisory committees;
5 | repealing s. 570.0725(5), F.S.; deleting
6 | provisions relating to a report by the
7 | Department of Agriculture and Consumer Services
8 | about supporting food recovery programs;
9 | repealing s. 570.235(3), F.S.; deleting a
10 | requirement for a report by the pest Exclusion
11 | Advisory Committee; repealing s. 570.543(3),
12 | F.S.; deleting provisions relating to
13 | legislative recommendations of the Florida
14 | Consumers' Council; repealing s. 570.952(5),
15 | F.S.; deleting provisions relating to a
16 | recommendation of the Commissioner of
17 | Agriculture concerning the Florida Agriculture
18 | Center and Horse Park Authority; amending s.
19 | 603.204, F.S.; revising requirements relating
20 | to the South Florida Tropical Fruit Plan;
21 | amending s. 644.7021, F.S.; revising provisions
22 | relating to reports by the executive director
23 | of the Statewide Public Guardianship Office;
24 | amending s. 744.708, F.S.; revising provisions
25 | relating to audits of public guardian offices
26 | and to reports concerning those offices;
27 | repealing s. 765.5215(3), F.S.; deleting a
28 | requirement for a report by the Agency for
29 | Health Care Administration about organ
30 | donation; amending s. 768.295, F.S.; revising
31 | duties of the Attorney General relating to

1 reports about "SLAPP" lawsuits; amending s.
2 775.084, F.S.; deleting provisions relating to
3 sentencing of violent career criminals and to
4 reports of judicial actions with respect
5 thereto; amending s. 790.22, F.S.; deleting
6 provisions relating to reports by the
7 Department of Juvenile Justice about certain
8 juvenile offenses that involve weapons;
9 repealing s. 943.08(3), F.S.; deleting
10 provisions relating to planning by the Criminal
11 and Juvenile Justice Information Systems
12 Council; repealing s. 943.125(2), F.S.;
13 deleting provisions relating to reports by the
14 Florida Sheriffs Association and the Florida
15 Police Chiefs Association about law enforcement
16 agency accreditation; amending s. 943.68, F.S.;
17 revising requirements relating to reports by
18 the Department of Law Enforcement about
19 transportation and protective services;
20 amending s. 944.801, F.S.; deleting a
21 requirement to deliver to specified officials
22 copies of certain reports about education of
23 state prisoners; repealing s. 945.35(10), F.S.;
24 deleting a requirement for a report by the
25 Department of Corrections concerning HIV and
26 AIDS education; repealing s. 948.10(8)(d),
27 F.S.; deleting a requirement for a report by
28 the Department of Corrections about placement
29 of ineligible offenders on community control;
30 repealing s. 948.045(9), F.S.; deleting
31 provisions relating to a report by the

1 department about youthful offenders; amending
2 s. 960.045, F.S.; revising requirements
3 relating to reports by the Department of Legal
4 Affairs with respect to victims of crimes;
5 repealing s. 985.02(8)(c), F.S.; deleting the
6 requirement of a study by the Office of Program
7 Policy Analysis and Government Accountability
8 on programs for young females within the
9 Department of Juvenile Justice; amending s.
10 985.08, F.S.; deleting provisions relating to a
11 plan by a multiagency task force on information
12 systems related to delinquency; amending s.
13 985.3045, F.S.; deleting provisions relating to
14 a report by the prevention services program;
15 repealing s. 985.3046, F.S., relating to
16 agencies and entities providing prevention
17 services; repealing s. 985.305(5), F.S.;
18 deleting provisions relating to a report by the
19 Department of Juvenile Justice on early
20 delinquency intervention; amending s. 985.309,
21 F.S.; deleting provisions relating to a report
22 concerning a boot camp for children; amending
23 s. 985.31, F.S.; deleting provisions relating
24 to a report on serious or habitual juvenile
25 offenders; amending s. 985.311, F.S.; deleting
26 provisions relating to a report on intensive
27 residential treatment for offenders under 13
28 years of age; amending s. 985.3155, F.S.;
29 deleting provisions relating to submission of
30 the multiagency plan for vocational education;
31 repealing s. 985.403, F.S., relating to the

1 Task Force on Juvenile Sexual Offenders and
2 their Victims; repealing s. 985.412(7), F.S.;
3 deleting provisions relating to a report by the
4 Department of Juvenile Justice on quality
5 assurance in contractual procurements;
6 repealing s. 1003.492(4), F.S.; deleting
7 provisions relating to a study about
8 industry-certified career education programs;
9 repealing s. 1006.0605, F.S., relating to
10 students' summer nutrition; amending s.
11 1011.32, F.S.; requiring the Governor to be
12 given a copy of a report related to the
13 Community College Facility Enhancement
14 Challenge Grant Program; repealing s.
15 1011.4105(5), F.S.; deleting provisions
16 relating to a plan concerning transition to the
17 university accounting system; repealing s.
18 1013.03(13), F.S.; deleting an obsolete
19 provision relating to the Department of
20 Education's duty to review school construction
21 requirements; amending ss. 370.12, 372.672,
22 409.91196, 411.01, 411.232, 641.386, F.S.,
23 conforming cross-references to changes made by
24 the act; amending ss. 20.165, 455.01, 455.017,
25 and 455.217, F.S.; revising and deleting
26 provisions relating to specified obsolete and
27 outdated plans and programs; providing an
28 effective date.

29
30 Be It Enacted by the Legislature of the State of Florida:
31

1 Section 1. Section 14.25, Florida Statutes, is
2 repealed.

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

5 14.26 Citizen's Assistance Office.--

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

8 (a) The number of complaints and investigations ~~and~~
9 ~~complaints made during the preceding quarter~~ and the
10 disposition of such investigations.

11 ~~(b) Recommendations in the form of suggested~~
12 ~~legislation or suggested procedures for the alleviation of~~
13 ~~problems disclosed by investigations.~~

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

17 (c) Recommendations for the alleviation of the cause
18 of complaints disclosed by investigations.

19 (d) Such other information as the Executive Office of
20 the Governor shall require.

21 Section 3. Section 14.27, Florida Statutes, is
22 repealed.

23 Section 4. Section 16.58, Florida Statutes, is
24 repealed.

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

27 17.32 Annual report of trust funds; duties of Chief
28 Financial Officer.--

29 (1) On February 1 of each year, the Chief Financial
30 Officer shall present to the Governor and the Legislature
31 ~~President of the Senate and the Speaker of the House of~~

1 ~~Representatives~~ a report listing all trust funds as defined in
2 s. 215.32. The report shall contain the following data
3 elements for each fund for the preceding fiscal year:
4 (a) The fund code.
5 (b) The title.
6 (c) The fund type according to generally accepted
7 accounting principles.
8 (d) The statutory authority.
9 (e) The beginning cash balance.
10 (f) Direct revenues.
11 (g) Nonoperating revenues.
12 (h) Operating disbursements.
13 (i) Nonoperating disbursements.
14 (j) The ending cash balance.
15 (k) The department and budget entity in which the fund
16 is located.

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

19 17.325 Governmental efficiency hotline; duties of
20 Chief Financial Officer.--

21 (1) The Chief Financial Officer shall establish and
22 operate a statewide toll-free telephone hotline to receive
23 information or suggestions from the citizens of this state on
24 how to improve the operation of government, increase
25 governmental efficiency, and eliminate waste in government.
26 ~~The Chief Financial Officer shall report each month to the~~
27 ~~appropriations committee of the House of Representatives and~~
28 ~~of the Senate the information or suggestions received through~~
29 ~~the hotline and the evaluations and determinations made by the~~
30 ~~affected agency, as provided in subsection (3), with respect~~
31 ~~to such information or suggestions.~~

1 Section 7. Section 20.057, Florida Statutes, is
2 amended to read:

3 20.057 Interagency agreements to delete duplication of
4 inspections.--

5 (1) The Governor shall direct any department, the head
6 of which is an officer or board appointed by and serving at
7 the pleasure of the Governor, to enter into an interagency
8 agreement that will eliminate duplication of inspections among
9 the departments that inspect the same type of facility or
10 structure. Parties to the agreement may include departments
11 which are headed by a Cabinet officer, the Governor and
12 Cabinet, or a collegial body. The agreement shall:

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

15 (b) Specify that agents of the department conducting
16 the inspection have all powers relative to the inspection as
17 the agents of the department on whose behalf the inspection is
18 being conducted.

19 (c) Require that agents of the department conducting
20 the inspection have sufficient knowledge of statutory and
21 administrative inspection requirements to conduct a proper
22 inspection.

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

27 (2) Before taking effect, an agreement entered into
28 under this section must be approved by the Governor.
29 Inspections conducted under an agreement shall be deemed
30 sufficient for enforcement purposes pursuant to the agreement
31 or as otherwise provided by law.

1 ~~(2) No later than 60 days prior to the beginning of~~
2 ~~the regular session, the Governor shall make an annual report~~
3 ~~to the President of the Senate and the Speaker of the House of~~
4 ~~Representatives regarding interagency agreements. The report~~
5 ~~shall identify each interagency agreement entered into under~~
6 ~~this section, and, for each agreement, shall describe the~~
7 ~~duplication eliminated, provide data that measures the~~
8 ~~effectiveness of inspections conducted under the interagency~~
9 ~~agreement, and estimate the cost savings that have resulted~~
10 ~~from the agreement. The report shall also describe obstacles~~
11 ~~encountered by any department in attempting to develop an~~
12 ~~interagency agreement and in performing duties resulting from~~
13 ~~an interagency agreement and shall recommend appropriate~~
14 ~~remedial legislative action.~~

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

18 20.19 Department of Children and Family
19 Services.--There is created a Department of Children and
20 Family Services.

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

22 ~~(a)~~ The mission of the Department of Children and
23 Family Services is to protect vulnerable children and adults,
24 strengthen families, and support individuals and families in
25 achieving personal and economic self-sufficiency work in
26 ~~partnership with local communities to ensure the safety,~~
27 ~~well being, and self sufficiency of the people served.~~

28 ~~(b)~~ The department shall develop a strategic plan for
29 fulfilling its mission and establish a set of measurable
30 goals, objectives, performance standards, and quality
31

1 ~~assurance requirements to ensure that the department is~~
2 ~~accountable to the people of Florida.~~

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

6 (5) SERVICE DISTRICTS.--

7 ~~(c) Each fiscal year the secretary shall, in~~
8 ~~consultation with the relevant employee representatives,~~
9 ~~develop projections of the number of child abuse and neglect~~
10 ~~cases and shall include in the department's legislative budget~~
11 ~~request a specific appropriation for funds and positions for~~
12 ~~the next fiscal year in order to provide an adequate number of~~
13 ~~full time equivalent:~~

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

17 2. ~~Child protection case workers so that caseloads do~~
18 ~~not exceed the Child Welfare League Standards by more than two~~
19 ~~cases.~~

20 Section 9. Paragraphs (e), (f), and (g) of subsection
21 (4) of section 20.316, Florida Statutes, are repealed.

22 Section 10. Paragraph (1) of subsection (1) of section
23 20.43, Florida Statutes, is amended to read:

24 20.43 Department of Health.--There is created a
25 Department of Health.

26 (1) The purpose of the Department of Health is to
27 promote and protect the health of all residents and visitors
28 in the state through organized state and community efforts,
29 including cooperative agreements with counties. The
30 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 11. Subsection (8) of section 39.001, Florida
8 Statutes, is amended to read:

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

11 (8) FUNDING AND SUBSEQUENT PLANS.--

12 (a) The department's long-range program plans and
13 legislative budget requests ~~All budget requests submitted by~~
14 ~~the department, the Department of Health, the Department of~~
15 ~~Education, or any other agency to the Legislature for funding~~
16 ~~of efforts for the prevention of child abuse, abandonment, and~~
17 ~~neglect~~ shall be based on and consistent with the most recent
18 state comprehensive plan and updates developed pursuant to
19 this section.

20 (b) The department at the state and district levels
21 and the other agencies listed in paragraph (7)(a) shall review
22 and update the plan annually ~~readdress the plan and make~~
23 ~~necessary revisions every 5 years, at a minimum.~~ Such updates
24 ~~revisions~~ shall be submitted to the Governor and the
25 Legislature Speaker of the House of Representatives and the
26 ~~President of the Senate~~ no later than June 30 of each year
27 divisible by 5. Annual review and updates shall include
28 progress and performance reporting. ~~An annual progress report~~
29 ~~shall be submitted to update the plan in the years between the~~
30 ~~5-year intervals. In order to avoid duplication of effort,~~
31 ~~these required plans may be made a part of or merged with~~

1 ~~other plans required by either the state or Federal~~
2 ~~Government, so long as the portions of the other state or~~
3 ~~Federal Government plan that constitute the state plan for the~~
4 ~~prevention of child abuse, abandonment, and neglect are~~
5 ~~clearly identified as such and are provided to the Speaker of~~
6 ~~the House of Representatives and the President of the Senate~~
7 ~~as required above.~~

8 Section 12. Paragraph (h) of subsection (2) of section
9 39.4086, Florida Statutes, is repealed.

10 Section 13. Subsections (1) and (3) of section 98.255,
11 Florida Statutes, are amended to read:

12 98.255 Voter education programs.--

13 (1) ~~By March 1, 2002,~~ The Department of State shall
14 adopt rules prescribing minimum standards for nonpartisan
15 voter education. ~~In developing the rules, the department shall~~
16 ~~review current voter education programs within each county of~~
17 ~~the state.~~ The standards shall address, but are not limited
18 to, the following subjects:

- 19 (a) Voter registration;
20 (b) Balloting procedures, absentee and polling place;
21 (c) Voter rights and responsibilities;
22 (d) Distribution of sample ballots; and
23 (e) Public service announcements.

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

29 ~~(b) The Department of State, upon receipt of such~~
30 ~~information, shall prepare a public report on the~~
31 ~~effectiveness of voter education programs and shall submit the~~

1 ~~report to the Governor, the President of the Senate, and the~~
2 ~~Speaker of the House of Representatives by January 31 of each~~
3 ~~year following a general election.~~

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

9 Section 14. Subsection (10) of section 106.22, Florida
10 Statutes, is repealed.

11 Section 15. Paragraph (a) of subsection (7) of section
12 110.1227, Florida Statutes, is amended to read:

13 110.1227 Florida Employee Long-Term-Care Plan Act.--

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

16 (a) Upon implementation, prepare an annual report of
17 the plan, with the assistance of an actuarial consultant, to
18 be submitted to the ~~Speaker of the House of Representatives,~~
19 ~~the President of the Senate, the Governor,~~ and the Legislature
20 ~~the Minority Leaders of the Senate and the House of~~
21 ~~Representatives.~~

22 Section 16. 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 17. 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 18. 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 19. 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 20. Section 153.952, Florida Statutes, is
30 repealed.

31

1 Section 21. 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 22. 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 23. Section 163.2526, Florida Statutes, is
18 repealed.

19 Section 24. 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 25. 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.

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 26. 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 27. Subsection (12) of section 163.519,
23 Florida Statutes, is repealed.

24 Section 28. Subsection (9) of section 186.007, Florida
25 Statutes, is repealed.

26 Section 29. 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 30. 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 31. 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 32. Paragraph (b) of subsection (1) of section
12 206.606, Florida Statutes, is amended to read:

13 206.606 Distribution of certain proceeds.--

14 (1) Moneys collected pursuant to ss. 206.41(1)(g) and
15 206.87(1)(e) shall be deposited in the Fuel Tax Collection
16 Trust Fund. Such moneys, after deducting the service charges
17 imposed by s. 215.20, the refunds granted pursuant to s.
18 206.41, and the administrative costs incurred by the
19 department in collecting, administering, enforcing, and
20 distributing the tax, which administrative costs may not
21 exceed 2 percent of collections, shall be distributed monthly
22 to the State Transportation Trust Fund, except that:

23 (b) \$2.5 million shall be transferred annually to the
24 State Game Trust Fund in the Fish and Wildlife Conservation
25 Commission ~~in each fiscal year~~ and used for recreational
26 boating activities, and freshwater fisheries management and
27 research. The transfers must be made in equal monthly amounts
28 beginning on July 1 of each fiscal year. The commission shall
29 annually determine where unmet needs exist for boating-related
30 activities, and may fund such activities in counties where,
31

1 due to the number of vessel registrations, sufficient
2 financial resources are unavailable.

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

8 a. Unmet needs in counties with populations of 100,000
9 or less.

10 b. Unmet needs in coastal counties with a high level
11 of boating related activities from individuals residing in
12 other counties.

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

16 3. The commission is authorized to adopt rules
17 pursuant to ss. 120.536(1) and 120.54 to implement a Florida
18 Boating Improvement Program similar to the program
19 administered by the Department of Environmental Protection and
20 established in rules 62D-5.031 - 62D-5.036, Florida
21 Administrative Code, to determine projects eligible for
22 funding under this subsection.

23
24 ~~On February 1 of each year,~~ The commission shall prepare and
25 make available on its Internet website file an annual report
26 ~~with the President of the Senate and the Speaker of the House~~
27 ~~of Representatives~~ outlining the status of its Florida Boating
28 Improvement Program, including the projects funded, and a list
29 of counties whose needs are unmet due to insufficient
30 financial resources from vessel registration fees.

31

1 Section 33. Paragraph (b) of subsection (4) of section
2 212.054, Florida Statutes, is amended to read:

3 212.054 Discretionary sales surtax; limitations,
4 administration, and collection.--

5 (4)

6 (b) The proceeds of a discretionary sales surtax
7 collected by the selling dealer located in a county which
8 imposes the surtax shall be returned, less the cost of
9 administration, to the county where the selling dealer is
10 located. The proceeds shall be transferred to the
11 Discretionary Sales Surtax Clearing Trust Fund. A separate
12 account shall be established in such trust fund for each
13 county imposing a discretionary surtax. The amount deducted
14 for the costs of administration shall not exceed 3 percent of
15 the total revenue generated for all counties levying a surtax
16 authorized in s. 212.055. The amount deducted for the costs
17 of administration shall be used only for those costs which are
18 solely and directly attributable to the surtax. The total
19 cost of administration shall be prorated among those counties
20 levying the surtax on the basis of the amount collected for a
21 particular county to the total amount collected for all
22 counties. ~~No later than March 1 of each year, the department~~
23 ~~shall submit a written report which details the expenses and~~
24 ~~amounts deducted for the costs of administration to the~~
25 ~~President of the Senate, the Speaker of the House of~~
26 ~~Representatives, and the governing authority of each county~~
27 ~~levying a surtax.~~ The department shall distribute the moneys
28 in the trust fund each month to the appropriate counties,
29 unless otherwise provided in s. 212.055.

30 Section 34. Paragraph (j) of subsection (5) of section
31 212.08, Florida Statutes, is amended to read:

1 212.08 Sales, rental, use, consumption, distribution,
2 and storage tax; specified exemptions.--The sale at retail,
3 the rental, the use, the consumption, the distribution, and
4 the storage to be used or consumed in this state of the
5 following are hereby specifically exempt from the tax imposed
6 by this chapter.

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

8 (j) Machinery and equipment used in semiconductor,
9 defense, or space technology production and research and
10 development.--

11 1.a. Industrial machinery and equipment used in
12 semiconductor technology facilities certified under
13 subparagraph 6. to manufacture, process, compound, or produce
14 semiconductor technology products for sale or for use by these
15 facilities are exempt from the tax imposed by this chapter.
16 For purposes of this paragraph, industrial machinery and
17 equipment includes molds, dies, machine tooling, other
18 appurtenances or accessories to machinery and equipment,
19 testing equipment, test beds, computers, and software, whether
20 purchased or self-fabricated, and, if self-fabricated,
21 includes materials and labor for design, fabrication, and
22 assembly.

23 b. Industrial machinery and equipment used in defense
24 or space technology facilities certified under subparagraph 6.
25 to manufacture, process, compound, or produce defense
26 technology products or space technology products for sale or
27 for use by these facilities are exempt from 25 percent of the
28 tax imposed by this chapter.

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

1 | technology research and development facility certified under
2 | subparagraph 6. For purposes of this paragraph, machinery and
3 | equipment includes molds, dies, machine tooling, other
4 | appurtenances or accessories to machinery and equipment,
5 | testing equipment, test beds, computers, and software, whether
6 | purchased or self-fabricated, and, if self-fabricated,
7 | includes materials and labor for design, fabrication, and
8 | assembly.

9 | b. Machinery and equipment are exempt from 25 percent
10 | of the tax imposed by this chapter if used predominately in
11 | defense or space research and development activities in a
12 | defense or space technology research and development facility
13 | certified under subparagraph 6.

14 | 3. Building materials purchased for use in
15 | manufacturing or expanding clean rooms in
16 | semiconductor-manufacturing facilities are exempt from the tax
17 | imposed by this chapter.

18 | 4. In addition to meeting the criteria mandated by
19 | subparagraph 1., subparagraph 2., or subparagraph 3., a
20 | business must be certified by the Office of Tourism, Trade,
21 | and Economic Development as authorized in this paragraph in
22 | order to qualify for exemption under this paragraph.

23 | 5. For items purchased tax exempt pursuant to this
24 | paragraph, possession of a written certification from the
25 | purchaser, certifying the purchaser's entitlement to exemption
26 | pursuant to this paragraph, relieves the seller of the
27 | responsibility of collecting the tax on the sale of such
28 | items, and the department shall look solely to the purchaser
29 | for recovery of tax if it determines that the purchaser was
30 | not entitled to the exemption.

