

By Senator Haridopolos

26-00286-09

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1                   A bill to be entitled  
2           An act relating to obsolete or outdated agency plans,  
3           reports, and programs; repealing s. 14.25, F.S.,  
4           relating to the Florida State Commission on Hispanic  
5           Affairs; amending s. 14.26, F.S.; revising reporting  
6           requirements of the Citizen's Assistance Office;  
7           repealing s. 14.27, F.S., relating to the Florida  
8           Commission on African-American Affairs; repealing s.  
9           16.58, F.S., relating to the Florida Legal Resource  
10          Center; amending s. 17.32, F.S.; revising the  
11          recipients of the annual report of trust funds by the  
12          Chief Financial Officer; amending s. 17.325, F.S.;  
13          deleting a reporting requirement relating to the  
14          governmental efficiency hotline; amending s. 20.057,  
15          F.S.; deleting a reporting requirement of the Governor  
16          relating to interagency agreements to delete  
17          duplication of inspections; amending s. 20.19, F.S.;  
18          deleting provisions relating to planning by the  
19          Department of Children and Family Services; deleting  
20          provisions relating to planning in service districts  
21          of the department; repealing s. 20.316(4)(e), (f), and  
22          (g), F.S.; deleting provisions relating to information  
23          systems of the Department of Juvenile Justice;  
24          amending s. 20.43, F.S.; revising provisions relating  
25          to planning by the Department of Health; repealing s.  
26          39.3065(3)(d), F.S.; deleting certain provisions  
27          relating to evaluations and reports of child  
28          protective investigative services; amending s.  
29          39.4086, F.S.; deleting provisions relating to a

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30 report by the State Courts Administrator on a guardian  
31 ad litem program for dependent children; transferring  
32 certain duties to the Statewide Guardian Ad Litem  
33 Office; repealing s. 39.523(5), F.S.; deleting  
34 provisions relating to a report on the placement of  
35 children in licensed residential group care; amending  
36 s. 98.255, F.S.; deleting provisions relating to a  
37 report on the effectiveness of voter education  
38 programs; amending s. 110.1227, F.S.; revising  
39 provisions relating to a report by the board of  
40 directors of the Florida Long-Term-Care Plan; amending  
41 s. 120.542, F.S.; deleting provisions relating to  
42 reports of petitions filed for variances to agency  
43 rules; amending s. 120.60, F.S.; deleting a provision  
44 relating to filing of notice and certification of an  
45 agency's intent to grant or deny a license; amending  
46 s. 120.695, F.S.; deleting obsolete provisions  
47 relating to agency review of rules; amending s.  
48 121.45, F.S.; deleting provisions relating to reports  
49 on interstate compacts relating to pension  
50 portability; repealing s. 153.952, F.S., relating to  
51 legislative findings and intent concerning privately  
52 owned wastewater systems and facilities; amending s.  
53 161.053, F.S.; deleting a provision relating to a  
54 report on the coastal construction control line;  
55 amending s. 161.161, F.S.; deleting a provision  
56 requiring a report on funding for beach erosion  
57 control; repealing s. 163.2526, F.S., relating to a  
58 review and evaluation of urban infill; amending s.

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59 163.3167, F.S.; deleting provisions relating to local  
60 government comprehensive plans; amending s. 163.3177,  
61 F.S.; revising requirements for comprehensive plans;  
62 amending s. 163.3178, F.S.; deleting a duty of the  
63 Coastal Resources Interagency Management Committee to  
64 submit certain recommendations; repealing s.  
65 163.519(12), F.S.; deleting a requirement for a report  
66 on neighborhood improvement districts by the  
67 Department of Legal Affairs; repealing s. 186.007(9),  
68 F.S.; deleting provisions relating to a committee to  
69 recommend to the Governor changes in the state  
70 comprehensive plan; amending ss. 189.4035 and 189.412,  
71 F.S.; revising requirements relating to dissemination  
72 of the official list of special districts; amending s.  
73 194.034, F.S.; deleting a requirement that the  
74 Department of Revenue be notified of certain decisions  
75 of value adjustment boards; amending s. 206.606, F.S.;  
76 revising provisions relating to a report on the  
77 Florida Boating Improvement Program; amending s.  
78 212.054, F.S.; deleting the requirement for a report  
79 on costs of administering the discretionary sales  
80 surtax; amending s. 212.08, F.S.; deleting a  
81 requirement for a report on the sales tax exemption  
82 for machinery and equipment used in semiconductor,  
83 defense, or space technology production and research  
84 and development; repealing s. 213.0452, F.S., relating  
85 to a report on the structure of the Department of  
86 Revenue; repealing s. 213.054, F.S., relating to  
87 monitoring and reporting on persons claiming tax