31 |

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

7 b. Enterprise Florida, Inc., shall review each
8 submitted application and information and determine whether or
9 not the application is complete within 5 working days. Once an
10 application is complete, Enterprise Florida, Inc., shall,
11 within 10 working days, evaluate the application and recommend
12 approval or disapproval of the application to the Office of
13 Tourism, Trade, and Economic Development.

14 c. Upon receipt of the application and recommendation
15 from Enterprise Florida, Inc., the Office of Tourism, Trade,
16 and Economic Development shall certify within 5 working days
17 those applicants who are found to meet the requirements of
18 this section and notify the applicant, Enterprise Florida,
19 Inc., and the department of the certification. If the Office
20 of Tourism, Trade, and Economic Development finds that the
21 applicant does not meet the requirements of this section, it
22 shall notify the applicant and Enterprise Florida, Inc.,
23 within 10 working days that the application for certification
24 has been denied and the reasons for denial. The Office of
25 Tourism, Trade, and Economic Development has final approval
26 authority for certification under this section.

27 ~~7.a.~~ A business may apply once each year for the
28 exemption.

29 ~~a.b.~~ The application must indicate, for program
30 evaluation purposes only, the average number of full-time
31 equivalent employees at the facility over the preceding

1 | calendar year, the average wage and benefits paid to those
2 | employees over the preceding calendar year, the total
3 | investment made in real and tangible personal property over
4 | the preceding calendar year, and the total value of tax-exempt
5 | purchases and taxes exempted during the previous year. The
6 | department shall assist the Office of Tourism, Trade, and
7 | Economic Development in evaluating and verifying information
8 | provided in the application for exemption.

9 | **b.e.** The Office of Tourism, Trade, and Economic
10 | Development may use the information reported on the
11 | application for evaluation purposes only ~~and shall prepare an~~
12 | ~~annual report on the exemption program and its cost and~~
13 | ~~impact. The annual report for the preceding fiscal year shall~~
14 | ~~be submitted to the Governor, the President of the Senate, and~~
15 | ~~the Speaker of the House of Representatives by September 30 of~~
16 | ~~each fiscal year.~~

17 | 8. A business certified to receive this exemption may
18 | elect to designate one or more state universities or community
19 | colleges as recipients of up to 100 percent of the amount of
20 | the exemption for which they may qualify. To receive these
21 | funds, the institution must agree to match the funds so earned
22 | with equivalent cash, programs, services, or other in-kind
23 | support on a one-to-one basis in the pursuit of research and
24 | development projects as requested by the certified business.
25 | The rights to any patents, royalties, or real or intellectual
26 | property must be vested in the business unless otherwise
27 | agreed to by the business and the university or community
28 | college.

29 | 9. As used in this paragraph, the term:

30 | a. "Predominately" means at least 50 percent of the
31 | time in qualifying research and development.

1 b. "Research and development" means basic and applied
2 research in the science or engineering, as well as the design,
3 development, and testing of prototypes or processes of new or
4 improved products. Research and development does not include
5 market research, routine consumer product testing, sales
6 research, research in the social sciences or psychology,
7 nontechnological activities, or technical services.

8 c. "Semiconductor technology products" means raw
9 semiconductor wafers or semiconductor thin films that are
10 transformed into semiconductor memory or logic wafers,
11 including wafers containing mixed memory and logic circuits;
12 related assembly and test operations; active-matrix flat panel
13 displays; semiconductor chips; semiconductor lasers;
14 optoelectronic elements; and related semiconductor technology
15 products as determined by the Office of Tourism, Trade, and
16 Economic Development.

17 d. "Clean rooms" means manufacturing facilities
18 enclosed in a manner that meets the clean manufacturing
19 requirements necessary for high-technology
20 semiconductor-manufacturing environments.

21 e. "Defense technology products" means products that
22 have a military application, including, but not limited to,
23 weapons, weapons systems, guidance systems, surveillance
24 systems, communications or information systems, munitions,
25 aircraft, vessels, or boats, or components thereof, which are
26 intended for military use and manufactured in performance of a
27 contract with the United States Department of Defense or the
28 military branch of a recognized foreign government or a
29 subcontract thereunder which relates to matters of national
30 defense.

31

1 f. "Space technology products" means products that are
2 specifically designed or manufactured for application in space
3 activities, including, but not limited to, space launch
4 vehicles, missiles, satellites or research payloads, avionics,
5 and associated control systems and processing systems. The
6 term does not include products that are designed or
7 manufactured for general commercial aviation or other uses
8 even though those products may also serve an incidental use in
9 space applications.

10 Section 35. Section 213.0452, Florida Statutes, is
11 repealed.

12 Section 36. Section 213.054, Florida Statutes, is
13 repealed.

14 Section 37. Paragraph (z) of subsection (1) of section
15 216.011, Florida Statutes, is amended to read:

16 216.011 Definitions.--

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

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

1 ~~request and includes performance indicators for evaluating the~~
2 ~~impact of programs and agency performance.~~

3 Section 38. Section 216.013, Florida Statutes, is
4 amended to read:

5 216.013 Long-range program plan.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (3) Long-range program plans or revisions shall be
28 presented by state agencies and the judicial branch in a form,
29 manner, and timeframe prescribed in written instructions
30 prepared by ~~submitted to~~ the Executive Office of the Governor
31 in consultation with ~~by August 1 of each year in a form and~~

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

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

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

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

20 ~~(4)(7)~~ Each state executive agency and the judicial
21 branch shall post their transmit copies of its long-range
22 program plan on their Internet website and all written
23 comments on its plan to the President of the Senate and the
24 Speaker of the House of Representatives not later than
25 September 30th of each year and provide written notice to the
26 Governor and the Legislature that the plans have been posted
27 60 days prior to the next regular session of the Legislature.

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

31

1 ~~(5)(9)~~ Following the adoption of the annual General
2 Appropriations Act, the state agencies and the judicial branch
3 shall make appropriate adjustments to their long-range program
4 plans to be consistent with the appropriations and performance
5 measures in the General Appropriations Act and legislation
6 implementing the General Appropriations Act. Agencies and the
7 judicial branch have until June 15 to make adjustments to
8 their plans as posted on their Internet websites ~~and submit~~
9 ~~the adjusted plans to the Executive Office of the Governor for~~
10 ~~review.~~

11 (6) Long-range program plans developed pursuant to
12 this chapter are not rules and therefore are not subject to
13 chapter 120.

14 Section 39. Section 216.1825, Florida Statutes, is
15 repealed.

16 Section 40. Subsection (5) of section 252.55, Florida
17 Statutes, is amended to read:

18 252.55 Civil Air Patrol, Florida Wing.--

19 (5) The wing commander of the Florida Wing of the
20 Civil Air Patrol shall biennially furnish the Bureau of
21 Emergency Management a 2-year ~~an annual~~ projection of the
22 goals and objectives of the Civil Air Patrol ~~for the following~~
23 ~~year~~. These will be reported ~~to the Governor~~ in the division's
24 biennial ~~annual~~ report submitted pursuant to s. 252.35 of the
25 ~~division on February 1 of each year.~~

26 Section 41. Subsection (1) of section 253.7825,
27 Florida Statutes, is amended to read:

28 253.7825 Recreational uses.--

29 (1) The Cross Florida Greenways State Recreation and
30 Conservation Area must be managed as a multiple-use area
31 pursuant to s. 253.034(2)(a), and as further provided herein.

1 ~~The University of Florida Management Plan provides a~~
2 ~~conceptual recreational plan that may ultimately be developed~~
3 ~~at various locations throughout the greenways corridor. The~~
4 ~~plan proposes to locate a number of the larger, more~~
5 ~~comprehensive and complex recreational facilities in~~
6 ~~sensitive, natural resource areas.~~ Future site-specific
7 studies and investigations must be conducted by the department
8 to determine compatibility with, and potential for adverse
9 impact to, existing natural resources, need for the facility,
10 the availability of other alternative locations with reduced
11 adverse impacts to existing natural resources, and the proper
12 specific sites and locations for the more comprehensive and
13 complex facilities. Furthermore, it is appropriate, with the
14 approval of the department, to allow more fishing docks, boat
15 launches, and other user-oriented facilities to be developed
16 and maintained by local governments.

17 Section 42. Section 253.7826, Florida Statutes, is
18 repealed.

19 Section 43. Subsection (4) of section 259.037, Florida
20 Statutes, is amended to read:

21 259.037 Land Management Uniform Accounting Council.--

22 (4) The council shall provide a report of the
23 agencies' expenditures pursuant to the adopted categories ~~to~~
24 ~~the President of the Senate and the Speaker of the House of~~
25 ~~Representatives annually, beginning July 1, 2001. The council~~
26 ~~shall also provide this report~~ to the Acquisition and
27 Restoration Council for inclusion in its annual report
28 required pursuant to s. 259.105.

29 Section 44. Section 265.56, Florida Statutes, is
30 repealed.

31

1 Section 45. Subsection (4) of section 267.074, Florida
2 Statutes, is repealed.

3 Section 46. Subsection (28) of section 282.102,
4 Florida Statutes, is repealed.

5 Section 47. Subsection (3) of section 284.50, Florida
6 Statutes, is repealed.

7 Section 48. Subsection (15) of section 287.059,
8 Florida Statutes, is amended to read:

9 287.059 Private attorney services.--

10 (15) The Attorney General's office may, by rule, adopt
11 standard fee schedules for court reporting services for each
12 judicial circuit in consultation with the Florida Court
13 Reporters Association. Agencies, when contracting for court
14 reporting services, must use the standard fee schedule for
15 court reporting services established pursuant to this section,
16 provided no state contract is applicable or unless the head of
17 the agency or his or her designee waives use of the schedule
18 and sets forth the reasons for deviating from the schedule in
19 writing to the Attorney General. Such waiver must demonstrate
20 necessity based upon criteria for deviation from the schedule
21 which the Attorney General shall establish by rule. ~~Any~~
22 ~~proposed fee schedule under this section shall be submitted to~~
23 ~~the Governor, the Speaker of the House of Representatives, the~~
24 ~~President of the Senate, and the Chief Justice of the Florida~~
25 ~~Supreme Court at least 60 days prior to publication of the~~
26 ~~notice to adopt the rule.~~

27 Section 49. Subsection (7) of section 288.108, Florida
28 Statutes, is repealed.

29 Section 50. Section 288.1185, Florida Statutes, is
30 repealed.

31

1 Section 51. Paragraph (e) of subsection (8) of section
2 288.1229, Florida Statutes, is amended to read:

3 288.1229 Promotion and development of sports-related
4 industries and amateur athletics; direct-support organization;
5 powers and duties.--

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

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

11 ~~1. Assist and support Florida cities or communities~~
12 ~~bidding or seeking to host the Summer Olympics or Pan American~~
13 ~~Games.~~

14 ~~2. Annually report to the Governor, the President of~~
15 ~~the Senate, and the Speaker of the House of Representatives on~~
16 ~~the status of the efforts of cities or communities bidding to~~
17 ~~host the Summer Olympics or Pan American Games, including, but~~
18 ~~not limited to, current financial and infrastructure status,~~
19 ~~projected financial and infrastructure needs, and~~
20 ~~recommendations for satisfying the unmet needs and fulfilling~~
21 ~~the requirements for a successful bid in any year that the~~
22 ~~Summer Olympics or Pan American Games are held in this state.~~

23 Section 52. Subsection (4) of section 288.7015,
24 Florida Statutes, is repealed.

25 Section 53. Subsections (8), (10), and (11) of section
26 288.8175, Florida Statutes, are repealed.

27 Section 54. Subsection (5) of section 288.853, Florida
28 Statutes, is repealed.

29 Section 55. Subsection (5) of section 288.9515,
30 Florida Statutes, is amended to read:

31

1 288.95155 Florida Small Business Technology Growth
2 Program.--

3 (5) ~~By January 1 of each year,~~ Enterprise Florida,
4 Inc., shall prepare and include in their annual report
5 required by s. 288.095 a report on the financial status of the
6 program ~~and the account and shall submit a copy of the report~~
7 ~~to the board of directors of Enterprise Florida, Inc., the~~
8 ~~appropriate legislative committees responsible for economic~~
9 ~~development oversight, and the appropriate legislative~~
10 ~~appropriations subcommittees.~~ The report shall specify the
11 assets and liabilities of the account within the current
12 fiscal year and shall include a portfolio update that lists
13 all of the businesses assisted, the private dollars leveraged
14 by each business assisted, and the growth in sales and in
15 employment of each business assisted.

16 Section 56. Paragraph (c) of subsection (4) of section
17 288.9604, Florida Statutes, is amended to read:

18 288.9604 Creation of the authority.--

19 (4)

20 (c) The directors of the corporation shall annually
21 elect one of their members as chair and one as vice chair.
22 The corporation may employ a president, technical experts, and
23 such other agents and employees, permanent and temporary, as
24 it requires and determine their qualifications, duties, and
25 compensation. For such legal services as it requires, the
26 corporation may employ or retain its own counsel and legal
27 staff. ~~The corporation shall file with the governing body of~~
28 ~~each public agency with which it has entered into an~~
29 ~~interlocal agreement and with the Governor, the Speaker of the~~
30 ~~House of Representatives, the President of the Senate, the~~
31 ~~Minority Leaders of the Senate and House of Representatives,~~

1 ~~and the Auditor General, on or before 90 days after the close~~
2 ~~of the fiscal year of the corporation, a report of its~~
3 ~~activities for the preceding fiscal year, which report shall~~
4 ~~include a complete financial statement setting forth its~~
5 ~~assets, liabilities, income, and operating expenses as of the~~
6 ~~end of such fiscal year.~~

7 Section 57. Section 288.9610, Florida Statutes, is
8 amended to read:

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

20 (1) The results of any audit conducted pursuant to s.
21 11.45 ~~evaluation required in s. 11.45(3)(j).~~

22 (2) The activities, operations, and accomplishments of
23 the Florida Development Finance Corporation, including the
24 number of businesses assisted by the corporation.

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

28 Section 58. Subsection (3) of section 292.04, Florida
29 Statutes, is amended to read:

30 292.04 Florida Commission on Veterans' Affairs.--
31

1 ~~(3)(a) It is the duty of the commission to conduct a~~
2 ~~biennial survey of possible contributions that veterans or~~
3 ~~state organizations of veterans and their auxiliaries could~~
4 ~~make to the state and to report the results of the survey to~~
5 ~~the department together with recommendations for encouraging~~
6 ~~such contributions.~~

7 ~~(b)~~ The commission shall work with the various
8 veterans' organizations and their auxiliaries within the state
9 and shall function as a liaison between such organizations and
10 the department on matters pertaining to veterans.

11 Section 59. Subsection (6) of section 292.05, Florida
12 Statutes, is amended to read:

13 292.05 Duties of Department of Veterans' Affairs.--

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

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

29 (b) The current status of the department's domiciliary
30 and nursing homes established pursuant to chapter 296,
31 including all receipts and expenditures, the condition of the

1 homes, the number of residents received and discharged during
2 the preceding year, occupancy rates, staffing, and any other
3 information necessary to provide an understanding of the
4 management, conduct, and operation of the homes.

5 Section 60. Section 296.16, Florida Statutes, is
6 repealed.

7 Section 61. Section 296.39, Florida Statutes, is
8 repealed.

9 Section 62. Paragraph (c) of subsection (12) of
10 section 315.03, Florida Statutes, is repealed.

11 Section 63. Subsection (2) of section 319.324, Florida
12 Statutes, is amended to read:

13 319.324 Odometer fraud prevention and detection;
14 funding.--

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

27 Section 64. Section 322.181, Florida Statutes, is
28 amended to read:

29 322.181 Advisory council on the Study ~~of effects of~~
30 ~~aging on driving ability; advisory council.~~--

31

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

5 ~~(2) Issues to be studied by the department shall~~
6 ~~include the:~~

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

10 ~~(b) Prevalence and effect of degenerative processes~~
11 ~~affecting vision, hearing, mobility, cognitive functions, and~~
12 ~~reaction time;~~

13 ~~(c) Implementation and effect of the department's~~
14 ~~vision screening requirements and examination of new~~
15 ~~technologies;~~

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

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

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

24 ~~(3) The department shall report the results of the~~
25 ~~study to the President of the Senate and the Speaker of the~~
26 ~~House of Representatives by February 1, 2004. The report shall~~
27 ~~include findings of the study and recommendations for~~
28 ~~improving the safety of at risk drivers.~~

29 (4) The department shall appoint an advisory council
30 to participate in the study and to advise the department on
31 issues related to older at-risk drivers on an ongoing basis.

1 The council shall be known as the Florida At-Risk Driver
2 Council. Members of the council shall include representatives
3 of organizations involved with issues facing older drivers
4 including state agencies, medical professionals, senior
5 citizen advocacy groups, providers of services to senior
6 citizens, and research entities.

7 Section 65. Paragraph (c) of subsection (7) of section
8 322.251, Florida Statutes, is repealed.

9 Section 66. Paragraph (d) of subsection (6) of section
10 365.172, Florida Statutes, is repealed.

11 Section 67. Subsection (4) of section 366.82, Florida
12 Statutes, is repealed.

13 Section 68. Subsection (8) of section 370.26, Florida
14 Statutes, is repealed.

15 Section 69. Subsection (2) of section 372.5712,
16 Florida Statutes, is amended to read:

17 372.5712 Florida waterfowl permit revenues.--

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

27 Section 70. Subsection (2) of section 372.5715,
28 Florida Statutes, is amended to read:

29 372.5715 Florida wild turkey permit revenues.--

30 (2) The intent of this section is to expand wild
31 turkey research and management and to increase wild turkey

1 populations in the state without detracting from other
2 programs. The commission shall prepare and make available on
3 its Internet website an annual report documenting the use of
4 funds generated under ~~the provisions of this section, to be~~
5 ~~submitted to the Governor, the Speaker of the House of~~
6 ~~Representatives, and the President of the Senate on or before~~
7 ~~September 1 of each year.~~

8 Section 71. Section 372.673, Florida Statutes, is
9 repealed.

10 Section 72. Section 372.674, Florida Statutes, is
11 repealed.

12 Section 73. Section 373.0391, Florida Statutes, is
13 amended to read:

14 373.0391 Technical assistance to local governments.--

15 (1) The water management districts shall assist local
16 governments in the development and future revision of local
17 government comprehensive plan elements or public facilities
18 report as required by s. 189.415, related to water resource
19 issues.

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

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

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

31

1 ~~(c) Identification of regulations, programs, and~~
2 ~~schedules undertaken or proposed by the district to further~~
3 ~~the State Comprehensive Plan.~~

4 ~~(d) A description of surface water basins, including~~
5 ~~regulatory jurisdictions, flood prone areas, existing and~~
6 ~~projected water quality in water management district operated~~
7 ~~facilities, as well as surface water runoff characteristics~~
8 ~~and topography regarding flood plains, wetlands, and recharge~~
9 ~~areas.~~

10 ~~(e) A description of groundwater characteristics,~~
11 ~~including existing and planned wellfield sites, existing and~~
12 ~~anticipated cones of influence, highly productive groundwater~~
13 ~~areas, aquifer recharge areas, deep well injection zones,~~
14 ~~contaminated areas, an assessment of regional water resource~~
15 ~~needs and sources for the next 20 years, and water quality.~~

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

18 ~~(g) Information reflecting the minimum flows for~~
19 ~~surface watercourses to avoid harm to water resources or the~~
20 ~~ecosystem and information reflecting the minimum water levels~~
21 ~~for aquifers to avoid harm to water resources or the~~
22 ~~ecosystem.~~

23 Section 74. Subsection (4) of section 373.046, Florida
24 Statutes, is amended to read:

25 373.046 Interagency agreements.--

26 (4) The Legislature recognizes and affirms the
27 division of responsibilities between the department and the
28 water management districts as set forth in ss. III. and X. of
29 each of the operating agreements codified as rules
30 17-101.040(12)(a)3., 4., and 5., Florida Administrative Code.
31 Section IV.A.2.a. of each operating agreement regarding

1 individual permit oversight is rescinded. The department
2 shall be responsible for permitting those activities under
3 part IV of this chapter which, because of their complexity and
4 magnitude, need to be economically and efficiently evaluated
5 at the state level, including, but not limited to, mining,
6 hazardous waste management facilities and solid waste
7 management facilities that do not qualify for a general permit
8 under chapter 403. With regard to postcertification
9 information submittals for activities authorized under
10 chapters 341 and 403 siting act certifications, the
11 department, after consultation with the appropriate water
12 management district and other agencies having applicable
13 regulatory jurisdiction, shall be responsible for determining
14 the permittee's compliance with conditions of certification
15 which were based upon the nonprocedural requirements of part
16 IV of this chapter. The Legislature authorizes the water
17 management districts and the department to modify the division
18 of responsibilities referenced in this section and enter into
19 further interagency agreements by rulemaking, including
20 incorporation by reference, pursuant to chapter 120, to
21 provide for greater efficiency and to avoid duplication in the
22 administration of part IV of this chapter by designating
23 certain activities which will be regulated by either the water
24 management districts or the department. In developing such
25 interagency agreements, the water management districts and the
26 department should take into consideration the technical and
27 fiscal ability of each water management district to implement
28 all or some of the provisions of part IV of this chapter.
29 Nothing herein rescinds or restricts the authority of the
30 districts to regulate silviculture and agriculture pursuant to
31 part IV of this chapter or s. 403.927. ~~By December 10, 1993,~~

1 ~~the secretary of the department shall submit a report to the~~
2 ~~President of the Senate and the Speaker of the House of~~
3 ~~Representatives regarding the efficiency of the procedures and~~
4 ~~the division of responsibilities contemplated by this~~
5 ~~subsection and regarding progress toward the execution of~~
6 ~~further interagency agreements and the integration of~~
7 ~~permitting with sovereignty lands approval. The report also~~
8 ~~will consider the feasibility of improving the protection of~~
9 ~~the environment through comprehensive criteria for protection~~
10 ~~of natural systems.~~

11 Section 75. Paragraph (f) of subsection (1) of section
12 373.1963, Florida Statutes, is amended to read:

13 373.1963 Assistance to West Coast Regional Water
14 Supply Authority.--

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

24 (f) Upon execution of the voluntary interlocal
25 agreement provided for herein, the authority shall jointly
26 develop with the Southwest Florida Water Management District
27 alternative sources of potable water and transmission
28 pipelines to interconnect regionally significant water supply
29 sources and facilities of the authority in amounts sufficient
30 to meet the needs of all member governments for a period of at
31 least 20 years and for natural systems. Nothing herein,

1 | however, shall preclude the authority and its member
2 | governments from developing traditional water sources pursuant
3 | to the voluntary interlocal agreement. Development and
4 | construction costs for alternative source facilities, which
5 | may include a desalination facility and significant regional
6 | interconnects, must be borne as mutually agreed to by both the
7 | authority and the Southwest Florida Water Management District.
8 | Nothing herein shall preclude authority or district cost
9 | sharing with private entities for the construction or
10 | ownership of alternative source facilities. ~~By December 31,~~
11 | ~~1997, the authority and the Southwest Florida Water Management~~
12 | ~~District shall:~~

- 13 | 1. ~~Enter into a mutually acceptable agreement~~
14 | ~~detailing the development and implementation of directives~~
15 | ~~contained in this paragraph; or~~
- 16 | 2. ~~Jointly prepare and submit to the President of the~~
17 | ~~Senate and the Speaker of the House of Representatives a~~
18 | ~~report describing the progress made and impediments~~
19 | ~~encountered in their attempts to implement the water resource~~
20 | ~~development and water supply development directives contained~~
21 | ~~in this paragraph.~~

22 |
23 | Nothing in this section shall be construed to modify the
24 | rights or responsibilities of the authority or its member
25 | governments, except as otherwise provided herein, or of the
26 | Southwest Florida Water Management District or the department
27 | pursuant to this chapter or chapter 403 and as otherwise set
28 | forth by statutes.

29 | Section 76. Subsection (14) of section 376.121,
30 | Florida Statutes, is repealed.

31 |

1 Section 77. Section 376.17, Florida Statutes, is
2 repealed.

3 Section 78. Subsection (5) of section 376.30713,
4 Florida Statutes, is repealed.

5 Section 79. Paragraph (f) of subsection (3) of section
6 377.703, Florida Statutes, is amended to read:

7 377.703 Additional functions of the Department of
8 Environmental Protection; energy emergency contingency plan;
9 federal and state conservation programs.--

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

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

26 1. Formulation of specific recommendations for
27 improvement in the efficiency of energy utilization in
28 governmental, residential, commercial, industrial, and
29 transportation sectors.

30 2. Collection and dissemination of information
31 relating to energy conservation.

1 3. Development and conduct of educational and training
2 programs relating to energy conservation.

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

6 Section 80. Paragraph (a) of subsection (2) of section
7 380.06, Florida Statutes, is amended to read:

8 380.06 Developments of regional impact.--

9 (2) STATEWIDE GUIDELINES AND STANDARDS.--

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

28 Section 81. Subsection (3) of section 381.0011,
29 Florida Statutes, is repealed.

30 Section 82. Section 381.0036, Florida Statutes, is
31 repealed.

1 Section 83. Section 381.731, Florida Statutes, is
2 repealed.

3 Section 84. Section 381.795, Florida Statutes, is
4 amended to read:

5 381.795 Long-term community-based supports.--The
6 department shall, contingent upon specific appropriations for
7 these purposes, establish+

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

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

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

31

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

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

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

16 Section 85. Paragraph (a) of subsection (7) of section
17 381.90, Florida Statutes, is repealed.

18 Section 86. Subsection (4) of section 394.4573,
19 Florida Statutes, is repealed.

20 Section 87. Subsection (1) of section 394.4985,
21 Florida Statutes, is amended to read:

22 394.4985 Districtwide information and referral
23 network; implementation.--

24 (1) Each service district of the Department of
25 Children and Family Services shall develop a detailed
26 implementation plan for a districtwide comprehensive child and
27 adolescent mental health information and referral network to
28 be operational by July 1, 1999. The plan must include an
29 operating budget that demonstrates cost efficiencies and
30 identifies funding sources for the district information and
31 referral network. ~~The plan must be submitted by the department~~

1 ~~to the Legislature by October 1, 1998.~~ The district shall use
2 existing district information and referral providers if, in
3 the development of the plan, it is concluded that these
4 providers would deliver information and referral services in a
5 more efficient and effective manner when compared to other
6 alternatives. The district information and referral network
7 must include:

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

- 11 1. Type of program;
- 12 2. Hours of service;
- 13 3. Ages of persons served;
- 14 4. Program description;
- 15 5. Eligibility requirements; and
- 16 6. Fees.

17 (b) Information about private providers and
18 professionals in the community which serve children and
19 adolescents with an emotional disturbance.

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

- 23 1. Number of calls by type of service requested;
- 24 2. Ages of the children and adolescents for whom
25 services are requested; and
- 26 3. Type of referral made by the network.

27 (d) The ability to share client information with the
28 appropriate community agencies.

29 ~~(e) The submission of an annual report to the~~
30 ~~department, the Agency for Health Care Administration, and~~
31 ~~appropriate local government entities, which contains~~

1 ~~information about the sources and frequency of requests for~~
2 ~~information, types and frequency of services requested, and~~
3 ~~types and frequency of referrals made.~~

4 Section 88. Section 394.75, Florida Statutes, is
5 amended to read:

6 394.75 State and district substance abuse and mental
7 health plans.--

8 ~~(1)(a) Every 3 years, beginning in 2001, The~~
9 department, in consultation with the Medicaid program in the
10 Agency for Health Care Administration and the Florida
11 Substance Abuse and Mental Health Corporation, shall prepare a
12 state ~~master~~ plan for the delivery and financing of a system
13 of publicly funded, community-based substance abuse and mental
14 health services throughout the state. The state plan must
15 include:

16 ~~(b) The initial plan must include an assessment of the~~
17 ~~clinical practice guidelines and standards for community based~~
18 ~~mental health and substance abuse services delivered by~~
19 ~~persons or agencies under contract with the Department of~~
20 ~~Children and Family Services. The assessment must include an~~
21 ~~inventory of current clinical guidelines and standards used by~~
22 ~~persons and agencies under contract with the department, and~~
23 ~~by nationally recognized accreditation organizations, to~~
24 ~~address the quality of care and must specify additional~~
25 ~~clinical practice standards and guidelines for new or existing~~
26 ~~services and programs.~~

27 (a)(c) Proposed ~~The plan must propose~~ changes in
28 department policy or statutory revisions to strengthen the
29 quality of mental health and substance abuse treatment and
30 support services.

31

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

6 ~~(c)(e)~~ The plan must include Input from persons who
7 represent local communities; local government entities that
8 contribute funds to the local substance abuse and mental
9 health treatment systems; consumers of publicly funded
10 substance abuse and mental health services, and their
11 families; and stakeholders interested in mental health and
12 substance abuse services. The plan must describe the means by
13 which this local input occurred. ~~The plan shall be updated~~
14 annually.

15 ~~(f)~~ The plan must include statewide policies and
16 planning parameters that will be used by the health and human
17 services boards in preparing the district substance abuse and
18 mental health plans.

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

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

22 ~~(a)~~ A proposal for the development of a data system
23 that will evaluate the effectiveness of programs and services
24 provided to clients of the substance abuse and mental health
25 service system.

26 ~~(b)~~ A proposal to resolve the funding discrepancies
27 between districts.

28 ~~(d)(e)~~ A methodology for the allocation of resources
29 available from federal, state, and local sources and a
30 description of the current level of funding available from
31 each source.

1 ~~(e)(d)~~ A description of the statewide priorities for
2 clients and services, and each district's priorities for
3 clients and services.

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

7 ~~(f)~~ ~~A description of the current methods of~~
8 ~~contracting for services, an assessment of the efficiency of~~
9 ~~these methods in providing accountability for contracted~~
10 ~~funds, and recommendations for improvements to the system of~~
11 ~~contracting.~~

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

14 ~~(h)~~ ~~Guidelines and formats for the development of~~
15 ~~district plans.~~

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

18 ~~(2)~~ A schedule, format, and procedure for development,
19 ~~and review, and update~~ of the ~~state master~~ plan shall be
20 adopted by the department ~~by June of each year~~. The plan and
21 ~~annual~~ updates shall ~~must~~ be submitted to the Governor and the
22 Legislature beginning February 10, 2006, and every 3rd year
23 thereafter ~~President of the Senate and the Speaker of the~~
24 ~~House of Representatives by January 1 of each year, beginning~~
25 ~~January 1, 2001.~~

26 (3) Each ~~The~~ district ~~health and human services board~~
27 shall prepare an integrated district substance abuse and
28 mental health plan. The plan shall be prepared and updated on
29 a schedule established by the Assistant Secretary for
30 Substance Abuse Alcohol, Drug Abuse, and Mental Health Program
31 Office. The plan shall reflect the needs and program

1 | priorities established by the department and the needs of the
2 | district established under ss. 394.674 and 394.675. The
3 | ~~district plan must list in order of priority the mental health~~
4 | ~~and the substance abuse treatment needs of the district and~~
5 | ~~must rank each program separately. The plan shall include:~~

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

8 | ~~(b) A description of each service that will be~~
9 | ~~purchased with state funds.~~

10 | ~~(c) A record of the amount of money allocated for each~~
11 | ~~service identified in the plan as being purchased with state~~
12 | ~~funds.~~

13 | ~~(d) A record of the total funds allocated to each~~
14 | ~~provider.~~

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

17 | ~~(a)(f)~~ Input from community-based persons,
18 | organizations, and agencies interested in substance abuse and
19 | mental health treatment services; local government entities
20 | that contribute funds to the public substance abuse and mental
21 | health treatment systems; and consumers of publicly funded
22 | substance abuse and mental health services, and their family
23 | members. The plan must describe the means by which this local
24 | input occurred.

25 |
26 | ~~The plan shall be submitted by the district board to the~~
27 | ~~district administrator and to the governing bodies for review,~~
28 | ~~comment, and approval.~~

29 | ~~(4) The district plan shall:~~

30 | ~~(a) Describe the publicly funded, community based~~
31 | ~~substance abuse and mental health system of care, and identify~~

1 ~~statutorily defined populations, their service needs, and the~~
2 ~~resources available and required to meet their needs.~~

3 ~~(b) Provide the means for meeting the needs of the~~
4 ~~district's eligible clients, specified in ss. 394.674 and~~
5 ~~394.675, for substance abuse and mental health services.~~

6 (b)(c) Provide a process for coordinating the delivery
7 of services within a community-based system of care to
8 eligible clients. Such process must involve service providers,
9 clients, and other stakeholders. The process must also provide
10 a means by which providers will coordinate and cooperate to
11 strengthen linkages, achieve maximum integration of services,
12 foster efficiencies in service delivery and administration,
13 and designate responsibility for outcomes for eligible
14 clients.

15 (c)(d) Provide a projection of district program and
16 fiscal needs for the next fiscal year, provide for the orderly
17 and economical development of needed services, and indicate
18 priorities and resources for each population served,
19 performance outcomes, and anticipated expenditures and
20 revenues.

21 ~~(e) Include a summary budget request for the total~~
22 ~~district substance abuse and mental health program, which must~~
23 ~~include the funding priorities established by the district~~
24 ~~planning process.~~

25 ~~(f) Provide a basis for the district legislative~~
26 ~~budget request.~~

27 ~~(g) Include a policy and procedure for allocation of~~
28 ~~funds.~~

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

1 (d)(i) Provide for the integration of substance abuse
2 and mental health services with the other departmental
3 programs and with the criminal justice, juvenile justice,
4 child protection, school, and health care systems within the
5 district.

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

9 (e)(k) Provide for continuity of client care between
10 state treatment facilities and community programs to assure
11 that discharge planning results in the rapid application for
12 all benefits for which a client is eligible, including
13 Medicaid coverage for persons leaving state treatment
14 facilities and returning to community-based programs.

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

17 ~~(m) Provide for the fullest possible and most~~
18 ~~appropriate participation by existing programs; state~~
19 ~~hospitals and other hospitals; city, county, and state health~~
20 ~~and family service agencies; drug abuse and alcoholism~~
21 ~~programs; probation departments; physicians; psychologists;~~
22 ~~social workers; marriage and family therapists; mental health~~
23 ~~counselors; clinical social workers; public health nurses;~~
24 ~~school systems; and all other public and private agencies and~~
25 ~~personnel that are required to, or may agree to, participate~~
26 ~~in the plan.~~

27 ~~(n) Include an inventory of all public and private~~
28 ~~substance abuse and mental health resources within the~~
29 ~~district, including consumer advocacy groups and self help~~
30 ~~groups known to the department.~~

31

1 ~~(4)(5)~~ The district plan shall address how substance
2 abuse and mental health services will be provided and how a
3 system of care for target populations will be provided given
4 the resources available in the service district. The plan must
5 include provisions for providing the most appropriate and
6 current evidence-based services for persons with substance
7 abuse disorders and mental illnesses in a variety of settings
8 ~~maximizing client access to the most recently developed~~
9 ~~psychiatric medications approved by the United States Food and~~
10 ~~Drug Administration, for developing independent housing units~~
11 ~~through participation in the Section 811 program operated by~~
12 ~~the United States Department of Housing and Urban Development,~~
13 ~~for developing supported employment services through the~~
14 ~~Division of Vocational Rehabilitation of the Department of~~
15 ~~Education, for providing treatment services to persons with~~
16 ~~co-occurring mental illness and substance abuse problems which~~
17 ~~are integrated across treatment systems, and for providing~~
18 ~~services to adults who have a serious mental illness, as~~
19 ~~defined in s. 394.67, and who reside in assisted living~~
20 ~~facilities.~~

21 ~~(6)~~ The district plan shall provide the means by which
22 the needs of the population groups specified pursuant to s.
23 394.674 will be addressed in the district.

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

29 ~~(8)~~ The district health and human services board shall
30 establish a subcommittee to prepare the portion of the
31 district plan relating to children and adolescents. The

1 ~~subcommittee shall include representative membership of any~~
2 ~~committee organized or established by the district to review~~
3 ~~placement of children and adolescents in residential treatment~~
4 ~~programs. The board shall establish a subcommittee to prepare~~
5 ~~the portion of the district plan which relates to adult mental~~
6 ~~health and substance abuse. The subcommittee must include~~
7 ~~representatives from the community who have an interest in~~
8 ~~mental health and substance abuse treatment for adults.~~

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

15 ~~(10) The district administrator shall ensure that the~~
16 ~~district plan:~~

17 ~~(a) Conforms to the priorities in the state plan, the~~
18 ~~requirements of this part, and the standards adopted under~~
19 ~~this part;~~

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

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

25 ~~(11) The district administrator shall require such~~
26 ~~modifications in the district plan as he or she deems~~
27 ~~necessary to bring the plan into conformance with the~~
28 ~~provisions of this part. If the district board and the~~
29 ~~district administrator cannot agree on the plan, including the~~
30 ~~projected budget, the issues under dispute shall be submitted~~
31

1 ~~directly to the secretary of the department for immediate~~
2 ~~resolution.~~

3 ~~(12) Each governing body that provides local funds has~~
4 ~~the authority to require necessary modification to only that~~
5 ~~portion of the district plan which affects substance abuse and~~
6 ~~mental health programs and services within the jurisdiction of~~
7 ~~that governing body.~~

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

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

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

15 ~~(c) A description of the programs and services~~
16 ~~included in the district plan priorities that were~~
17 ~~appropriated funds by the Legislature in the legislative~~
18 ~~session that preceded the report.~~

19 Section 89. Section 394.82, Florida Statutes, is
20 repealed.

21 Section 90. Paragraph (a) of subsection (4), paragraph
22 (h) of subsection (7), and subsection (8) of section 394.9082,
23 Florida Statutes, are amended to read:

24 394.9082 Behavioral health service delivery
25 strategies.--

26 (4) CONTRACT FOR SERVICES.--

27 (a) The Department of Children and Family Services and
28 the Agency for Health Care Administration may contract for the
29 provision or management of behavioral health services with a
30 managing entity in at least two geographic areas. Both the
31 Department of Children and Family Services and the Agency for

1 Health Care Administration must contract with the same
2 managing entity in any distinct geographic area where the
3 strategy operates. This managing entity shall be accountable
4 at a minimum for the delivery of behavioral health services
5 specified and funded by the department and the agency. The
6 geographic area must be of sufficient size in population and
7 have enough public funds for behavioral health services to
8 allow for flexibility and maximum efficiency. ~~Notwithstanding~~
9 ~~the provisions of s. 409.912(4)(b)1.,~~ At least one service
10 delivery strategy must be in one of the service districts in
11 the catchment area of G. Pierce Wood Memorial Hospital.

12 (7) ESSENTIAL ELEMENTS.--

13 ~~(h)1. The Department of Children and Family Services,~~
14 ~~in consultation with the Agency for Health Care~~
15 ~~Administration, shall prepare an amendment by October 31,~~
16 ~~2001, to the 2001 master state plan required under s.~~
17 ~~394.75(1), which describes each service delivery strategy,~~
18 ~~including at least the following details:~~

19 a. ~~Operational design;~~

20 b. ~~Counties or service districts included in each~~
21 ~~strategy;~~

22 c. ~~Expected outcomes; and~~

23 d. ~~Timeframes.~~

24 2. ~~The amendment shall specifically address the~~
25 ~~application of each service delivery strategy to substance~~
26 ~~abuse services, including:~~

27 a. ~~The development of substance abuse service~~
28 ~~protocols;~~

29 b. ~~Credentialing requirements for substance abuse~~
30 ~~services; and~~

31

1 ~~c. The development of new service models for~~
2 ~~individuals with co occurring mental health and substance~~
3 ~~abuse disorders.~~

4 ~~3. The amendment must specifically address the~~
5 ~~application of each service delivery strategy to the child~~
6 ~~welfare system, including:~~

7 ~~a. The development of service models that support~~
8 ~~working with both children and their families in a~~
9 ~~community based care system and that are specific to the child~~
10 ~~welfare system.~~

11 ~~b. A process for providing services to abused and~~
12 ~~neglected children and their families as indicated in~~
13 ~~court ordered case plans.~~

14 (8) EXPANSION IN DISTRICTS 4 AND 12.--The department
15 shall work with community agencies to establish a single
16 managing entity for districts 4 and 12 accountable for the
17 delivery of substance abuse services to child protective
18 services recipients in the two districts. The purpose of this
19 strategy is to enhance the coordination of substance abuse
20 services with community-based care agencies and the
21 department. The department shall work with affected
22 stakeholders to develop and implement a plan that allows the
23 phase-in of services beginning with the delivery of substance
24 abuse services, with phase-in of subsequent substance abuse
25 services agreed upon by the managing entity and authorized by
26 the department, providing the necessary technical assistance
27 to assure provider and district readiness for implementation.
28 When a single managing entity is established and meets
29 readiness requirements, the department may enter into a
30 noncompetitive contract with the entity. The department shall
31 maintain detailed information on the methodology used for

1 selection and a justification for the selection. Performance
2 objectives shall be developed which ensure that services that
3 are delivered directly affect and complement the child's
4 permanency plan. During the initial planning and
5 implementation phase of this project, the requirements in
6 subsections (6) and (7) are waived. Considering the critical
7 substance abuse problems experienced by many families in the
8 child protection system, the department shall initiate the
9 implementation of the substance abuse delivery component of
10 this program without delay ~~and furnish status reports to the~~
11 ~~appropriate substantive committees of the Senate and the House~~
12 ~~of Representatives no later than February 29, 2004, and~~
13 ~~February 28, 2005.~~ The integration of all services agreed upon
14 by the managing entity and authorized by the department must
15 be completed within 2 years after project initiation. Ongoing
16 monitoring and evaluation of this strategy shall be conducted
17 in accordance with subsection (9).

18 Section 91. Section 394.9083, Florida Statutes, is
19 repealed.

20 Section 92. Subsections (1) and (20) of section
21 397.321, Florida Statutes, are repealed.

22 Section 93. Subsection (4) of section 397.333, Florida
23 Statutes, is amended to read:

24 397.333 Statewide Drug Policy Advisory Council.--

25 (4)~~(a)~~ The chairperson of the advisory council shall
26 appoint workgroups that include members of state agencies that
27 are not represented on the advisory council and shall solicit
28 input and recommendations from those state agencies. In
29 addition, the chairperson may appoint workgroups as necessary
30 from among the members of the advisory council in order to
31 efficiently address specific issues. A representative of a

1 state agency appointed to any workgroup shall be the head of
2 the agency, or his or her designee. The chairperson may
3 designate lead and contributing agencies within a workgroup.