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88 exemptions; amending s. 215.70, F.S.; requiring the  
89 State Board of Administration to report to the  
90 Governor when funds need to be appropriated to honor  
91 the full faith and credit of the state; amending s.  
92 216.011, F.S.; redefining the term "long-range program  
93 plan"; repealing s. 216.103, F.S., relating to  
94 agencies receiving federal funds; repealing s.  
95 216.172, F.S., relating to meetings of legislative  
96 appropriations committees; repealing s.  
97 216.181(10)(c), F.S.; deleting provisions relating to  
98 reports of filled and vacant positions and salaries;  
99 amending s. 252.55, F.S.; revising certain reporting  
100 requirements relating to the Civil Air Patrol;  
101 amending s. 253.7825, F.S.; deleting provisions  
102 relating to the plan for the Cross Florida Greenways  
103 State Recreation and Conservation Area; repealing s.  
104 253.7826, F.S., relating to structures of the Cross  
105 Florida Barge Canal; repealing s. 253.7829, F.S.,  
106 relating to a management plan for retention or  
107 disposition of lands of the Cross Florida Barge Canal;  
108 amending s. 259.037, F.S.; revising provisions  
109 relating to a report of the Land Management Uniform  
110 Accounting Council; repealing s. 267.074(4), F.S.;  
111 deleting provisions relating to a plan for the State  
112 Historical Marker Program; repealing s. 272.121, F.S.,  
113 relating to long-range planning for the Capitol  
114 Center; repealing s. 284.50(3), F.S.; deleting a  
115 requirement for a report by the Interagency Advisory  
116 Council on Loss Prevention and department heads;

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117       repealing s. 287.045(11), F.S.; deleting a requirement  
118       for reports on use of recycled products; amending s.  
119       287.059, F.S.; deleting a requirement for reporting  
120       proposed fee schedules for private attorney services  
121       for the Attorney General's office; repealing s.  
122       287.16(10), F.S.; deleting a requirement for a report  
123       on aircraft use by the Department of Management  
124       Services; repealing s. 288.108(7), F.S.; deleting a  
125       requirement for a report by the Office of Tourism,  
126       Trade, and Economic Development on high-impact  
127       businesses; repealing s. 288.1185, F.S., relating to  
128       the Recycling Markets Advisory Committee; amending s.  
129       288.1226, F.S.; deleting a requirement for the Office  
130       of Tourism, Trade, and Economic Development to certify  
131       operations of the Florida Tourism Industry Marketing  
132       Corporation; amending s. 288.1229, F.S.; revising  
133       duties of the direct-support organization to support  
134       sports-related industries and amateur athletics;  
135       repealing s. 288.7015(4), F.S.; deleting a requirement  
136       for a report by the rules ombudsman in the Executive  
137       Office of the Governor; amending s. 288.7771, F.S.;  
138       revising a reporting requirement of the Florida Export  
139       Finance Corporation; repealing s. 288.8175(8), (10),  
140       and (11), F.S.; deleting certain responsibilities of  
141       the Department of Education with respect to linkage  
142       institutes between postsecondary institutions in this  
143       state and foreign countries; repealing s. 288.853(5),  
144       F.S.; deleting the requirement for a report on  
145       assistance to and commerce with Cuba; amending s.