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

11 Section 94. Subsection (1) of section 397.94, Florida
12 Statutes, is repealed.

13 Section 95. Paragraph (f) of subsection (2) of section
14 400.0067, Florida Statutes, is amended to read:

15 400.0067 State Long-Term Care Ombudsman Council;
16 duties; membership.--

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

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

1 convening of the regular session of the Legislature and shall,
2 at a minimum:

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

6 2. Evaluate the problems experienced by residents of
7 long-term care facilities.

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

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

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

27 6. Contain recommendations from the local ombudsman
28 councils regarding program functions and activities.

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

1 Section 96. Subsection (3) of section 400.0075,
2 Florida Statutes, is repealed.

3 Section 97. Section 400.0089, Florida Statutes, is
4 amended to read:

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

25 Section 98. Subsection (2) of section 400.148, Florida
26 Statutes, is repealed.

27 Section 99. Paragraph (b) of subsection (3) of section
28 400.407, Florida Statutes, is amended to read:

29 400.407 License required; fee, display.--

30 (3) Any license granted by the agency must state the
31 maximum resident capacity of the facility, the type of care

1 for which the license is granted, the date the license is
2 issued, the expiration date of the license, and any other
3 information deemed necessary by the agency. Licenses shall be
4 issued for one or more of the following categories of care:
5 standard, extended congregate care, limited nursing services,
6 or limited mental health.

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

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

30 a. A class I or class II violation;
31

1 b. Three or more repeat or recurring class III
2 violations of identical or similar resident care standards as
3 specified in rule from which a pattern of noncompliance is
4 found by the agency;

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

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

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

15 f. Imposition of a moratorium on admissions or
16 initiation of injunctive proceedings.

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

1 agency may waive one of the required yearly monitoring visits
2 for a facility that has been licensed for at least 24 months
3 to provide extended congregate care services, if, during the
4 inspection, the registered nurse determines that extended
5 congregate care services are being provided appropriately, and
6 if the facility has no class I or class II violations and no
7 uncorrected class III violations. Before such decision is
8 made, the agency shall consult with the long-term care
9 ombudsman council for the area in which the facility is
10 located to determine if any complaints have been made and
11 substantiated about the quality of services or care. The
12 agency may not waive one of the required yearly monitoring
13 visits if complaints have been made and substantiated.

14 3. Facilities that are licensed to provide extended
15 congregate care services shall:

16 a. Demonstrate the capability to meet unanticipated
17 resident service needs.

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

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

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

31

1 e. Allow residents or, if applicable, a resident's
2 representative, designee, surrogate, guardian, or attorney in
3 fact to make a variety of personal choices, participate in
4 developing service plans, and share responsibility in
5 decisionmaking.

6 f. Implement the concept of managed risk.

7 g. Provide, either directly or through contract, the
8 services of a person licensed pursuant to part I of chapter
9 464.

10 h. In addition to the training mandated in s. 400.452,
11 provide specialized training as defined by rule for facility
12 staff.

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

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

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

6 7. When a facility can no longer provide or arrange
7 for services in accordance with the resident's service plan
8 and needs and the facility's policy, the facility shall make
9 arrangements for relocating the person in accordance with s.
10 400.428(1)(k).

11 8. Failure to provide extended congregate care
12 services may result in denial of extended congregate care
13 license renewal.

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

22 ~~a. A description of the facilities licensed to provide~~
23 ~~such services, including total number of beds licensed under~~
24 ~~this part.~~

25 ~~b. The number and characteristics of residents~~
26 ~~receiving such services.~~

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

29 ~~d. An analysis of deficiencies cited during licensure~~
30 ~~inspections.~~

31

1 ~~e. The number of residents who required extended~~
2 ~~congregate care services at admission and the source of~~
3 ~~admission.~~

4 ~~f. Recommendations for statutory or regulatory~~
5 ~~changes.~~

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

11 ~~h. Such other information as the department considers~~
12 ~~appropriate.~~

13 Section 100. Subsection (13) of section 400.419,
14 Florida Statutes, is amended to read:

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

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

1 postage to other interested parties requesting a copy of this
2 list.

3 Section 101. Subsection (2) of section 400.967,
4 Florida Statutes, is amended to read:

5 400.967 Rules and classification of deficiencies.--

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

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

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

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

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

18 (d) The equipment essential to the health and welfare
19 of the residents.

20 (e) A uniform accounting system.

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

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

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

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

19 Section 102. Paragraph (c) of subsection (1) of
20 section 402.73, Florida Statutes, is amended to read:

21 402.73 Contracting and performance standards.--

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

27 (c) The department has concluded, after reviewing
28 market prices and available treatment options, that there is
29 evidence that the department can improve the performance
30 outcomes produced by its contract resources. At a minimum, the
31 department shall review market prices and available treatment

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

7 | Section 103. 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 104. Section 403.756, Florida Statutes, is
24 | repealed.

25 | Section 105. Paragraph (b) of subsection (3) and
26 | subsection (5) of section 403.7895, Florida Statutes, are
27 | amended to read:

28 | 403.7895 Requirements for the permitting and
29 | certification of commercial hazardous waste incinerators.--

30 | (3) CERTIFICATION OF NEED.--
31 |

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

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

7 ~~(a) The department shall conduct, by November 1, 1994,~~
8 ~~or the date by which phase 2 of the next capacity assurance~~
9 ~~plan must be submitted to the United States Environmental~~
10 ~~Protection Agency, whichever date occurs first, a~~
11 ~~comprehensive independent study of the current and future need~~
12 ~~for hazardous waste incineration in the state. The study~~
13 ~~shall evaluate the projected statewide capacity needs for a~~
14 ~~20 year period. The study shall be updated at least every 5~~
15 ~~years.~~

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

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

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

28 ~~2. Existing and projected hazardous waste incinerator~~
29 ~~capacity in the state and the nation.~~

1 ~~3. Existing and projected hazardous waste incineration~~
2 ~~capacity in boilers and industrial furnaces in the state and~~
3 ~~the nation.~~

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

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

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

17 Section 106. Paragraph (a) of subsection (4) of
18 section 406.02, Florida Statutes, is repealed.

19 Section 107. Paragraph (g) of subsection (1) of
20 section 408.033, Florida Statutes, is amended to read:

21 408.033 Local and state health planning.--

22 (1) LOCAL HEALTH COUNCILS.--

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

1 ~~such reports and submit such consolidated report to the~~
2 ~~Legislature no later than March 1 of each year.~~

3 Section 108. Subsection (4) of section 408.914,
4 Florida Statutes, is repealed.

5 Section 109. Paragraph (i) of subsection (3) of
6 section 408.915, Florida Statutes, is repealed.

7 Section 110. Section 408.917, Florida Statutes, is
8 repealed.

9 Section 111. Paragraph (b) of subsection (7) of
10 section 409.1451, Florida Statutes, is amended to read:

11 409.1451 Independent living transition services.--

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

22 (b) The advisory council shall report to the secretary
23 ~~appropriate substantive committees of the Senate and the House~~
24 ~~of Representatives~~ on the status of the implementation of the
25 system of independent living transition services; efforts to
26 publicize the availability of aftercare support services, the
27 Road-to-Independence Scholarship Program, and transitional
28 support services; specific barriers to financial aid created
29 by the scholarship and possible solutions; the success of the
30 services; problems identified; recommendations for department
31 or legislative action; and the department's implementation of

1 | the recommendations contained in the Independent Living
2 | Services Integration Workgroup Report submitted to the Senate
3 | and the House substantive committees December 31, 2002. The
4 | department shall submit a report by December 31 of each year
5 | to the Governor and Legislature ~~This advisory council report~~
6 | ~~shall be submitted by December 31 of each year that the~~
7 | ~~council is in existence and shall be accompanied by a report~~
8 | ~~from the department~~ which includes a summary of the factors
9 | reported on by the council and identifies the recommendations
10 | of the advisory council and either describes the department's
11 | actions to implement these recommendations or provides the
12 | department's rationale for not implementing the
13 | recommendations.

14 | Section 112. Section 409.146, Florida Statutes, is
15 | repealed.

16 | Section 113. Section 409.152, Florida Statutes, is
17 | repealed.

18 | Section 114. Subsection (1) of section 409.1679,
19 | Florida Statutes, is repealed.

20 | Section 115. Paragraph (k) of subsection (4) of
21 | section 409.221, Florida Statutes, is repealed.

22 | Section 116. Paragraph (a) of subsection (3) of
23 | section 409.25575, Florida Statutes, is amended to read:

24 | 409.25575 Support enforcement; privatization.--

25 | (3)(a) The department shall establish a quality
26 | assurance program for the privatization of services. The
27 | quality assurance program must include standards for each
28 | specific component of these services. The department shall
29 | establish minimum thresholds for each component. Each program
30 | operated pursuant to contract must be evaluated annually by
31 | the department or by an objective competent entity designated

1 | by the department under the provisions of the quality
2 | assurance program. The evaluation must be financed from cost
3 | savings associated with the privatization of services. ~~The~~
4 | ~~department shall submit an annual report regarding quality~~
5 | ~~performance, outcome measure attainment, and cost efficiency~~
6 | ~~to the President of the Senate, the Speaker of the House of~~
7 | ~~Representatives, the Minority leader of each house of the~~
8 | ~~Legislature, and the Governor no later than January 31 of each~~
9 | ~~year, beginning in 1999.~~ The quality assurance program must be
10 | financed through administrative savings generated by this act.

11 | Section 117. Subsection (7) of section 409.2558,
12 | Florida Statutes, is amended to read:

13 | 409.2558 Support distribution and disbursement.--

14 | (7) RULEMAKING AUTHORITY.--The department may adopt
15 | rules to administer this section. ~~The department shall provide~~
16 | ~~a draft of the proposed concepts for the rule for the~~
17 | ~~undistributable collections to interested parties for review~~
18 | ~~and recommendations prior to full development of the rule and~~
19 | ~~initiating the formal rule development process. The department~~
20 | ~~shall consider but is not required to implement the~~
21 | ~~recommendations. The department shall provide a report to the~~
22 | ~~President of the Senate and the Speaker of the House of~~
23 | ~~Representatives containing the recommendations received from~~
24 | ~~interested parties and the department's response regarding~~
25 | ~~incorporating the recommendations into the rule.~~

26 | Section 118. Section 409.2567, Florida Statutes, is
27 | amended to read:

28 | 409.2567 Services to individuals not otherwise
29 | eligible.--All support services provided by the department
30 | shall be made available on behalf of all dependent children.
31 | Services shall be provided upon acceptance of public

1 assistance or upon proper application filed with the
2 department. The department shall adopt rules to provide for
3 the payment of a \$25 application fee from each applicant who
4 is not a public assistance recipient. The application fee
5 shall be deposited in the Child Support Enforcement
6 Application and Program Revenue Trust Fund within the
7 Department of Revenue to be used for the Child Support
8 Enforcement Program. The obligor is responsible for all
9 administrative costs, as defined in s. 409.2554. The court
10 shall order payment of administrative costs without requiring
11 the department to have a member of the bar testify or submit
12 an affidavit as to the reasonableness of the costs. An
13 attorney-client relationship exists only between the
14 department and the legal services providers in Title IV-D
15 cases. The attorney shall advise the obligee in Title IV-D
16 cases that the attorney represents the agency and not the
17 obligee. In Title IV-D cases, any costs, including filing
18 fees, recording fees, mediation costs, service of process
19 fees, and other expenses incurred by the clerk of the circuit
20 court, shall be assessed only against the nonprevailing
21 obligor after the court makes a determination of the
22 nonprevailing obligor's ability to pay such costs and fees. In
23 any case where the court does not award all costs, the court
24 shall state in the record its reasons for not awarding the
25 costs. The Department of Revenue shall not be considered a
26 party for purposes of this section; however, fees may be
27 assessed against the department pursuant to s. 57.105(1). ~~The~~
28 ~~department shall submit a monthly report to the Governor and~~
29 ~~the chairs of the Health and Human Services Fiscal Committee~~
30 ~~of the House of Representatives and the Ways and Means~~
31 ~~Committee of the Senate specifying the funds identified for~~

1 ~~collection from the noncustodial parents of children receiving~~
2 ~~temporary assistance and the amounts actually collected.~~

3 Section 119. Subsection (24) of section 409.906,
4 Florida Statutes, is amended to read:

5 409.906 Optional Medicaid services.--Subject to
6 specific appropriations, the agency may make payments for
7 services which are optional to the state under Title XIX of
8 the Social Security Act and are furnished by Medicaid
9 providers to recipients who are determined to be eligible on
10 the dates on which the services were provided. Any optional
11 service that is provided shall be provided only when medically
12 necessary and in accordance with state and federal law.

13 Optional services rendered by providers in mobile units to
14 Medicaid recipients may be restricted or prohibited by the
15 agency. Nothing in this section shall be construed to prevent
16 or limit the agency from adjusting fees, reimbursement rates,
17 lengths of stay, number of visits, or number of services, or
18 making any other adjustments necessary to comply with the
19 availability of moneys and any limitations or directions
20 provided for in the General Appropriations Act or chapter 216.

21 If necessary to safeguard the state's systems of providing
22 services to elderly and disabled persons and subject to the
23 notice and review provisions of s. 216.177, the Governor may
24 direct the Agency for Health Care Administration to amend the
25 Medicaid state plan to delete the optional Medicaid service
26 known as "Intermediate Care Facilities for the Developmentally
27 Disabled." Optional services may include:

28 (24) ~~CHILD-WELFARE-TARGETED CASE MANAGEMENT.~~--The
29 Agency for Health Care Administration, in consultation with
30 the Department of Children and Family Services, may establish
31 a targeted case-management project in those counties

1 identified by the Department of Children and Family Services
2 and for all counties with a community-based child welfare
3 project, as authorized under s. 409.1671, which have been
4 specifically approved by the department. ~~Results of targeted~~
5 ~~case management projects shall be reported to the Social~~
6 ~~Services Estimating Conference established under s. 216.136.~~
7 The covered group of individuals who are eligible to receive
8 targeted case management include children who are eligible for
9 Medicaid; who are between the ages of birth through 21; and
10 who are under protective supervision or postplacement
11 supervision, under foster-care supervision, or in shelter care
12 or foster care. The number of individuals who are eligible to
13 receive targeted case management shall be limited to the
14 number for whom the Department of Children and Family Services
15 has available matching funds to cover the costs. The general
16 revenue funds required to match the funds for services
17 provided by the community-based child welfare projects are
18 limited to funds available for services described under s.
19 409.1671. The Department of Children and Family Services may
20 transfer the general revenue matching funds as billed by the
21 Agency for Health Care Administration.

22 Section 120. Subsection (4) of section 409.9065,
23 Florida Statutes, is amended to read:

24 409.9065 Pharmaceutical expense assistance.--

25 (4) ADMINISTRATION.--The pharmaceutical expense
26 assistance program shall be administered by the agency, in
27 collaboration with the Department of Elderly Affairs and the
28 Department of Children and Family Services.

29 ~~(a)~~ The agency shall, by rule, establish for the
30 pharmaceutical expense assistance program eligibility
31 requirements; limits on participation; benefit limitations,

1 including copayments; a requirement for generic drug
2 substitution; and other program parameters comparable to those
3 of the Medicaid program. Individuals eligible to participate
4 in this program are not subject to the limit of four brand
5 name drugs per month per recipient as specified in s.
6 409.912(39)(a) ~~s. 409.912(40)(a)~~. There shall be no monetary
7 limit on prescription drugs purchased with discounts of less
8 than 51 percent unless the agency determines there is a risk
9 of a funding shortfall in the program. If the agency
10 determines there is a risk of a funding shortfall, the agency
11 may establish monetary limits on prescription drugs which
12 shall not be less than \$160 worth of prescription drugs per
13 month.

14 ~~(b) By January 1 of each year, the agency shall report~~
15 ~~to the Legislature on the operation of the program. The report~~
16 ~~shall include information on the number of individuals served,~~
17 ~~use rates, and expenditures under the program. The report~~
18 ~~shall also address the impact of the program on reducing unmet~~
19 ~~pharmaceutical drug needs among the elderly and recommend~~
20 ~~programmatic changes.~~

21 Section 121. Section 409.91188, Florida Statutes, is
22 amended to read:

23 409.91188 Specialty prepaid health plans for Medicaid
24 recipients with HIV or AIDS.--The Agency for Health Care
25 Administration is authorized to contract with specialty
26 prepaid health plans and pay them on a prepaid capitated basis
27 to provide Medicaid benefits to Medicaid-eligible recipients
28 who have human immunodeficiency syndrome (HIV) or acquired
29 immunodeficiency syndrome (AIDS). The agency shall apply for
30 and is authorized to implement federal waivers or other
31 necessary federal authorization to implement the prepaid

1 health plans authorized by this section. The agency shall
2 procure the specialty prepaid health plans through a
3 competitive procurement. In awarding a contract to a managed
4 care plan, the agency shall take into account price, quality,
5 accessibility, linkages to community-based organizations, and
6 the comprehensiveness of the benefit package offered by the
7 plan. The agency may bid the HIV/AIDS specialty plans on a
8 county, regional, or statewide basis. Qualified plans must be
9 licensed under chapter 641. ~~The agency shall monitor and~~
10 ~~evaluate the implementation of this waiver program if it is~~
11 ~~approved by the Federal Government and shall report on its~~
12 ~~status to the President of the Senate and the Speaker of the~~
13 ~~House of Representatives by February 1, 2001.~~ To improve
14 coordination of medical care delivery and to increase cost
15 efficiency for the Medicaid program in treating HIV disease,
16 the agency ~~for Health Care Administration~~ shall seek all
17 necessary federal waivers to allow participation in the
18 Medipass HIV disease management program for Medicare
19 beneficiaries who test positive for HIV infection and who also
20 qualify for Medicaid benefits such as prescription medications
21 not covered by Medicare.

22 Section 122. Paragraph (b) of subsection (4) and
23 subsections (5), (21), (29), (41), (44), and (49) of section
24 409.912, Florida Statutes, are amended to read:

25 409.912 Cost-effective purchasing of health care.--The
26 agency shall purchase goods and services for Medicaid
27 recipients in the most cost-effective manner consistent with
28 the delivery of quality medical care. To ensure that medical
29 services are effectively utilized, the agency may, in any
30 case, require a confirmation or second physician's opinion of
31 the correct diagnosis for purposes of authorizing future

1 | services under the Medicaid program. This section does not
2 | restrict access to emergency services or poststabilization
3 | care services as defined in 42 C.F.R. part 438.114. Such
4 | confirmation or second opinion shall be rendered in a manner
5 | approved by the agency. The agency shall maximize the use of
6 | prepaid per capita and prepaid aggregate fixed-sum basis
7 | services when appropriate and other alternative service
8 | delivery and reimbursement methodologies, including
9 | competitive bidding pursuant to s. 287.057, designed to
10 | facilitate the cost-effective purchase of a case-managed
11 | continuum of care. The agency shall also require providers to
12 | minimize the exposure of recipients to the need for acute
13 | inpatient, custodial, and other institutional care and the
14 | inappropriate or unnecessary use of high-cost services. The
15 | agency may mandate prior authorization, drug therapy
16 | management, or disease management participation for certain
17 | populations of Medicaid beneficiaries, certain drug classes,
18 | or particular drugs to prevent fraud, abuse, overuse, and
19 | possible dangerous drug interactions. The Pharmaceutical and
20 | Therapeutics Committee shall make recommendations to the
21 | agency on drugs for which prior authorization is required. The
22 | agency shall inform the Pharmaceutical and Therapeutics
23 | Committee of its decisions regarding drugs subject to prior
24 | authorization. The agency is authorized to limit the entities
25 | it contracts with or enrolls as Medicaid providers by
26 | developing a provider network through provider credentialing.
27 | The agency may limit its network based on the assessment of
28 | beneficiary access to care, provider availability, provider
29 | quality standards, time and distance standards for access to
30 | care, the cultural competence of the provider network,
31 | demographic characteristics of Medicaid beneficiaries,

1 | practice and provider-to-beneficiary standards, appointment
2 | wait times, beneficiary use of services, provider turnover,
3 | provider profiling, provider licensure history, previous
4 | program integrity investigations and findings, peer review,
5 | provider Medicaid policy and billing compliance records,
6 | clinical and medical record audits, and other factors.
7 | Providers shall not be entitled to enrollment in the Medicaid
8 | provider network. The agency is authorized to seek federal
9 | waivers necessary to implement this policy.

10 | (4) The agency may contract with:

11 | (b) An entity that is providing comprehensive
12 | behavioral health care services to certain Medicaid recipients
13 | through a capitated, prepaid arrangement pursuant to the
14 | federal waiver provided for by s. 409.905(5). Such an entity
15 | must be licensed under chapter 624, chapter 636, or chapter
16 | 641 and must possess the clinical systems and operational
17 | competence to manage risk and provide comprehensive behavioral
18 | health care to Medicaid recipients. As used in this paragraph,
19 | the term "comprehensive behavioral health care services" means
20 | covered mental health and substance abuse treatment services
21 | that are available to Medicaid recipients. The secretary of
22 | the Department of Children and Family Services shall approve
23 | provisions of procurements related to children in the
24 | department's care or custody prior to enrolling such children
25 | in a prepaid behavioral health plan. Any contract awarded
26 | under this paragraph must be competitively procured. In
27 | developing the behavioral health care prepaid plan procurement
28 | document, the ~~agency shall ensure that the procurement~~
29 | document must require ~~requires~~ the contractor to develop and
30 | implement a plan to ensure compliance with s. 394.4574 related
31 | to services provided to residents of licensed assisted living

1 facilities that hold a limited mental health license. Except
2 as provided in subparagraph 8., the agency shall seek federal
3 approval to contract with a single entity meeting these
4 requirements to provide comprehensive behavioral health care
5 services to all Medicaid recipients not enrolled in a managed
6 care plan in an AHCA area. Each entity must offer sufficient
7 choice of providers in its network to ensure recipient access
8 to care and the opportunity to select a provider with whom
9 they are satisfied. The network shall include all public
10 mental health hospitals. To ensure unimpaired access to
11 behavioral health care services by Medicaid recipients, all
12 contracts issued pursuant to this paragraph shall require 80
13 percent of the capitation paid to the managed care plan,
14 including health maintenance organizations, to be expended for
15 the provision of behavioral health care services. In the event
16 the managed care plan expends less than 80 percent of the
17 capitation paid pursuant to this paragraph for the provision
18 of behavioral health care services, the difference shall be
19 returned to the agency. The agency shall provide the managed
20 care plan with a certification letter indicating the amount of
21 capitation paid during each calendar year for the provision of
22 behavioral health care services pursuant to this section. The
23 agency may reimburse for substance abuse treatment services on
24 a fee-for-service basis until the agency finds that adequate
25 funds are available for capitated, prepaid arrangements.

26 ~~1. By January 1, 2001, the agency shall modify the~~
27 ~~contracts with the entities providing comprehensive inpatient~~
28 ~~and outpatient mental health care services to Medicaid~~
29 ~~recipients in Hillsborough, Highlands, Hardee, Manatee, and~~
30 ~~Polk Counties, to include substance abuse treatment services.~~

31

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

7 1.3. Except as provided in subparagraph ~~6. 8.~~, by July
8 1, 2006, the agency and the Department of Children and Family
9 Services shall contract with managed care entities in each
10 AHCA area except area 6 or arrange to provide comprehensive
11 inpatient and outpatient mental health and substance abuse
12 services through capitated prepaid arrangements to all
13 Medicaid recipients who are eligible to participate in such
14 plans under federal law and regulation. In AHCA areas where
15 eligible individuals number less than 150,000, the agency
16 shall contract with a single managed care plan to provide
17 comprehensive behavioral health services to all recipients who
18 are not enrolled in a Medicaid health maintenance
19 organization. The agency may contract with more than one
20 comprehensive behavioral health provider to provide care to
21 recipients who are not enrolled in a Medicaid health
22 maintenance organization in AHCA areas where the eligible
23 population exceeds 150,000. Contracts for comprehensive
24 behavioral health providers awarded pursuant to this section
25 shall be competitively procured. Both for-profit and
26 not-for-profit corporations shall be eligible to compete.
27 Managed care plans contracting with the agency under
28 subsection (3) shall provide and receive payment for the same
29 comprehensive behavioral health benefits as provided in AHCA
30 rules, including handbooks incorporated by reference.

31

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

6 ~~a. Implementation shall begin in 2003 in those AHCA~~
7 ~~areas of the state where the agency is able to establish~~
8 ~~sufficient capitation rates.~~

9 2.b. If the agency determines that the proposed
10 capitation rate in any area is insufficient to provide
11 appropriate services, the agency may adjust the capitation
12 rate to ensure that care will be available. The agency and the
13 department may use existing general revenue to address any
14 additional required match but may not over-obligate existing
15 funds on an annualized basis.

16 ~~e.~~ Subject to any limitations provided for in the
17 General Appropriations Act, the agency, in compliance with
18 appropriate federal authorization, shall develop policies and
19 procedures that allow for certification of local and state
20 funds.

21 3.5. Children residing in a statewide inpatient
22 psychiatric program, or in a Department of Juvenile Justice or
23 a Department of Children and Family Services residential
24 program approved as a Medicaid behavioral health overlay
25 services provider shall not be included in a behavioral health
26 care prepaid health plan or any other Medicaid managed care
27 plan pursuant to this paragraph.

28 4.6. In converting to a prepaid system of delivery,
29 the agency shall in its procurement document require an entity
30 providing only comprehensive behavioral health care services
31 to prevent the displacement of indigent care patients by

1 enrollees in the Medicaid prepaid health plan providing
2 behavioral health care services from facilities receiving
3 state funding to provide indigent behavioral health care, to
4 facilities licensed under chapter 395 which do not receive
5 state funding for indigent behavioral health care, or
6 reimburse the unsubsidized facility for the cost of behavioral
7 health care provided to the displaced indigent care patient.

8 ~~5.7.~~ Traditional community mental health providers
9 under contract with the Department of Children and Family
10 Services pursuant to part IV of chapter 394, child welfare
11 providers under contract with the Department of Children and
12 Family Services in areas 1 and 6, and inpatient mental health
13 providers licensed pursuant to chapter 395 must be offered an
14 opportunity to accept or decline a contract to participate in
15 any provider network for prepaid behavioral health services.

16 ~~6.8.~~ For fiscal year 2004-2005, all Medicaid eligible
17 children, except children in areas 1 and 6, whose cases are
18 open for child welfare services in the HomeSafeNet system,
19 shall be enrolled in MediPass or in Medicaid fee-for-service
20 and all their behavioral health care services including
21 inpatient, outpatient psychiatric, community mental health,
22 and case management shall be reimbursed on a fee-for-service
23 basis. Beginning July 1, 2005, such children, who are open for
24 child welfare services in the HomeSafeNet system, shall
25 receive their behavioral health care services through a
26 specialty prepaid plan operated by community-based lead
27 agencies either through a single agency or formal agreements
28 among several agencies. The specialty prepaid plan must result
29 in savings to the state comparable to savings achieved in
30 other Medicaid managed care and prepaid programs. Such plan
31 must provide mechanisms to maximize state and local revenues.

1 The specialty prepaid plan shall be developed by the agency
2 and the Department of Children and Family Services. The agency
3 is authorized to seek any federal waivers to implement this
4 initiative.

5 ~~(5) By October 1, 2003, the agency and the department~~
6 ~~shall, to the extent feasible, develop a plan for implementing~~
7 ~~new Medicaid procedure codes for emergency and crisis care,~~
8 ~~supportive residential services, and other services designed~~
9 ~~to maximize the use of Medicaid funds for Medicaid eligible~~
10 ~~recipients. The agency shall include in the agreement~~
11 ~~developed pursuant to subsection (4) a provision that ensures~~
12 ~~that the match requirements for these new procedure codes are~~
13 ~~met by certifying eligible general revenue or local funds that~~
14 ~~are currently expended on these services by the department~~
15 ~~with contracted alcohol, drug abuse, and mental health~~
16 ~~providers. The plan must describe specific procedure codes to~~
17 ~~be implemented, a projection of the number of procedures to be~~
18 ~~delivered during fiscal year 2003-2004, and a financial~~
19 ~~analysis that describes the certified match procedures, and~~
20 ~~accountability mechanisms, projects the earnings associated~~
21 ~~with these procedures, and describes the sources of state~~
22 ~~match. This plan may not be implemented in any part until~~
23 ~~approved by the Legislative Budget Commission. If such~~
24 ~~approval has not occurred by December 31, 2003, the plan shall~~
25 ~~be submitted for consideration by the 2004 Legislature.~~

26 (20)(21) Any entity contracting with the agency
27 pursuant to this section to provide health care services to
28 Medicaid recipients is prohibited from engaging in any of the
29 following practices or activities:
30
31

1 (a) Practices that are discriminatory, including, but
2 not limited to, attempts to discourage participation on the
3 basis of actual or perceived health status.

4 (b) Activities that could mislead or confuse
5 recipients, or misrepresent the organization, its marketing
6 representatives, or the agency. Violations of this paragraph
7 include, but are not limited to:

8 1. False or misleading claims that marketing
9 representatives are employees or representatives of the state
10 or county, or of anyone other than the entity or the
11 organization by whom they are reimbursed.

12 2. False or misleading claims that the entity is
13 recommended or endorsed by any state or county agency, or by
14 any other organization which has not certified its endorsement
15 in writing to the entity.

16 3. False or misleading claims that the state or county
17 recommends that a Medicaid recipient enroll with an entity.

18 4. Claims that a Medicaid recipient will lose benefits
19 under the Medicaid program, or any other health or welfare
20 benefits to which the recipient is legally entitled, if the
21 recipient does not enroll with the entity.

22 (c) Granting or offering of any monetary or other
23 valuable consideration for enrollment, except as authorized by
24 subsection (23) ~~(24)~~.

25 (d) Door-to-door solicitation of recipients who have
26 not contacted the entity or who have not invited the entity to
27 make a presentation.

28 (e) Solicitation of Medicaid recipients by marketing
29 representatives stationed in state offices unless approved and
30 supervised by the agency or its agent and approved by the
31 affected state agency when solicitation occurs in an office of

1 | the state agency. The agency shall ensure that marketing
2 | representatives stationed in state offices shall market their
3 | managed care plans to Medicaid recipients only in designated
4 | areas and in such a way as to not interfere with the
5 | recipients' activities in the state office.

6 | (f) Enrollment of Medicaid recipients.

7 | (28)~~(29)~~ The agency shall perform enrollments and
8 | disenrollments for Medicaid recipients who are eligible for
9 | MediPass or managed care plans. Notwithstanding the
10 | prohibition contained in paragraph(20)(f)~~(21)(f)~~, managed
11 | care plans may perform preenrollments of Medicaid recipients
12 | under the supervision of the agency or its agents. For the
13 | purposes of this section, "preenrollment" means the provision
14 | of marketing and educational materials to a Medicaid recipient
15 | and assistance in completing the application forms, but shall
16 | not include actual enrollment into a managed care plan. An
17 | application for enrollment shall not be deemed complete until
18 | the agency or its agent verifies that the recipient made an
19 | informed, voluntary choice. The agency, in cooperation with
20 | the Department of Children and Family Services, may test new
21 | marketing initiatives to inform Medicaid recipients about
22 | their managed care options at selected sites. ~~The agency shall~~
23 | ~~report to the Legislature on the effectiveness of such~~
24 | ~~initiatives.~~ The agency may contract with a third party to
25 | perform managed care plan and MediPass enrollment and
26 | disenrollment services for Medicaid recipients and is
27 | authorized to adopt rules to implement such services. The
28 | agency may adjust the capitation rate only to cover the costs
29 | of a third-party enrollment and disenrollment contract, and
30 | for agency supervision and management of the managed care plan
31 | enrollment and disenrollment contract.

1 (40)~~(41)~~ The agency shall provide for the development
2 of a demonstration project by establishment in Miami-Dade
3 County of a long-term-care facility licensed pursuant to
4 chapter 395 to improve access to health care for a
5 predominantly minority, medically underserved, and medically
6 complex population and to evaluate alternatives to nursing
7 home care and general acute care for such population. Such
8 project is to be located in a health care condominium and
9 colocated with licensed facilities providing a continuum of
10 care. The establishment of this project is not subject to the
11 provisions of s. 408.036 or s. 408.039. ~~The agency shall~~
12 ~~report its findings to the Governor, the President of the~~
13 ~~Senate, and the Speaker of the House of Representatives by~~
14 ~~January 1, 2003.~~

15 (43)~~(44)~~ The Agency for Health Care Administration
16 shall ensure that any Medicaid managed care plan as defined in
17 s. 409.9122(2)(h), whether paid on a capitated basis or a
18 shared savings basis, is cost-effective. For purposes of this
19 subsection, the term "cost-effective" means that a network's
20 per-member, per-month costs to the state, including, but not
21 limited to, fee-for-service costs, administrative costs, and
22 case-management fees, must be no greater than the state's
23 costs associated with contracts for Medicaid services
24 established under subsection (3), which shall be actuarially
25 adjusted for case mix, model, and service area. The agency
26 shall conduct actuarially sound audits adjusted for case mix
27 and model in order to ensure such cost-effectiveness and shall
28 publish the audit results on its Internet website ~~and submit~~
29 ~~the audit results annually to the Governor, the President of~~
30 ~~the Senate, and the Speaker of the House of Representatives no~~
31 ~~later than December 31 of each year.~~ Contracts established

1 pursuant to this subsection which are not cost-effective may
2 not be renewed.

3 (48)~~(49)~~ The agency shall contract with established
4 minority physician networks that provide services to
5 historically underserved minority patients. The networks must
6 provide cost-effective Medicaid services, comply with the
7 requirements to be a MediPass provider, and provide their
8 primary care physicians with access to data and other
9 management tools necessary to assist them in ensuring the
10 appropriate use of services, including inpatient hospital
11 services and pharmaceuticals.

12 (a) The agency shall provide for the development and
13 expansion of minority physician networks in each service area
14 to provide services to Medicaid recipients who are eligible to
15 participate under federal law and rules.

16 (b) The agency shall reimburse each minority physician
17 network as a fee-for-service provider, including the case
18 management fee for primary care, or as a capitated rate
19 provider for Medicaid services. Any savings shall be shared
20 with the minority physician networks pursuant to the contract.

21 (c) For purposes of this subsection, the term
22 "cost-effective" means that a network's per-member, per-month
23 costs to the state, including, but not limited to,
24 fee-for-service costs, administrative costs, and
25 case-management fees, must be no greater than the state's
26 costs associated with contracts for Medicaid services
27 established under subsection (3), which shall be actuarially
28 adjusted for case mix, model, and service area. The agency
29 shall conduct actuarially sound audits adjusted for case mix
30 and model in order to ensure such cost-effectiveness and shall
31 publish the audit results on its Internet website ~~and submit~~

1 ~~the audit results annually to the Governor, the President of~~
2 ~~the Senate, and the Speaker of the House of Representatives no~~
3 ~~later than December 31.~~ Contracts established pursuant to this
4 subsection which are not cost-effective may not be renewed.

5 (d) The agency may apply for any federal waivers
6 needed to implement this subsection.

7 Section 123. Section 410.0245, Florida Statutes, is
8 repealed.

9 Section 124. Subsection (10) of section 410.604,
10 Florida Statutes, is repealed.

11 Section 125. Section 411.221, Florida Statutes, is
12 repealed.

13 Section 126. Section 411.242, Florida Statutes, is
14 repealed.

15 Section 127. Subsection (8) of section 413.402,
16 Florida Statutes, is repealed.

17 Section 128. Subsection (3) of section 414.1251,
18 Florida Statutes, is repealed.

19 Section 129. Section 414.14, Florida Statutes, is
20 amended to read:

21 414.14 Public assistance policy simplification.--To
22 the extent possible, the department shall align the
23 requirements for eligibility under this chapter with the food
24 stamp program and medical assistance eligibility policies and
25 procedures to simplify the budgeting process and reduce
26 errors. If the department determines that s. 414.075,
27 relating to resources, or s. 414.085, relating to income, is
28 inconsistent with related provisions of federal law which
29 govern the food stamp program or medical assistance, and that
30 conformance to federal law would simplify administration of
31 the WAGES Program or reduce errors without materially

1 increasing the cost of the program to the state, the secretary
2 of the department may propose a change in the resource or
3 income requirements of the program by rule. ~~The secretary~~
4 ~~shall provide written notice to the President of the Senate,~~
5 ~~the Speaker of the House of Representatives, and the~~
6 ~~chairpersons of the relevant committees of both houses of the~~
7 ~~Legislature summarizing the proposed modifications to be made~~
8 ~~by rule and changes necessary to conform state law to federal~~
9 ~~law. The proposed rule shall take effect 14 days after written~~
10 ~~notice is given unless the President of the Senate or the~~
11 ~~Speaker of the House of Representatives advises the secretary~~
12 ~~that the proposed rule exceeds the delegated authority of the~~
13 ~~Legislature.~~

14 Section 130. Subsection (1) of section 414.36, Florida
15 Statutes, is repealed.

16 Section 131. Subsection (3) of section 414.391,
17 Florida Statutes, is repealed.

18 Section 132. Subsection (6) of section 415.1045,
19 Florida Statutes, is amended to read:

20 415.1045 Photographs, videotapes, and medical
21 examinations; abrogation of privileged communications;
22 confidential records and documents.--

23 (6) WORKING AGREEMENTS.--~~By March 1, 2004,~~ The
24 department shall enter into working agreements with the
25 jurisdictionally responsible county sheriffs' office or local
26 police department that will be the lead agency when conducting
27 any criminal investigation arising from an allegation of
28 abuse, neglect, or exploitation of a vulnerable adult. The
29 working agreement must specify how the requirements of this
30 chapter will be met. ~~The Office of Program Policy Analysis and~~
31 ~~Government Accountability shall conduct a review of the~~

1 ~~efficacy of the agreements and report its findings to the~~
2 ~~Legislature by March 1, 2005.~~ For the purposes of such
3 agreement, the jurisdictionally responsible law enforcement
4 entity is authorized to share Florida criminal history and
5 local criminal history information that is not otherwise
6 exempt from s. 119.07(1) with the district personnel. A law
7 enforcement entity entering into such agreement must comply
8 with s. 943.0525. Criminal justice information provided by
9 such law enforcement entity shall be used only for the
10 purposes specified in the agreement and shall be provided at
11 no charge. Notwithstanding any other provision of law, the
12 Department of Law Enforcement shall provide to the department
13 electronic access to Florida criminal justice information
14 which is lawfully available and not exempt from s. 119.07(1),
15 only for the purpose of protective investigations and
16 emergency placement. As a condition of access to such
17 information, the department shall be required to execute an
18 appropriate user agreement addressing the access, use,
19 dissemination, and destruction of such information and to
20 comply with all applicable laws and rules of the Department of
21 Law Enforcement.

22 Section 133. Paragraph (a) of subsection (5) of
23 section 415.111, Florida Statutes, is amended to read:

24 415.111 Criminal penalties.--

25 (5) A person who knowingly and willfully makes a false
26 report of abuse, neglect, or exploitation of a vulnerable
27 adult, or a person who advises another to make a false report,
28 commits a felony of the third degree, punishable as provided
29 in s. 775.082 or s. 775.083.

30 (a) The department shall establish procedures for
31 determining whether a false report of abuse, neglect, or

1 exploitation of a vulnerable adult has been made and for
2 submitting all identifying information relating to such a
3 false report to the local law enforcement agency as provided
4 in this subsection ~~and shall report annually to the~~
5 ~~Legislature the number of reports referred.~~

6 Section 134. Subsection (9) of section 420.622,
7 Florida Statutes, is amended to read:

8 420.622 State Office on Homelessness; Council on
9 Homelessness.--

10 (9) The council shall, by December 31 of each year,
11 provide issue to the Governor, the Legislature ~~President of~~
12 ~~the Senate, the Speaker of the House of Representatives,~~ and
13 the Secretary of Children and Family Services ~~an evaluation of~~
14 ~~the executive director's performance in fulfilling the~~
15 ~~statutory duties of the office,~~ a report summarizing the
16 status of homelessness in the state and the council's
17 ~~recommendations to the office and the corresponding actions~~
18 ~~taken by the office, and any recommendations to the~~
19 Legislature for reducing proposals to reduce homelessness in
20 this state.

21 Section 135. Subsection (4) of section 420.623,
22 Florida Statutes, is repealed.

23 Section 136. Subsection (9) of section 427.704,
24 Florida Statutes, is amended to read:

25 427.704 Powers and duties of the commission.--

26 (9) The commission shall prepare ~~provide to the~~
27 ~~President of the Senate and to the Speaker of the House of~~
28 ~~Representatives~~ an annual report on the operation of the
29 telecommunications access system, which shall be available on
30 the commission's Internet website. ~~The first report shall be~~
31 ~~provided no later than January 1, 1992, and successive reports~~

1 ~~shall be provided by January 1 of each year thereafter.~~
2 Reports shall be prepared in consultation with the
3 administrator and the advisory committee appointed pursuant to
4 s. 427.706. The reports shall, at a minimum, briefly outline
5 the status of developments of the telecommunications access
6 system, the number of persons served, the call volume,
7 revenues and expenditures, the allocation of the revenues and
8 expenditures between provision of specialized
9 telecommunications devices to individuals and operation of
10 statewide relay service, other major policy or operational
11 issues, and proposals for improvements or changes to the
12 telecommunications access system.