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146 288.95155, F.S.; revising requirements for a report by  
147 Enterprise Florida, Inc., on the Florida Small  
148 Business Technology Growth Program; amending s.  
149 288.9604, F.S.; deleting a requirement for a report by  
150 the Florida Development Finance Corporation; amending  
151 s. 288.9610, F.S.; revising provisions relating to  
152 annual reporting by the corporation; amending s.  
153 292.05, F.S.; revising requirements relating to a  
154 report by the Department of Veterans' Affairs;  
155 repealing ss. 296.16 and 296.39, F.S., relating to  
156 reports by the executive director of the Department of  
157 Veterans' Affairs; repealing s. 315.03(12)(c), F.S.;  
158 deleting provisions relating to legislative review of  
159 a loan program of the Florida Seaport Transportation  
160 and Economic Development Council; amending s. 319.324,  
161 F.S.; deleting provisions relating to funding a report  
162 on odometer fraud prevention and detection; repealing  
163 s. 322.181, F.S., relating to a study by the  
164 Department of Highway Safety and Motor Vehicles on  
165 driving by the elderly; repealing s. 322.251(7)(c),  
166 F.S.; deleting provisions relating to a plan to  
167 indemnify persons wanted for passing worthless bank  
168 checks; repealing s. 366.82(10), F.S.; deleting a  
169 provision relating to reports by utilities to the  
170 Public Service Commission; amending s. 373.0391, F.S.;  
171 deleting provisions relating to provision of certain  
172 information by water management districts; amending s.  
173 373.046, F.S.; deleting an obsolete provision  
174 requiring a report by the Secretary of Environmental

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175 Protection; repealing s. 376.121(14), F.S.; deleting a  
176 provision relating to a report by the Department of  
177 Environmental Protection on damage to natural  
178 resources; repealing s. 376.17, F.S., relating to  
179 reports of the department to the Legislature;  
180 repealing s. 376.30713(5), F.S.; deleting provisions  
181 relating to a report on preapproved advanced cleanup;  
182 amending s. 377.703, F.S.; deleting a requirement for  
183 a report from the Public Service Commission on  
184 electricity, natural gas, and energy conservation;  
185 amending s. 379.2211, F.S.; revising provisions  
186 relating to a report by the Fish and Wildlife  
187 Conservation Commission on waterfowl permit revenues;  
188 379.2212, F.S.; revising provisions relating to a  
189 report by the commission on wild turkey permit  
190 revenues; repealing s. 379.2523(8), F.S.; deleting a  
191 duty of the Fish and Wildlife Conservation Commission  
192 relating to an aquaculture plan; amending s. 380.06,  
193 F.S.; deleting provisions on transmission of revisions  
194 relating to statewide guidelines and standards for  
195 developments of regional impact; repealing s.  
196 380.0677(3), F.S.; deleting provisions relating to  
197 powers of the Green Swamp Land Authority; repealing s.  
198 381.0011(3), F.S.; deleting provisions relating to an  
199 inclusion in the Department of Health's strategic  
200 plan; repealing s. 381.0036, F.S., relating to  
201 planning for implementation of educational  
202 requirements concerning HIV and AIDS; repealing s.  
203 381.731, F.S., relating to strategic planning of the

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204 Department of Health; amending s. 381.795, F.S.;

205 deleting provisions relating to studies by the

206 Department of Health on long-term, community-based

207 supports; amending s. 381.931, F.S.; deleting

208 provisions relating to the duty of the Department of

209 Health to develop a report on Medicaid expenditures;

210 amending s. 383.19, F.S.; revising provisions relating

211 to reports by hospitals contracting to provide

212 perinatal intensive care services; repealing s.

213 383.21, F.S., relating to reviews of perinatal

214 intensive care service programs; amending s. 383.2161,

215 F.S.; revising requirements relating to a report by

216 the Department of Health on maternal and child health;

217 repealing s. 394.4573(4), F.S.; deleting the

218 requirement for a report by the Department of Children

219 and Family Services on staffing state mental health

220 facilities; amending s. 394.4985, F.S.; deleting

221 provisions relating to plans by department districts;

222 amending s. 394.75, F.S.; revising provisions relating

223 to reports by the department on substance abuse and

224 mental health plans; repealing s. 394.82, F.S.,

225 relating to the funding of expanded community mental

226 health services; repealing s. 394.9082(9), F.S.;

227 deleting a provision relating to reports on

228 contracting with behavioral health managing entities;