13 Section 137. Subsection (2) of section 427.706,
14 Florida Statutes, is amended to read:

15 427.706 Advisory committee.--

16 (2) The advisory committee shall provide the
17 expertise, experience, and perspective of persons who are
18 hearing impaired or speech impaired to the commission and to
19 the administrator during all phases of the development and
20 operation of the telecommunications access system. The
21 advisory committee shall advise the commission and the
22 administrator on any matter relating to the quality and
23 cost-effectiveness of the telecommunications relay service and
24 the specialized telecommunications devices distribution
25 system. The advisory committee may submit material for
26 inclusion in the annual report prepared pursuant to s. 427.704
27 ~~to the President of the Senate and the Speaker of the House of~~
28 ~~Representatives.~~

29 Section 138. Subsections (3) through (16) of section
30 430.04, Florida Statutes, are amended to read:

31

1 430.04 Duties and responsibilities of the Department
2 of Elderly Affairs.--The Department of Elderly Affairs shall:
3 ~~(3) Prepare and submit to the Governor, each Cabinet~~
4 ~~member, the President of the Senate, the Speaker of the House~~
5 ~~of Representatives, the minority leaders of the House and~~
6 ~~Senate, and chairpersons of appropriate House and Senate~~
7 ~~committees a master plan for policies and programs in the~~
8 ~~state related to aging. The plan must identify and assess the~~
9 ~~needs of the elderly population in the areas of housing,~~
10 ~~employment, education and training, medical care, long term~~
11 ~~care, preventive care, protective services, social services,~~
12 ~~mental health, transportation, and long term care insurance,~~
13 ~~and other areas considered appropriate by the department. The~~
14 ~~plan must assess the needs of particular subgroups of the~~
15 ~~population and evaluate the capacity of existing programs,~~
16 ~~both public and private and in state and local agencies, to~~
17 ~~respond effectively to identified needs. If the plan~~
18 ~~recommends the transfer of any program or service from the~~
19 ~~Department of Children and Family Services to another state~~
20 ~~department, the plan must also include recommendations that~~
21 ~~provide for an independent third party mechanism, as currently~~
22 ~~exists in the Florida advocacy councils established in ss.~~
23 ~~402.165 and 402.166, for protecting the constitutional and~~
24 ~~human rights of recipients of departmental services. The plan~~
25 ~~must include policy goals and program strategies designed to~~
26 ~~respond efficiently to current and projected needs. The plan~~
27 ~~must also include policy goals and program strategies to~~
28 ~~promote intergenerational relationships and activities.~~
29 ~~Public hearings and other appropriate processes shall be~~
30 ~~utilized by the department to solicit input for the~~
31

1 ~~development and updating of the master plan from parties~~
2 ~~including, but not limited to, the following:~~
3 ~~(a) Elderly citizens and their families and~~
4 ~~caregivers.~~
5 ~~(b) Local level public and private service providers,~~
6 ~~advocacy organizations, and other organizations relating to~~
7 ~~the elderly.~~
8 ~~(c) Local governments.~~
9 ~~(d) All state agencies that provide services to the~~
10 ~~elderly.~~
11 ~~(e) University centers on aging.~~
12 ~~(f) Area agency on aging and community care for the~~
13 ~~elderly lead agencies.~~
14 (3)(4) Serve as an information clearinghouse at the
15 state level, and assist local-level information and referral
16 resources as a repository and means for dissemination of
17 information regarding all federal, state, and local resources
18 for assistance to the elderly in the areas of, but not limited
19 to, health, social welfare, long-term care, protective
20 services, consumer protection, education and training,
21 housing, employment, recreation, transportation, insurance,
22 and retirement.
23 (4)(5) Recommend guidelines for the development of
24 roles for state agencies that provide services for the aging,
25 review plans of agencies that provide such services, and relay
26 these plans to the Governor and the Legislature, ~~each Cabinet~~
27 ~~member, the President of the Senate, the Speaker of the House~~
28 ~~of Representatives, the minority leaders of the House and~~
29 ~~Senate, and chairpersons of appropriate House and Senate~~
30 ~~committees.~~
31

1 ~~(5)(6)~~ Recommend to the Governor and the Legislature,
2 ~~each Cabinet member, the President of the Senate, the Speaker~~
3 ~~of the House of Representatives, the minority leaders of the~~
4 ~~House and Senate, and chairpersons of appropriate House and~~
5 ~~Senate committees~~ an organizational framework for the
6 planning, coordination, implementation, and evaluation of
7 programs related to aging, with the purpose of expanding and
8 improving programs and opportunities available to the state's
9 elderly population and enhancing a continuum of long-term
10 care. This framework must assure that:

11 (a) Performance objectives are established.

12 (b) Program reviews are conducted statewide.

13 (c) Each major program related to aging is reviewed
14 every 3 years.

15 ~~(d) Agency budget requests reflect the results and~~
16 ~~recommendations of such program reviews.~~

17 ~~(d)(e)~~ Program decisions reinforce ~~lead to~~ the
18 distinctive roles established for state agencies that provide
19 aging services.

20 ~~(6)(7)~~ Advise the Governor and the Legislature, ~~each~~
21 ~~Cabinet member, the President of the Senate, the Speaker of~~
22 ~~the House of Representatives, the minority leaders of the~~
23 ~~House and Senate, and the chairpersons of appropriate House~~
24 ~~and Senate committees~~ regarding the need for and location of
25 programs related to aging.

26 ~~(7)(8)~~ Review and coordinate aging research plans of
27 all state agencies to ensure that the conformance of research
28 objectives address ~~to~~ issues and needs of the state's elderly
29 population ~~addressed in the master plan for policies and~~
30 ~~programs related to aging~~. The research activities that must
31 be reviewed and coordinated by the department include, but are

1 not limited to, contracts with academic institutions,
2 development of educational and training curriculums,
3 Alzheimer's disease and other medical research, studies of
4 long-term care and other personal assistance needs, and design
5 of adaptive or modified living environments.

6 ~~(8)(9)~~ Review budget requests for programs related to
7 aging to ensure the most cost-effective use of state funding
8 for the state's elderly population before ~~for compliance with~~
9 ~~the master plan for policies and programs related to aging~~
10 ~~before~~ submission to the Governor and the Legislature.

11 ~~(10)~~ ~~Update the master plan for policies and programs~~
12 ~~related to aging every 3 years.~~

13 ~~(11)~~ ~~Review implementation of the master plan for~~
14 ~~programs and policies related to aging and annually report to~~
15 ~~the Governor, each Cabinet member, the President of the~~
16 ~~Senate, the Speaker of the House of Representatives, the~~
17 ~~minority leaders of the House and Senate, and the chairpersons~~
18 ~~of appropriate House and Senate committees the progress~~
19 ~~towards implementation of the plan.~~

20 ~~(9)(12)~~ Request other departments that administer
21 programs affecting the state's elderly population to amend
22 their plans, rules, policies, and research objectives as
23 necessary to ensure that programs and other initiatives are
24 coordinated and maximize the state's efforts to address the
25 needs of the elderly conform with the master plan for policies
26 ~~and programs related to aging.~~

27 ~~(10)(13)~~ Hold public meetings regularly throughout the
28 state for purposes of receiving information and maximizing the
29 visibility of important issues relating to aging and the
30 elderly.

31

1 ~~(11)~~~~(14)~~ Conduct policy analysis and program
2 evaluation studies assigned by the Legislature.

3 ~~(12)~~~~(15)~~ Assist the Governor, each Cabinet member, and
4 members of the Legislature ~~the President of the Senate, the~~
5 ~~Speaker of the House of Representatives, the minority leaders~~
6 ~~of the House and Senate, and the chairpersons of appropriate~~
7 ~~House and Senate committees~~ in the conduct of their
8 responsibilities in such capacities as they consider
9 appropriate.

10 ~~(13)~~~~(16)~~ Call upon appropriate agencies of state
11 government for such assistance as is needed in the discharge
12 of its duties. All agencies shall cooperate in assisting the
13 department in carrying out its responsibilities as prescribed
14 by this section. However, no provision of law with respect to
15 confidentiality of information may be violated.

16 Section 139. Subsections (3) and (8) of section
17 430.502, Florida Statutes, are amended to read:

18 430.502 Alzheimer's disease; memory disorder clinics
19 and day care and respite care programs.--

20 (3) The Alzheimer's Disease Advisory Committee shall
21 ~~must~~ evaluate and make recommendations to the department and
22 the Legislature concerning the need for additional memory
23 disorder clinics in the state. ~~The first report will be due by~~
24 ~~December 31, 1995.~~

25 (8) The department will implement the waiver program
26 specified in subsection (7). The agency and the department
27 shall ensure that providers are selected that have a history
28 of successfully serving persons with Alzheimer's disease. The
29 department and the agency shall develop specialized standards
30 for providers and services tailored to persons in the early,
31 middle, and late stages of Alzheimer's disease and designate a

1 level of care determination process and standard that is most
2 appropriate to this population. The department and the agency
3 shall include in the waiver services designed to assist the
4 caregiver in continuing to provide in-home care. The
5 department shall implement this waiver program subject to a
6 specific appropriation or as provided in the General
7 Appropriations Act. ~~The department and the agency shall submit~~
8 ~~their program design to the President of the Senate and the~~
9 ~~Speaker of the House of Representatives for consultation~~
10 ~~during the development process.~~

11 Section 140. Subsection (1) of section 430.707,
12 Florida Statutes, is amended to read:

13 430.707 Contracts.--

14 (1) The department, in consultation with the agency,
15 shall select and contract with managed care organizations and,
16 on a prepaid basis, with other qualified providers as defined
17 in s. 430.703(7) to provide long-term care within community
18 diversion pilot project areas. ~~The agency shall evaluate and~~
19 ~~report quarterly to the department the compliance by other~~
20 ~~qualified providers with all the financial and quality~~
21 ~~assurance requirements of the contract.~~

22 Section 141. Paragraph (a) of subsection (3) of
23 section 445.003, Florida Statutes, is amended to read:

24 445.003 Implementation of the federal Workforce
25 Investment Act of 1998.--

26 (3) FUNDING.--

27 (a) Title I, Workforce Investment Act of 1998 funds;
28 Wagner-Peyser funds; and NAFTA/Trade Act funds will be
29 expended based on the 5-year plan of Workforce Florida, Inc.
30 The plan shall outline and direct the method used to
31 administer and coordinate various funds and programs that are

1 operated by various agencies. The following provisions shall
2 also apply to these funds:

3 1. At least 50 percent of the Title I funds for Adults
4 and Dislocated Workers that are passed through to regional
5 workforce boards shall be allocated to Individual Training
6 Accounts unless a regional workforce board obtains a waiver
7 from Workforce Florida, Inc. Tuition, fees, and
8 performance-based incentive awards paid in compliance with
9 Florida's Performance-Based Incentive Fund Program qualify as
10 an Individual Training Account expenditure, as do other
11 programs developed by regional workforce boards in compliance
12 with policies of Workforce Florida, Inc.

13 2. Fifteen percent of Title I funding shall be
14 retained at the state level and shall be dedicated to state
15 administration and used to design, develop, induce, and fund
16 innovative Individual Training Account pilots, demonstrations,
17 and programs. Of such funds retained at the state level, \$2
18 million shall be reserved for the Incumbent Worker Training
19 Program, created under subparagraph 3. Eligible state
20 administration costs include the costs of: funding for the
21 board and staff of Workforce Florida, Inc.; operating fiscal,
22 compliance, and management accountability systems through
23 Workforce Florida, Inc.; conducting evaluation and research on
24 workforce development activities; and providing technical and
25 capacity building assistance to regions at the direction of
26 Workforce Florida, Inc. Notwithstanding s. 445.004, such
27 administrative costs shall not exceed 25 percent of these
28 funds. An amount not to exceed 75 percent of these funds shall
29 be allocated to Individual Training Accounts and other
30 workforce development strategies for: the Minority Teacher
31 Education Scholars program, the Certified Teacher-Aide

1 program, the Self-Employment Institute, and other training
2 designed and tailored by Workforce Florida, Inc., including,
3 but not limited to, programs for incumbent workers, displaced
4 homemakers, nontraditional employment, empowerment zones, and
5 enterprise zones. Workforce Florida, Inc., shall design,
6 adopt, and fund Individual Training Accounts for distressed
7 urban and rural communities.

8 3. The Incumbent Worker Training Program is created
9 for the purpose of providing grant funding for continuing
10 education and training of incumbent employees at existing
11 Florida businesses. The program will provide reimbursement
12 grants to businesses that pay for preapproved, direct,
13 training-related costs.

14 a. The Incumbent Worker Training Program will be
15 administered by Workforce Florida, Inc. Workforce Florida,
16 Inc., at its discretion, may contract with a private business
17 organization to serve as grant administrator.

18 b. To be eligible for the program's grant funding, a
19 business must have been in operation in Florida for a minimum
20 of 1 year prior to the application for grant funding; have at
21 least one full-time employee; demonstrate financial viability;
22 and be current on all state tax obligations. Priority for
23 funding shall be given to businesses with 25 employees or
24 fewer, businesses in rural areas, businesses in distressed
25 inner-city areas, businesses in a qualified targeted industry,
26 businesses whose grant proposals represent a significant
27 upgrade in employee skills, or businesses whose grant
28 proposals represent a significant layoff avoidance strategy.

29 c. All costs reimbursed by the program must be
30 preapproved by Workforce Florida, Inc., or the grant
31 administrator. The program will not reimburse businesses for

1 trainee wages, the purchase of capital equipment, or the
2 purchase of any item or service that may possibly be used
3 outside the training project. A business approved for a grant
4 may be reimbursed for preapproved, direct, training-related
5 costs including tuition and fees; books and classroom
6 materials; and overhead or indirect costs not to exceed 5
7 percent of the grant amount.

8 d. A business that is selected to receive grant
9 funding must provide a matching contribution to the training
10 project, including, but not limited to, wages paid to trainees
11 or the purchase of capital equipment used in the training
12 project; must sign an agreement with Workforce Florida, Inc.,
13 or the grant administrator to complete the training project as
14 proposed in the application; must keep accurate records of the
15 project's implementation process; and must submit monthly or
16 quarterly reimbursement requests with required documentation.

17 e. All Incumbent Worker Training Program grant
18 projects shall be performance-based with specific measurable
19 performance outcomes, including completion of the training
20 project and job retention. Workforce Florida, Inc., or the
21 grant administrator shall withhold the final payment to the
22 grantee until a final grant report is submitted and all
23 performance criteria specified in the grant contract have been
24 achieved.

25 f. Workforce Florida, Inc., may establish guidelines
26 necessary to implement the Incumbent Worker Training Program.

27 g. No more than 10 percent of the Incumbent Worker
28 Training Program's total appropriation may be used for
29 overhead or indirect purposes.

30 h. Workforce Florida, Inc., shall submit a report to
31 the Legislature on the financial and general operations of the

1 Incumbent Worker Training Program as part of its annual report
2 submitted pursuant to s. 445.004. Such report will be due
3 ~~before October 1 of any fiscal year for which the program is~~
4 ~~funded by the Legislature.~~

5 4. At least 50 percent of Rapid Response funding shall
6 be dedicated to Intensive Services Accounts and Individual
7 Training Accounts for dislocated workers and incumbent workers
8 who are at risk of dislocation. Workforce Florida, Inc., shall
9 also maintain an Emergency Preparedness Fund from Rapid
10 Response funds which will immediately issue Intensive Service
11 Accounts and Individual Training Accounts as well as other
12 federally authorized assistance to eligible victims of natural
13 or other disasters. At the direction of the Governor, for
14 events that qualify under federal law, these Rapid Response
15 funds shall be released to regional workforce boards for
16 immediate use. Funding shall also be dedicated to maintain a
17 unit at the state level to respond to Rapid Response
18 emergencies around the state, to work with state emergency
19 management officials, and to work with regional workforce
20 boards. All Rapid Response funds must be expended based on a
21 plan developed by Workforce Florida, Inc., and approved by the
22 Governor.

23 Section 142. Paragraph (a) of subsection (3) of
24 section 445.004, Florida Statutes, is amended to read:

25 445.004 Workforce Florida, Inc.; creation; purpose;
26 membership; duties and powers.--

27 (3)(a) Workforce Florida, Inc., shall be governed by a
28 board of directors, the number of directors to be determined
29 by the Governor, whose membership and appointment must be
30 consistent with Pub. L. No. 105-220, Title I, s. 111(b), and
31 contain one member representing the licensed nonpublic

1 | postsecondary educational institutions authorized as
2 | individual training account providers, one member from the
3 | staffing service industry, at least one member who is a
4 | current or former recipient of welfare transition services as
5 | defined in s. 445.002(3) or workforce services as provided in
6 | s. 445.009(1), and five representatives of organized labor who
7 | shall be appointed by the Governor. ~~Notwithstanding s.~~
8 | ~~114.05(1)(f), the Governor may appoint remaining members to~~
9 | ~~Workforce Florida, Inc., from the current Workforce~~
10 | ~~Development Board and the WAGES Program State Board of~~
11 | ~~Directors, established pursuant to chapter 96-175, Laws of~~
12 | ~~Florida, to serve on the reconstituted board. By July 1, 2000,~~
13 | ~~the Workforce Development Board will provide to the Governor a~~
14 | ~~transition plan to incorporate the changes required by this~~
15 | ~~act and Pub. L. No. 105-220, specifying the manner of changes~~
16 | ~~to the board. This plan shall govern the transition, unless~~
17 | ~~otherwise notified by the Governor.~~ The importance of
18 | minority, gender, and geographic representation shall be
19 | considered when making appointments to the board.

20 | Section 143. Subsection (1) of section 445.006,
21 | Florida Statutes, is amended to read:

22 | 445.006 Strategic plan for workforce development.--

23 | (1) Workforce Florida, Inc., in conjunction with state
24 | and local partners in the workforce system, shall develop a
25 | strategic plan for workforce, with the goal of producing
26 | skilled employees for employers in the state. ~~The strategic~~
27 | ~~plan shall be submitted to the Governor, the President of the~~
28 | ~~Senate, and the Speaker of the House of Representatives by~~
29 | ~~February 1, 2001.~~ The strategic plan shall be updated or
30 | modified by January 1 of each year ~~thereafter~~. The plan must
31 | include, but need not be limited to, strategies for:

1 (a) Fulfilling the workforce system goals and
2 strategies prescribed in s. 445.004;

3 (b) Aggregating, integrating, and leveraging workforce
4 system resources;

5 (c) Coordinating the activities of federal, state, and
6 local workforce system partners;

7 (d) Addressing the workforce needs of small
8 businesses; and

9 (e) Fostering the participation of rural communities
10 and distressed urban cores in the workforce system.

11 Section 144. Section 446.27, Florida Statutes, is
12 repealed.

13 Section 145. Paragraphs (a) and (c) of subsection (4)
14 of section 446.50, Florida Statutes, are amended to read:

15 446.50 Displaced homemakers; multiservice programs;
16 report to the Legislature; Displaced Homemaker Trust Fund
17 created.--

18 (4) STATE PLAN.--

19 (a) The Agency for Workforce Innovation shall develop
20 a 3-year state plan for the displaced homemaker program which
21 shall be updated annually and submitted to the Legislature by
22 January 1. The plan must address, at a minimum, the need for
23 programs specifically designed to serve displaced homemakers,
24 any necessary service components for such programs in addition
25 to those enumerated in this section, goals of the displaced
26 homemaker program with an analysis of the extent to which
27 those goals are being met, and recommendations for ways to
28 address any unmet program goals. Any request for funds for
29 program expansion must be based on the state plan.

30 ~~(c) The 3 year state plan must be submitted to the~~
31 ~~President of the Senate, the Speaker of the House of~~

1 ~~Representatives, and the Governor on or before January 1,~~
2 ~~2001, and annual updates of the plan must be submitted by~~
3 ~~January 1 of each subsequent year.~~

4 Section 146. Section 455.204, Florida Statutes, is
5 repealed.

6 Section 147. Subsection (8) of section 455.2226,
7 Florida Statutes, is repealed.

8 Section 148. Subsection (6) of section 455.2228,
9 Florida Statutes, is repealed.

10 Section 149. Subsection (9) of section 456.025,
11 Florida Statutes, is amended to read:

12 456.025 Fees; receipts; disposition.--

13 (9) The department shall provide a ~~condensed~~
14 management report of revenues and expenditures ~~budgets,~~
15 ~~finances,~~ performance measures ~~statistics,~~ and recommendations
16 to each board at least once a quarter. ~~The department shall~~
17 ~~identify and include in such presentations any changes, or~~
18 ~~projected changes, made to the board's budget since the last~~
19 ~~presentation.~~

20 Section 150. Subsection (5) of section 456.031,
21 Florida Statutes, is repealed.

22 Section 151. Subsection (8) of section 456.033,
23 Florida Statutes, is repealed.

24 Section 152. Subsection (6) of section 456.034,
25 Florida Statutes, is repealed.

26 Section 153. Subsections (3) and (4) of section
27 517.302, Florida Statutes, are amended to read:

28 517.302 Criminal penalties; alternative fine;
29 Anti-Fraud Trust Fund; time limitation for criminal
30 prosecution.--

31

1 (3) In lieu of a fine otherwise authorized by law, a
2 person who has been convicted of or who has pleaded guilty or
3 no contest to having engaged in conduct in violation of the
4 provisions of this chapter may be sentenced to pay a fine that
5 does not exceed the greater of three times the gross value
6 gained or three times the gross loss caused by such conduct,
7 plus court costs and the costs of investigation and
8 prosecution reasonably incurred.

9 ~~(4)(a)~~ There is created within the office a trust fund
10 to be known as the Anti-Fraud Trust Fund. Any amounts
11 assessed as costs of investigation and prosecution under this
12 subsection shall be deposited in the trust fund. Funds
13 deposited in such trust fund shall be used, when authorized by
14 appropriation, for investigation and prosecution of
15 administrative, civil, and criminal actions arising under the
16 provisions of this chapter. Funds may also be used to improve
17 the public's awareness and understanding of prudent investing.

18 ~~(b) The office shall report to the Executive Office of~~
19 ~~the Governor annually by November 15, the amounts deposited~~
20 ~~into the Anti Fraud Trust Fund during the previous fiscal~~
21 ~~year. The Executive Office of the Governor shall distribute~~
22 ~~these reports to the President of the Senate and the Speaker~~
23 ~~of the House of Representatives.~~

24 ~~(5)(4)~~ Criminal prosecution for offenses under this
25 chapter is subject to the time limitations of s. 775.15.