229 repealing s. 394.9083, F.S., relating to the

230 Behavioral Health Services Integration Workgroup;

231 repealing s. 395.807(2)(c), F.S.; deleting

232 requirements for a report on the retention of family



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233 practice residents; repealing s. 397.321(1) and (2),  
234 F.S.; deleting a requirement that the Department of  
235 Children and Family Services develop a plan for  
236 substance abuse services and eliminating authorization  
237 for a pilot project; repealing s. 397.332(3), F.S.;  
238 deleting the requirement for a report by the director  
239 of the Office of Drug Control; amending s. 397.333,  
240 F.S.; deleting the requirement for a report by the  
241 Statewide Drug Policy Advisory Council; repealing s.  
242 397.94(1), F.S.; deleting provisions relating to  
243 children's substance abuse services plans by service  
244 districts of the Department of Children and Family  
245 Services; repealing s. 400.148(2), F.S.; deleting a  
246 provision relating to a pilot program of the Agency  
247 for Health Care Administration for a quality-of-care  
248 contract management program; amending s. 400.967,  
249 F.S.; deleting provisions relating to a report by the  
250 Agency for Health Care Administration on intermediate  
251 care facilities for developmentally disabled persons;  
252 repealing s. 402.3016(3), F.S.; deleting a requirement  
253 for a report by the agency on Early Head Start  
254 collaboration grants; repealing s. 402.40(9), F.S.;  
255 deleting a provision relating to submission to the  
256 Legislature of certain information related to child  
257 welfare training; amending s. 403.4131, F.S.; deleting  
258 provisions relating to a report on the adopt-a-highway  
259 program; repealing s. 406.02(4)(a), F.S.; deleting a  
260 requirement for a report by the Medical Examiners  
261 Commission; amending s. 408.033, F.S.; revising

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262 provisions relating to reports by local health  
263 councils; repealing s. 408.914(4), F.S.; deleting  
264 provisions requiring the Agency for Health Care  
265 Administration to submit to the Governor a plan on the  
266 comprehensive health and human services eligibility  
267 access system; repealing s. 408.915(3)(i), F.S.;

268 deleting provisions requiring periodic reports on the  
269 pilot program for such access; repealing s. 408.917,  
270 F.S., relating to an evaluation of the pilot project;  
271 amending s. 409.1451, F.S.; revising requirements  
272 relating to reports on independent living transition  
273 services; repealing s. 409.146, F.S., relating to the  
274 children and families client and management  
275 information system; repealing s. 409.152, F.S.,  
276 relating to service integration and family  
277 preservation; repealing s. 409.1679(1) and (2), F.S.;

278 deleting provisions relating to reports concerning  
279 residential group care services; amending s. 409.1685,  
280 F.S.; revising provisions relating to reports by the  
281 Department of Children and Family Services on children  
282 in foster care; repealing s. 409.221(4)(k), F.S.;

283 deleting provisions relating to reports on consumer-  
284 directed care; amending s. 409.25575, F.S.; deleting  
285 provisions relating to a report by the Department of  
286 Revenue regarding a quality assurance program for  
287 privatization of services; amending s. 409.2558, F.S.;

288 deleting provisions relating to the Department of  
289 Revenue's solicitation of recommendations related to a  
290 rule on undistributable collections; repealing s.

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291 409.441(3), F.S.; deleting provisions relating to the  
292 state plan for the handling of runaway youths;  
293 amending s. 409.906, F.S.; deleting a requirement for  
294 reports of child-welfare-targeted case management  
295 projects; amending s. 409.912, F.S.; revising  
296 provisions relating to duties of the agency with  
297 respect to cost-effective purchasing of health care;  
298 repealing s. 410.0245, F.S., relating to a study of  
299 service needs of the disabled adult population;  
300 repealing s. 410.604(10), F.S.; deleting a requirement  
301 for the Department of Children and Family Services to  
302 evaluate the community care for disabled adults  
303 program; amending s. 411.0102, F.S.; deleting  
304 provisions relating to use of child care purchasing  
305 pool funds; repealing s. 411.221, F.S., relating to  
306 prevention and early assistance; repealing s. 411.242,  
307 F.S., relating to the Florida Education Now and Babies  
308 Later program; repealing s. 414.1251(3), F.S.;  
309 deleting a provision relating to an electronic data  
310 transfer system for the learnfare program; amending s.  
311 414.14, F.S.; deleting a provision relating to a  
312 report by the Secretary of Children and Family  
313 Services on public assistance policy simplification;  
314 repealing s. 414.36(1), F.S.; deleting a provision  
315 relating to a plan for privatization of recovery of  
316 public assistance overpayment claims; repealing s.  
317 414.391(3), F.S.; deleting provisions relating to a  
318 plan for automated fingerprint imaging; amending s.  
319 415.1045, F.S.; deleting a requirement for a study by