26 Section 154. Section 526.3135, Florida Statutes, is
27 repealed.

28 Section 155. Subsection (3) of section 531.415,
29 Florida Statutes, is repealed.

30 Section 156. Section 553.975, Florida Statutes, is
31 repealed.

1 Section 157. Subsection (3) of section 570.0705,
2 Florida Statutes, is repealed.

3 Section 158. Subsection (5) of section 570.0725,
4 Florida Statutes, is repealed.

5 Section 159. Subsection (3) of section 570.235,
6 Florida Statutes, is repealed.

7 Section 160. Subsection (3) of section 570.543,
8 Florida Statutes, is repealed.

9 Section 161. Subsection (5) of section 570.952,
10 Florida Statutes, is repealed.

11 Section 162. Section 603.204, Florida Statutes, is
12 amended to read:

13 603.204 South Florida Tropical Fruit Plan.--

14 ~~(1)~~ The Commissioner of Agriculture, in consultation
15 with the Tropical Fruit Advisory Council, shall develop and
16 update, ~~at least 90 days prior to the 1991 legislative~~
17 ~~session, submit to the President of the Senate, the Speaker of~~
18 ~~the House of Representatives, and the chairs of appropriate~~
19 ~~Senate and House of Representatives committees,~~ a South
20 Florida Tropical Fruit Plan, which shall identify problems and
21 constraints of the tropical fruit industry, propose possible
22 solutions to such problems, and develop planning mechanisms
23 for orderly growth of the industry, including:

24 ~~(1)(a)~~ Criteria for tropical fruit research, service,
25 and management priorities.

26 ~~(2)(b)~~ ~~Additional~~ Proposed legislation that ~~which~~ may
27 be required.

28 ~~(3)(c)~~ Plans relating to other tropical fruit programs
29 and related disciplines in the State University System.

30 ~~(4)(d)~~ Potential tropical fruit products in terms of
31 market and needs for development.

1 (5)(e) Evaluation of production and fresh fruit policy
2 alternatives, including, but not limited to, setting minimum
3 grades and standards, promotion and advertising, development
4 of production and marketing strategies, and setting minimum
5 standards on types and quality of nursery plants.

6 (6)(f) Evaluation of policy alternatives for processed
7 tropical fruit products, including, but not limited to,
8 setting minimum quality standards and development of
9 production and marketing strategies.

10 (7)(g) Research and service priorities for further
11 development of the tropical fruit industry.

12 (8)(h) Identification of state agencies and public and
13 private institutions concerned with research, education,
14 extension, services, planning, promotion, and marketing
15 functions related to tropical fruit development, and
16 delineation of contributions and responsibilities. The
17 recommendations in the ~~South Florida Tropical Fruit~~ plan
18 relating to education or research shall be submitted to the
19 Institute of Food and Agricultural Sciences. ~~The~~
20 ~~recommendations relating to regulation or marketing shall be~~
21 ~~submitted to the Department of Agriculture and Consumer~~
22 ~~Services.~~

23 (9)(i) Business planning, investment potential,
24 financial risks, and economics of production and utilization.

25 ~~(2) A revision and update of the South Florida~~
26 ~~Tropical Fruit Plan shall be submitted biennially, and a~~
27 ~~progress report and budget request shall be submitted~~
28 ~~annually, to the officials specified in subsection (1).~~

29 Section 163. Subsection (2) of section 744.7021,
30 Florida Statutes, is amended to read:

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 164. 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 165. Subsection (3) of section 765.5215,
2 Florida Statutes, is repealed.

3 Section 166. 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 court orders provided by the
14 governmental entities found to be in violation of this section
15 ~~report any violation of this section by a governmental entity~~
16 ~~to the Cabinet, the President of the Senate, and the Speaker~~
17 ~~of the House of Representatives. A copy of such report shall~~
18 ~~be provided to the affected governmental entity.~~

19 Section 167. Paragraph (c) of subsection (3) of
20 section 775.084, Florida Statutes, is amended to read:

21 775.084 Violent career criminals; habitual felony
22 offenders and habitual violent felony offenders; three-time
23 violent felony offenders; definitions; procedure; enhanced
24 penalties or mandatory minimum prison terms.--

25 (3)

26 (c) In a separate proceeding, the court shall
27 determine whether the defendant is a violent career criminal
28 with respect to a primary offense committed on or after
29 October 1, 1995. The procedure shall be as follows:

30 1. Written notice shall be served on the defendant and
31 the defendant's attorney a sufficient time prior to the entry

1 of a plea or prior to the imposition of sentence in order to
2 allow the preparation of a submission on behalf of the
3 defendant.

4 2. All evidence presented shall be presented in open
5 court with full rights of confrontation, cross-examination,
6 and representation by counsel.

7 3. Each of the findings required as the basis for such
8 sentence shall be found to exist by a preponderance of the
9 evidence and shall be appealable only as provided in paragraph
10 (d).

11 4. For the purpose of identification, the court shall
12 fingerprint the defendant pursuant to s. 921.241.

13 ~~5. For an offense committed on or after October 1,~~
14 ~~1995, if the state attorney pursues a violent career criminal~~
15 ~~sanction against the defendant and the court, in a separate~~
16 ~~proceeding pursuant to this paragraph, determines that the~~
17 ~~defendant meets the criteria under subsection (1) for imposing~~
18 ~~such sanction, the court must sentence the defendant as a~~
19 ~~violent career criminal, subject to imprisonment pursuant to~~
20 ~~this section unless the court finds that such sentence is not~~
21 ~~necessary for the protection of the public. If the court~~
22 ~~finds that it is not necessary for the protection of the~~
23 ~~public to sentence the defendant as a violent career criminal,~~
24 ~~the court shall provide written reasons; a written transcript~~
25 ~~of orally stated reasons is permissible, if filed by the court~~
26 ~~within 7 days after the date of sentencing. Each month, the~~
27 ~~court shall submit to the Office of Economic and Demographic~~
28 ~~Research of the Legislature the written reasons or transcripts~~
29 ~~in each case in which the court determines not to sentence a~~
30 ~~defendant as a violent career criminal as provided in this~~
31 ~~subparagraph.~~

1 Section 168. 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 169. Subsection (3) of section 943.08, Florida
11 Statutes, is repealed.

12 Section 170. Subsection (2) of section 943.125,
13 Florida Statutes, is repealed.

14 Section 171. Subsection (9) of section 943.68, Florida
15 Statutes, is amended to read:

16 943.68 Transportation and protective services.--

17 (9) The department shall submit reports annually on
18 July 15 and January 15 of each year to the ~~President of the~~
19 ~~Senate, Speaker of the House of Representatives,~~ Governor, the
20 Legislature, and ~~members of the~~ Cabinet, detailing all
21 transportation and protective services provided under
22 subsections (1), (5), and (6) within the preceding fiscal year
23 ~~6 months~~. Each report shall include a detailed accounting of
24 the cost of such transportation and protective services,
25 including the names of persons provided such services and the
26 nature of state business performed.

27 Section 172. Paragraph (f) of subsection (3) of
28 section 944.801, Florida Statutes, is amended to read:

29 944.801 Education for state prisoners.--

30 (3) The responsibilities of the Correctional Education
31 Program shall be to:

1 (f) Report annual activities to the Secretary of
2 Corrections, ~~the Commissioner of Education, the Governor, and~~
3 ~~the Legislature.~~

4 Section 173. Subsection (10) of section 945.35,
5 Florida Statutes, is repealed.

6 Section 174. Paragraph (d) of subsection (8) of
7 section 948.10, Florida Statutes, is repealed.

8 Section 175. Subsection (9) of section 958.045,
9 Florida Statutes, is repealed.

10 Section 176. Paragraph (c) of subsection (1) of
11 section 960.045, Florida Statutes, is amended to read:

12 960.045 Department of Legal Affairs; powers and
13 duties.--It shall be the duty of the department to assist
14 persons who are victims of crime.

15 (1) The department shall:

16 (c) Prepare an annual ~~Render, prior to January 1 of~~
17 ~~each year, to the presiding officers of the Senate and House~~
18 ~~of Representatives~~ a written report of the activities of the
19 Crime Victims' Services Office, which shall be available on
20 the department's Internet website.

21 Section 177. Paragraph (c) of subsection (8) of
22 section 985.02, Florida Statutes, is repealed.

23 Section 178. Subsections (3), (4), and (5) of section
24 985.08, Florida Statutes, are amended to read:

25 985.08 Information systems.--

26 ~~(3) In order to assist in the integration of the~~
27 ~~information to be shared, the sharing of information obtained,~~
28 ~~the joint planning on diversion and early intervention~~
29 ~~strategies for juveniles at risk of becoming serious habitual~~
30 ~~juvenile offenders, and the intervention strategies for~~
31 ~~serious habitual juvenile offenders, a multiagency task force~~

1 ~~should be organized and utilized by the law enforcement agency~~
2 ~~or county in conjunction with the initiation of the~~
3 ~~information system described in subsections (1) and (2). The~~
4 ~~multiagency task force shall be composed of representatives of~~
5 ~~those agencies and persons providing information for the~~
6 ~~central identification file and the multiagency information~~
7 ~~sheet.~~

8 ~~(4) This multiagency task force shall develop a plan~~
9 ~~for the information system that includes measures which~~
10 ~~identify and address any disproportionate representation of~~
11 ~~ethnic or racial minorities in the information systems and~~
12 ~~shall develop strategies that address the protection of~~
13 ~~individual constitutional rights.~~

14 ~~(3)(5)~~ Any law enforcement agency, or county which
15 implements a juvenile offender information system ~~and the~~
16 ~~multiagency task force which maintain the information system~~
17 must annually provide any information gathered during the
18 previous year to the delinquency and gang prevention council
19 of the judicial circuit in which the county is located. This
20 information shall include the number, types, and patterns of
21 delinquency tracked by the juvenile offender information
22 system.

23 Section 179. Subsections (2) and (3) of section
24 985.3045, Florida Statutes, are amended to read:

25 985.3045 Prevention service program; monitoring;
26 report; uniform performance measures.--

27 ~~(2) No later than January 31, 2001, the prevention~~
28 ~~service program shall submit a report to the Governor, the~~
29 ~~Speaker of the House, and the President of the Senate~~
30 ~~concerning the implementation of a statewide multiagency plan~~
31 ~~to coordinate the efforts of all state funded programs,~~

1 ~~grants, appropriations, or activities that are designed to~~
2 ~~prevent juvenile crime, delinquency, gang membership, or~~
3 ~~status offense behaviors and all state funded programs,~~
4 ~~grants, appropriations, or activities that are designed to~~
5 ~~prevent a child from becoming a "child in need of services,"~~
6 ~~as defined in chapter 984. The report shall include a~~
7 ~~proposal for a statewide coordinated multiagency juvenile~~
8 ~~delinquency prevention policy. In preparing the report, the~~
9 ~~department shall coordinate with and receive input from each~~
10 ~~state agency or entity that receives or uses state~~
11 ~~appropriations to fund programs, grants, appropriations, or~~
12 ~~activities that are designed to prevent juvenile crime,~~
13 ~~delinquency, gang membership, status offense, or that are~~
14 ~~designed to prevent a child from becoming a "child in need of~~
15 ~~services," as defined in chapter 984. The report shall~~
16 ~~identify whether legislation will be needed to effect a~~
17 ~~statewide plan to coordinate the efforts of all state funded~~
18 ~~programs, grants, appropriations, or activities that are~~
19 ~~designed to prevent juvenile crime, delinquency, gang~~
20 ~~membership, or status offense behaviors and all state funded~~
21 ~~programs, grants, appropriations, or activities that are~~
22 ~~designed to prevent a child from becoming a "child in need of~~
23 ~~services," as defined in chapter 984. The report shall~~
24 ~~consider the potential impact of requiring such state funded~~
25 ~~efforts to target at least one of the following strategies~~
26 ~~designed to prevent youth from entering or reentering the~~
27 ~~juvenile justice system and track the associated outcome data:~~
28 ~~(a) Encouraging youth to attend school, which may~~
29 ~~include special assistance and tutoring to address~~
30 ~~deficiencies in academic performance; outcome data to reveal~~
31

1 ~~the number of days youth attended school while participating~~
2 ~~in the program.~~

3 ~~(b) Engaging youth in productive and wholesome~~
4 ~~activities during nonschool hours that build positive~~
5 ~~character or instill positive values, or that enhance~~
6 ~~educational experiences; outcome data to reveal the number of~~
7 ~~youth who are arrested during nonschool hours while~~
8 ~~participating in the program.~~

9 ~~(c) Encouraging youth to avoid the use of violence;~~
10 ~~outcome data to reveal the number of youth who are arrested~~
11 ~~for crimes involving violence while participating in the~~
12 ~~program.~~

13 ~~(d) Assisting youth to acquire skills needed to find~~
14 ~~meaningful employment, which may include assistance in finding~~
15 ~~a suitable employer for the youth; outcome data to reveal the~~
16 ~~number of youth who obtain and maintain employment for at~~
17 ~~least 180 days.~~

18
19 ~~The department is encouraged to identify additional strategies~~
20 ~~which may be relevant to preventing youth from becoming~~
21 ~~children in need of services and to preventing juvenile crime,~~
22 ~~delinquency, gang membership and status offense behaviors.~~

23 ~~The report shall consider the feasibility of developing~~
24 ~~uniform performance measures and methodology for collecting~~
25 ~~such outcome data to be utilized by all state funded programs,~~
26 ~~grants, appropriations, or activities that are designed to~~
27 ~~prevent juvenile crime, delinquency, gang membership, or~~
28 ~~status offense behaviors and all state funded programs,~~
29 ~~grants, appropriations, or activities that are designed to~~
30 ~~prevent a child from becoming a "child in need of services,"~~
31 ~~as defined in chapter 984. The prevention service program is~~

1 ~~encouraged to identify other issues that may be of critical~~
2 ~~importance to preventing a child from becoming a child in need~~
3 ~~of services, as defined in chapter 984, or to preventing~~
4 ~~juvenile crime, delinquency, gang membership, or status~~
5 ~~offense behaviors.~~

6 ~~(2)(3)~~ The department shall expend funds related to
7 the prevention of juvenile delinquency in a manner consistent
8 with the policies expressed in ss. 984.02 and 985.02. The
9 department shall expend said funds in a manner that maximizes
10 public accountability and ensures the documentation of
11 outcomes.

12 ~~(a) All entities that receive or use state moneys to~~
13 ~~fund juvenile delinquency prevention services through~~
14 ~~contracts or grants with the department shall design the~~
15 ~~programs providing such services to further one or more of the~~
16 ~~strategies specified in paragraphs (2)(a) (d).~~

17 ~~(b) The department shall develop an outcome measure~~
18 ~~for each program strategy specified in paragraphs (2)(a) (d)~~
19 ~~that logically relates to the risk factor addressed by the~~
20 ~~strategy.~~

21 ~~(c)~~ All entities that receive or use state moneys to
22 fund the juvenile delinquency prevention services through
23 contracts or grants with the department shall, as a condition
24 of receipt of state funds, provide the department with
25 personal demographic information concerning all participants
26 in the service sufficient to allow the department to verify
27 criminal or delinquent history information, school attendance
28 or academic information, employment information, or other
29 requested performance information.

30 Section 180. Section 985.3046, Florida Statutes, is
31 repealed.

1 Section 181. Subsection (5) of section 985.305,
2 Florida Statutes, is repealed.

3 Section 182. Subsection (9) of section 985.309,
4 Florida Statutes, is amended to read:

5 985.309 Boot camp for children.--

6 (9) If a department-operated boot camp fails to pass
7 the department's quarterly inspection and evaluation, the
8 department must take necessary and sufficient steps to ensure
9 and document program changes to achieve compliance with
10 department rules. If the department-operated boot camp fails
11 to achieve compliance with department rules within 3 months
12 and if there are no documented extenuating circumstances, the
13 department may take ~~must notify the Executive Office of the~~
14 ~~Governor and the Legislature of the~~ corrective action ~~taken~~.
15 Appropriate corrective action may include, but is not limited
16 to:

17 (a) Contracting out for the operation of the boot
18 camp;

19 (b) Initiating appropriate disciplinary action against
20 all employees whose conduct or performance is deemed to have
21 materially contributed to the program's failure to meet
22 department rules;

23 (c) Redesigning the program; or

24 (d) Realigning the program.

25 Section 183. Paragraph (a) of subsection (1) of
26 section 985.31, Florida Statutes, is amended to read:

27 985.31 Serious or habitual juvenile offender.--

28 (1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to
29 the provisions of this chapter and the establishment of
30 appropriate program guidelines and standards, contractual
31

1 | instruments, which shall include safeguards of all
2 | constitutional rights, shall be developed as follows:

3 | (a) The department shall provide for:

4 | 1. The oversight of implementation of assessment and
5 | treatment approaches.

6 | 2. The identification and prequalification of
7 | appropriate individuals or not-for-profit organizations,
8 | including minority individuals or organizations when possible,
9 | to provide assessment and treatment services to serious or
10 | habitual delinquent children.

11 | 3. The monitoring and evaluation of assessment and
12 | treatment services for compliance with the provisions of this
13 | chapter and all applicable rules and guidelines pursuant
14 | thereto.

15 | 4. ~~The development of an annual report on the~~
16 | ~~performance of assessment and treatment to be presented to the~~
17 | ~~Governor, the Attorney General, the President of the Senate,~~
18 | ~~the Speaker of the House of Representatives, and the Auditor~~
19 | ~~General no later than January 1 of each year.~~

20 | Section 184. Paragraph (a) of subsection (1) of
21 | section 985.311, Florida Statutes, is amended to read:

22 | 985.311 Intensive residential treatment program for
23 | offenders less than 13 years of age.--

24 | (1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to
25 | the provisions of this chapter and the establishment of
26 | appropriate program guidelines and standards, contractual
27 | instruments, which shall include safeguards of all
28 | constitutional rights, shall be developed for intensive
29 | residential treatment programs for offenders less than 13
30 | years of age as follows:

31 | (a) The department shall provide for:

1 1. The oversight of implementation of assessment and
2 treatment approaches.

3 2. The identification and prequalification of
4 appropriate individuals or not-for-profit organizations,
5 including minority individuals or organizations when possible,
6 to provide assessment and treatment services to intensive
7 offenders less than 13 years of age.

8 3. The monitoring and evaluation of assessment and
9 treatment services for compliance with the provisions of this
10 chapter and all applicable rules and guidelines pursuant
11 thereto.

12 ~~4. The development of an annual report on the~~
13 ~~performance of assessment and treatment to be presented to the~~
14 ~~Governor, the Attorney General, the President of the Senate,~~
15 ~~the Speaker of the House of Representatives, the Auditor~~
16 ~~General, and the Office of Program Policy Analysis and~~
17 ~~Government Accountability no later than January 1 of each~~
18 ~~year.~~

19 Section 185. Subsection (1) of section 985.3155,
20 Florida Statutes, is amended to read:

21 985.3155 Multiagency plan for vocational education.--

22 (1) The Department of Juvenile Justice and the
23 Department of Education shall, in consultation with the
24 statewide Workforce Development Youth Council, school
25 districts, providers, and others, jointly develop a
26 multiagency plan for vocational education that establishes the
27 curriculum, goals, and outcome measures for vocational
28 programs in juvenile commitment facilities. The plan must
29 include:

30
31

1 (a) Provisions for maximizing appropriate state and
2 federal funding sources, including funds under the Workforce
3 Investment Act and the Perkins Act;

4 (b) The responsibilities of both departments and all
5 other appropriate entities; and

6 (c) A detailed implementation schedule.
7

8 ~~The plan must be submitted to the Governor, the President of~~
9 ~~the Senate, and the Speaker of the House of Representatives by~~
10 ~~May 1, 2001.~~

11 Section 186. Section 985.403, Florida Statutes, is
12 repealed.

13 Section 187. Subsection (7) of section 985.412,
14 Florida Statutes, is repealed.

15 Section 188. Subsection (4) of section 1003.492,
16 Florida Statutes, is repealed.

17 Section 189. Section 1006.0605, Florida Statutes, is
18 repealed.

19 Section 190. Subsection (8) of section 1011.32,
20 Florida Statutes, is amended to read:

21 1011.32 Community College Facility Enhancement
22 Challenge Grant Program.--

23 (8) By September 1 of each year, the State Board of
24 Education shall transmit to the Governor and Legislature a
25 list of projects which meet all eligibility requirements to
26 participate in the Community College Facility Enhancement
27 Challenge Grant Program and a budget request which includes
28 the recommended schedule necessary to complete each project.

29 Section 191. Subsection (5) of section 1011.4105,
30 Florida Statutes, is repealed.

31

1 Section 192. Subsection (13) of section 1013.03,
2 Florida Statutes, is repealed.

3 Section 193. Paragraph (g) of subsection (1) of
4 section 370.12, Florida Statutes, is amended to read:

5 370.12 Marine animals; regulation.--

6 (1) PROTECTION OF MARINE TURTLES.--

7 (g) The Department of Environmental Protection may
8 condition the nature, timing, and sequence of construction of
9 permitted activities to provide protection to nesting marine
10 turtles and hatchlings and their habitat pursuant to s.
11 161.053(4) ~~the provisions of s. 161.053(5)~~. When the
12 department is considering a permit for a beach restoration,
13 beach renourishment, or inlet sand transfer project and the
14 applicant has had an active marine turtle nest relocation
15 program or the applicant has agreed to and has the ability to
16 administer a program, the department must not restrict the
17 timing of the project. Where appropriate, the department, in
18 accordance with the applicable rules of the Fish and Wildlife
19 Conservation Commission, shall require as a condition of the
20 permit that the applicant relocate and monitor all turtle
21 nests that would be affected by the beach restoration, beach
22 renourishment, or sand transfer activities. Such relocation
23 and monitoring activities shall be conducted in a manner that
24 ensures successful hatching. This limitation on the
25 department's authority applies only on the Atlantic coast of
26 Florida.

27 Section 194. Paragraph (d) of subsection (2) of
28 section 372.672, Florida Statutes, is amended to read:

29 372.672 Florida Panther Research and Management Trust
30 Fund.--

31

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

3 ~~(d) To fund and administer education programs~~
4 ~~authorized in s. 372.674.~~

5 Section 195. Subsections (1) and (2) of section
6 409.91196, Florida Statutes, are amended to read:

7 409.91196 Supplemental rebate agreements;
8 confidentiality of records and meetings.--

9 (1) Trade secrets, rebate amount, percent of rebate,
10 manufacturer's pricing, and supplemental rebates which are
11 contained in records of the Agency for Health Care
12 Administration and its agents with respect to supplemental
13 rebate negotiations and which are prepared pursuant to a
14 supplemental rebate agreement under s. 409.912(38)(a)7. ~~s.~~
15 ~~409.912(40)(a)7.~~ are confidential and exempt from s. 119.07
16 and s. 24(a), Art. I of the State Constitution.

17 (2) Those portions of meetings of the Medicaid
18 Pharmaceutical and Therapeutics Committee at which trade
19 secrets, rebate amount, percent of rebate, manufacturer's
20 pricing, and supplemental rebates are disclosed for discussion
21 or negotiation of a supplemental rebate agreement under s.
22 409.912(38)(a)7. ~~s. 409.912(40)(a)7.~~ are exempt from s.
23 286.011 and s. 24(b), Art. I of the State Constitution.

24 Section 196. Paragraph (d) of subsection (5) of
25 section 411.01, Florida Statutes, as amended by section 2 of
26 chapter 2004-484, Laws of Florida, is amended to read:

27 411.01 School readiness programs; early learning
28 coalitions.--

29 (5) CREATION OF EARLY LEARNING COALITIONS.--

30 (d) Implementation.--

31

1 1. An early learning coalition may not implement the
2 school readiness program until the coalition is authorized
3 through approval of the coalition's school readiness plan by
4 the Agency for Workforce Innovation.

5 2. Each early learning coalition shall develop a plan
6 for implementing the school readiness program to meet the
7 requirements of this section and the performance standards and
8 outcome measures adopted by the Agency for Workforce
9 Innovation. The plan must demonstrate how the program will
10 ensure that each 3-year-old and 4-year-old child in a publicly
11 funded school readiness program receives scheduled activities
12 and instruction designed to enhance the age-appropriate
13 progress of the children in attaining the performance
14 standards adopted by the Agency for Workforce Innovation under
15 subparagraph (4)(d)8. Before implementing the school readiness
16 program, the early learning coalition must submit the plan to
17 the Agency for Workforce Innovation for approval. The Agency
18 for Workforce Innovation may approve the plan, reject the
19 plan, or approve the plan with conditions. The Agency for
20 Workforce Innovation shall review school readiness plans at
21 least annually.

22 3. If the Agency for Workforce Innovation determines
23 during the annual review of school readiness plans, or through
24 monitoring and performance evaluations conducted under
25 paragraph (4)(1), that an early learning coalition has not
26 substantially implemented its plan, has not substantially met
27 the performance standards and outcome measures adopted by the
28 agency, or has not effectively administered the school
29 readiness program or Voluntary Prekindergarten Education
30 Program, the Agency for Workforce Innovation may dissolve the
31 coalition and temporarily contract with a qualified entity to

1 continue school readiness and prekindergarten services in the
2 coalition's county or multicounty region until the coalition
3 is reestablished through resubmission of a school readiness
4 plan and approval by the agency.

5 4. The Agency for Workforce Innovation shall adopt
6 criteria for the approval of school readiness plans. The
7 criteria must be consistent with the performance standards and
8 outcome measures adopted by the agency and must require each
9 approved plan to include the following minimum standards and
10 provisions:

11 a. A sliding fee scale establishing a copayment for
12 parents based upon their ability to pay, which is the same for
13 all program providers, to be implemented and reflected in each
14 program's budget.

15 b. A choice of settings and locations in licensed,
16 registered, religious-exempt, or school-based programs to be
17 provided to parents.

18 c. Instructional staff who have completed the training
19 course as required in s. 402.305(2)(d)1., as well as staff who
20 have additional training or credentials as required by the
21 Agency for Workforce Innovation. The plan must provide a
22 method for assuring the qualifications of all personnel in all
23 program settings.

24 d. Specific eligibility priorities for children within
25 the early learning coalition's county or multicounty region in
26 accordance with subsection (6).

27 e. Performance standards and outcome measures adopted
28 by the Agency for Workforce Innovation.

29 f. Payment rates adopted by the early learning
30 coalition and approved by the Agency for Workforce Innovation.
31 Payment rates may not have the effect of limiting parental

1 choice or creating standards or levels of services that have
2 not been authorized by the Legislature.

3 g. Systems support services, including a central
4 agency, child care resource and referral, eligibility
5 determinations, training of providers, and parent support and
6 involvement.

7 h. Direct enhancement services to families and
8 children. System support and direct enhancement services shall
9 be in addition to payments for the placement of children in
10 school readiness programs.

11 i. The business organization of the early learning
12 coalition, which must include the coalition's articles of
13 incorporation and bylaws if the coalition is organized as a
14 corporation. If the coalition is not organized as a
15 corporation or other business entity, the plan must include
16 the contract with a fiscal agent. An early learning coalition
17 may contract with other coalitions to achieve efficiency in
18 multicounty services, and these contracts may be part of the
19 coalition's school readiness plan.

20 j. Strategies to meet the needs of unique populations,
21 such as migrant workers.

22
23 As part of the school readiness plan, the early learning
24 coalition may request the Governor to apply for a waiver to
25 allow the coalition to administer the Head Start Program to
26 accomplish the purposes of the school readiness program. If a
27 school readiness plan demonstrates that specific statutory
28 goals can be achieved more effectively by using procedures
29 that require modification of existing rules, policies, or
30 procedures, a request for a waiver to the Agency for Workforce
31 Innovation may be submitted as part of the plan. Upon review,

1 | the Agency for Workforce Innovation may grant the proposed
2 | modification.

3 | 5. Persons with an early childhood teaching
4 | certificate may provide support and supervision to other staff
5 | in the school readiness program.

6 | 6. An early learning coalition may not implement its
7 | school readiness plan until it submits the plan to and
8 | receives approval from the Agency for Workforce Innovation.
9 | Once the plan is approved, the plan and the services provided
10 | under the plan shall be controlled by the early learning
11 | coalition. The plan shall be reviewed and revised as
12 | necessary, but at least biennially. An early learning
13 | coalition may not implement the revisions until the coalition
14 | submits the revised plan to and receives approval from the
15 | Agency for Workforce Innovation. If the Agency for Workforce
16 | Innovation rejects a revised plan, the coalition must continue
17 | to operate under its prior approved plan.

18 | 7. Sections 125.901(2)(a)3., ~~411.221~~, and 411.232 do
19 | not apply to an early learning coalition with an approved
20 | school readiness plan. To facilitate innovative practices and
21 | to allow the regional establishment of school readiness
22 | programs, an early learning coalition may apply to the
23 | Governor and Cabinet for a waiver of, and the Governor and
24 | Cabinet may waive, any of the provisions of ss. 411.223,
25 | 411.232, and 1003.54, if the waiver is necessary for
26 | implementation of the coalition's school readiness plan.

27 | 8. Two or more counties may join for purposes of
28 | planning and implementing a school readiness program.

29 | 9. An early learning coalition may, subject to
30 | approval by the Agency for Workforce Innovation as part of the
31 | coalition's school readiness plan, receive subsidized child

1 care funds for all children eligible for any federal
2 subsidized child care program.

3 10. An early learning coalition may enter into
4 multiparty contracts with multicounty service providers in
5 order to meet the needs of unique populations such as migrant
6 workers.

7 Section 197. Paragraph (a) of subsection (3) of
8 section 411.232, Florida Statutes, is amended to read:

9 411.232 Children's Early Investment Program.--

10 (3) ESSENTIAL ELEMENTS.--

11 (a) Initially, the program shall be directed to
12 geographic areas where at-risk young children and their
13 families are in greatest need because of an unfavorable
14 combination of economic, social, environmental, and health
15 factors, including, without limitation, extensive poverty,
16 high crime rate, great incidence of low birthweight babies,
17 high incidence of alcohol and drug abuse, and high rates of
18 teenage pregnancy. The selection of a geographic site shall
19 also consider the incidence of young children within these
20 at-risk geographic areas who are cocaine babies, children of
21 single mothers who receive temporary cash assistance, children
22 of teenage parents, low birthweight babies, and very young
23 foster children. To receive funding under this section, an
24 agency, board, council, or provider must demonstrate:

25 1. Its capacity to administer and coordinate the
26 programs and services in a comprehensive manner and provide a
27 flexible range of services;

28 2. Its capacity to identify and serve those children
29 least able to access existing programs and case management
30 services;

31

1 3. Its capacity to administer and coordinate the
2 programs and services in an intensive and continuous manner;

3 4. The proximity of its facilities to young children,
4 parents, and other family members to be served by the program,
5 or its ability to provide offsite services;

6 5. Its ability to use existing federal, state, and
7 local governmental programs and services in implementing the
8 investment program;

9 6. Its ability to coordinate activities and services
10 with existing public and private, state and local agencies and
11 programs such as those responsible for health, education,
12 social support, mental health, child care, respite care,
13 housing, transportation, alcohol and drug abuse treatment and
14 prevention, income assistance, employment training and
15 placement, nutrition, and other relevant services, all the
16 foregoing intended to assist children and families at risk;

17 7. How its plan will involve project participants and
18 community representatives in the planning and operation of the
19 investment program; and

20 8. Its ability to participate in the evaluation
21 component required in this section. ~~;~~ ~~and~~

22 ~~9. Its consistency with the strategic plan pursuant to~~
23 ~~s. 411.221.~~

24 Section 198. Subsection (4) of section 641.386,
25 Florida Statutes, is amended to read:

26 641.386 Agent licensing and appointment required;
27 exceptions.--

28 (4) All agents and health maintenance organizations
29 shall comply with and be subject to the applicable provisions
30 of ss. 641.309 and 409.912(20) ~~409.912(21)~~, and all companies
31 and entities appointing agents shall comply with s. 626.451,

1 | when marketing for any health maintenance organization
2 | licensed pursuant to this part, including those organizations
3 | under contract with the Agency for Health Care Administration
4 | to provide health care services to Medicaid recipients or any
5 | private entity providing health care services to Medicaid
6 | recipients pursuant to a prepaid health plan contract with the
7 | Agency for Health Care Administration.

8 | Section 199. Subsection (2) of section 20.165, Florida
9 | Statutes, is amended to read:

10 | 20.165 Department of Business and Professional
11 | Regulation.--There is created a Department of Business and
12 | Professional Regulation.

13 | (2) The following divisions of the Department of
14 | Business and Professional Regulation are established:

15 | (a) Division of Administration.

16 | (b) Division of Alcoholic Beverages and Tobacco.

17 | (c) Division of Certified Public Accounting.

18 | 1. The director of the division shall be appointed by
19 | the secretary of the department, subject to approval by a
20 | majority of the Board of Accountancy.

21 | 2. The offices of the division shall be located in
22 | Gainesville.

23 | (d) Division of Florida Land Sales, Condominiums, and
24 | Mobile Homes.

25 | (e) Division of Hotels and Restaurants.

26 | (f) Division of Pari-mutuel Wagering.

27 | (g) Division of Professions and Regulation.

28 | (h) Division of Real Estate.

29 | 1. The director of the division shall be appointed by
30 | the secretary of the department, subject to approval by a
31 | majority of the Florida Real Estate Commission.

1 2. The offices of the division shall be located in
2 Orlando.

3 (i) Division of ~~Service Operations Regulation~~.

4 (j) Division of Technology, Licensure, and Testing.

5 Section 200. Effective October 1, 2005, paragraph (a)
6 of subsection (4) of section 20.165, Florida Statutes, as
7 amended by section 135 of chapter 2004-301, Laws of Florida,
8 is amended to read:

9 20.165 Department of Business and Professional
10 Regulation.--There is created a Department of Business and
11 Professional Regulation.

12 (4)(a) The following boards are established within the
13 Division of Professions and Regulation:

14 1. Board of Architecture and Interior Design, created
15 under part I of chapter 481.

16 2. Florida Board of Auctioneers, created under part VI
17 of chapter 468.

18 3. Barbers' Board, created under chapter 476.

19 4. Florida Building Code Administrators and Inspectors
20 Board, created under part XII of chapter 468.

21 5. Construction Industry Licensing Board, created
22 under part I of chapter 489.

23 6. Board of Cosmetology, created under chapter 477.

24 7. Electrical Contractors' Licensing Board, created
25 under part II of chapter 489.

26 8. Board of Employee Leasing Companies, created under
27 part XI of chapter 468.

28 9. Board of Landscape Architecture, created under part
29 II of chapter 481.

30 10. Board of Pilot Commissioners, created under
31 chapter 310.

1 11. Board of Professional Engineers, created under
2 chapter 471.

3 12. Board of Professional Geologists, created under
4 chapter 492.

5 13. Board of Professional Surveyors and Mappers,
6 created under chapter 472.

7 14. Board of Veterinary Medicine, created under
8 chapter 474.

9 Section 201. Subsections (1) and (6) of section
10 455.01, Florida Statutes, are amended to read:

11 455.01 Definitions.--As used in this chapter, the
12 term:

13 (1) "Board" means any board or commission, or other
14 statutorily created entity to the extent such entity is
15 authorized to exercise regulatory or rulemaking functions,
16 within the department, including the Florida Real Estate
17 Commission; except that, for ss. 455.201-455.245, "board"
18 means only a board, or other statutorily created entity to the
19 extent such entity is authorized to exercise regulatory or
20 rulemaking functions, within the Division of Certified Public
21 Accounting, the Division of Professions and Regulation, or the
22 Division of Real Estate.

23 (6) "Profession" means any activity, occupation,
24 profession, or vocation regulated by the department in the
25 Divisions of Certified Public Accounting, Professions and
26 Regulation, and Real Estate, ~~and Regulation~~.

27 Section 202. Section 455.017, Florida Statutes, is
28 amended to read:

29 455.017 Applicability of this chapter.--The provisions
30 of this chapter apply only to the regulation by the Department
31 of Business and Professional Regulations ~~professions~~.

1 Section 203. Subsection (1) of section 455.217,
2 Florida Statutes, is amended to read:

3 455.217 Examinations.--This section shall be read in
4 conjunction with the appropriate practice act associated with
5 each regulated profession under this chapter.

6 (1) The Division of Service Operations Technology,
7 ~~Licensure, and Testing~~ of the Department of Business and
8 Professional Regulation shall provide, contract, or approve
9 services for the development, preparation, administration,
10 scoring, score reporting, and evaluation of all examinations.
11 The division shall seek the advice of the appropriate board in
12 providing such services.

13 (a) The department, acting in conjunction with the
14 Division of Service Operations Technology, ~~Licensure, and~~
15 ~~Testing~~ and the Division of Real Estate, as appropriate, shall
16 ensure that examinations adequately and reliably measure an
17 applicant's ability to practice the profession regulated by
18 the department. After an examination developed or approved by
19 the department has been administered, the board or department
20 may reject any question which does not reliably measure the
21 general areas of competency specified in the rules of the
22 board or department, when there is no board. The department
23 shall use professional testing services for the development,
24 preparation, and evaluation of examinations, when such
25 services are available and approved by the board.

26 (b) For each examination developed by the department
27 or contracted vendor, to the extent not otherwise specified by
28 statute, the board or the department when there is no board,
29 shall by rule specify the general areas of competency to be
30 covered by the examination, the relative weight to be assigned
31 in grading each area tested, the score necessary to achieve a

1 | passing grade, and the fees, where applicable, to cover the
2 | actual cost for any purchase, development, and administration
3 | of the required examination. However, statutory fee caps in
4 | each practice act shall apply. This subsection does not apply
5 | to national examinations approved and administered pursuant to
6 | paragraph (d).

7 | (c) If a practical examination is deemed to be
8 | necessary, rules shall specify the criteria by which examiners
9 | are to be selected, the grading criteria to be used by the
10 | examiner, the relative weight to be assigned in grading each
11 | criterion, and the score necessary to achieve a passing grade.
12 | When a mandatory standardization exercise for a practical
13 | examination is required by law, the board may conduct such
14 | exercise. Therefore, board members may serve as examiners at a
15 | practical examination with the consent of the board.

16 | (d) A board, or the department when there is no board,
17 | may approve by rule the use of any national examination which
18 | the department has certified as meeting requirements of
19 | national examinations and generally accepted testing standards
20 | pursuant to department rules. Providers of examinations,
21 | which may be either profit or nonprofit entities, seeking
22 | certification by the department shall pay the actual costs
23 | incurred by the department in making a determination regarding
24 | the certification. The department shall use any national
25 | examination which is available, certified by the department,
26 | and approved by the board. The name and number of a candidate
27 | may be provided to a national contractor for the limited
28 | purpose of preparing the grade tape and information to be
29 | returned to the board or department or, to the extent
30 | otherwise specified by rule, the candidate may apply directly
31 | to the vendor of the national examination. The department may

1 delegate to the board the duty to provide and administer the
2 examination. Any national examination approved by a board, or
3 the department when there is no board, prior to October 1,
4 1997, is deemed certified under this paragraph. Any licensing
5 or certification examination that is not developed or
6 administered by the department in-house or provided as a
7 national examination shall be competitively bid.

8 (e) The department shall adopt rules regarding the
9 security and monitoring of examinations. In order to maintain
10 the security of examinations, the department may employ the
11 procedures set forth in s. 455.228 to seek fines and
12 injunctive relief against an examinee who violates the
13 provisions of s. 455.2175 or the rules adopted pursuant to
14 this paragraph. The department, or any agent thereof, may, for
15 the purposes of investigation, confiscate any written,
16 photographic, or recording material or device in the
17 possession of the examinee at the examination site which the
18 department deems necessary to enforce such provisions or
19 rules.

20 (f) If the professional board with jurisdiction over
21 an examination concurs, the department may, for a fee, share
22 with any other state's licensing authority an examination
23 developed by or for the department unless prohibited by a
24 contract entered into by the department for development or
25 purchase of the examination. The department, with the
26 concurrence of the appropriate board, shall establish
27 guidelines that ensure security of a shared exam and shall
28 require that any other state's licensing authority comply with
29 those guidelines. Those guidelines shall be approved by the
30 appropriate professional board. All fees paid by the user
31 shall be applied to the department's examination and

1 development program for professions regulated by this chapter.
2 All fees paid by the user for professions not regulated by
3 this chapter shall be applied to offset the fees for the
4 development and administration of that profession's
5 examination. If both a written and a practical examination
6 are given, an applicant shall be required to retake only the
7 portion of the examination for which he or she failed to
8 achieve a passing grade, if he or she successfully passes that
9 portion within a reasonable time of his or her passing the
10 other portion.

11 Section 204. Except as otherwise expressly provided in
12 this act, this act shall take effect upon becoming a law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 2546

The Committee Substitute removes from the bill amendments to or deletions of certain sections of the Florida Statutes. Therefore, the following sections of the Florida Statutes that would have been amended or repealed in the bill are not amended or repealed under the Committee Substitute: 20.315, 39.3065, 39.523, 120.542, 194.034, 215.5601, 215.70, 216.103, 216.172, 216.181, 253.7829, 272.121, 287.045, 287.16, 288.1045, 288.1226, 288.7771, 365.171, 369.22, 380.0677, 381.931, 383.19, 383.21, 383.2161, 384.25, 397.332, 400.408, 400.441, 402.3016, 403.067, 403.7226, 403.7265, 409.1679(2), 409.1685, 409.178, 409.441, 445.022, 445.049, 446.609, 456.005, 627.351, 627.64872, 932.7055, 944.023, 1001.02, 1001.03, 1002.34, 1003.61, 1004.22, 1004.50, 1004.94, 1006.67, 1007.27, 1009.70, 1011.62, 1012.05, 1012.42, and 1011.82.

The Committee Substitute deletes a study and reporting requirement of the Office of the State Courts Administrator relating to an Attorney Ad Litem program that the bill had assigned responsibility for to the Statewide Guardian Ad Litem Office.

The Committee Substitute adjusts some division names at the Department of Business and Professional Regulation by changing references in ss. 20.165 and 455.01, F.S., from the Division of Professions to the Division of Professions and Regulation, and from the Division of Regulation to the Division of Service Operations.

Section 455.017, F.S., is amended to change a reference from the "Department of professions" to the Department of Business and Professional Regulation.

Section 455.217, F.S., is amended to change duties from the the Division of Technology, Licensure and Testing of the DBPR to the Division of Service Operations, relating to examinations for regulated professions.

Section 455.017, F.S., is amended to change a reference from the "Department of professions" to the Department of Business and Professional Regulation.