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320 the Office of Program Policy Analysis and Government  
321 Accountability on documentation of exploitation,  
322 abuse, or neglect; amending s. 415.111, F.S.; deleting  
323 the requirement for a report by the Department of  
324 Children and Family Services on exploitation, abuse,  
325 or neglect; amending s. 420.622, F.S.; revising  
326 requirements relating to a report by the State Council  
327 on Homelessness; repealing s. 420.623(4), F.S.;  
328 deleting a requirement for a report by the Department  
329 of Community Affairs on homelessness; amending s.  
330 427.704, F.S.; revising requirements relating to a  
331 report by the Public Service Commission on a  
332 telecommunications access system; amending s. 427.706,  
333 F.S.; revising requirements relating to a report by  
334 the advisory committee on telecommunications access;  
335 amending s. 429.07, F.S.; deleting provisions relating  
336 to a report by the Department of Elderly Affairs on  
337 extended congregate care facilities; repealing s.  
338 429.08(2), F.S.; deleting a provision relating to  
339 local workgroups of field offices of the Agency for  
340 Health Care Administration; amending s. 429.41, F.S.;  
341 deleting provisions relating to a report concerning  
342 standards for assisted living facilities; amending s.  
343 430.04, F.S.; revising duties of the Department of  
344 Elderly Affairs with respect to certain reports and  
345 recommendations; amending s. 430.502, F.S.; revising  
346 requirements with respect to reports by the  
347 Alzheimer's Disease Advisory Committee; amending s.  
348 445.003, F.S.; revising reporting requirements

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349 relating to Workforce Florida, Inc.; amending s.  
350 445.006, F.S.; deleting provisions relating to a  
351 strategic plan for workforce development; repealing s.  
352 445.022(4), F.S.; deleting a requirement for reports  
353 by regional workforce boards on retention incentives;  
354 amending s. 446.50, F.S.; deleting provisions relating  
355 to a state plan for displaced homemakers; repealing s.  
356 455.204, F.S., relating to long-range policy planning  
357 in the Department of Business and Professional  
358 Regulation; repealing s. 455.2226(8), F.S.; deleting a  
359 requirement for a report by the Board of Funeral  
360 Directors and Embalmers; repealing s. 455.2228(6),  
361 F.S.; deleting a requirement for reports by the  
362 Barbers' Board and the Board of Cosmetology; amending  
363 s. 456.005, F.S.; revising requirements relating to  
364 long-range planning by professional boards; amending  
365 s. 456.025, F.S.; revising requirements relating to a  
366 report to professional boards by the Department of  
367 Health; repealing s. 456.034(6), F.S.; deleting  
368 provisions relating to reports by professional boards  
369 about HIV and AIDS; amending s. 517.302, F.S.;  
370 deleting a requirement for a report by the Office of  
371 Financial Regulation on deposits into the Anti-Fraud  
372 Trust Fund; repealing s. 531.415(3), F.S.; deleting  
373 the requirement for a report by the Department of  
374 Agriculture and Consumer Services on fees; repealing  
375 s. 570.0705(3), F.S.; deleting the requirement for a  
376 report by the Commissioner of Agriculture concerning  
377 advisory committees; repealing s. 570.0725(5), F.S.;

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378 deleting provisions relating to a report by the  
379 Department of Agriculture and Consumer Services  
380 concerning support for food recovery programs;  
381 repealing s. 570.543(3), F.S.; deleting provisions  
382 relating to legislative recommendations of the Florida  
383 Consumers' Council; amending s. 603.204, F.S.;  
384 revising requirements relating to the South Florida  
385 Tropical Fruit Plan; amending s. 627.64872, F.S.;  
386 deleting provisions relating to an interim report by  
387 the board of directors of the Florida Health Insurance  
388 Plan; prohibiting the board from acting to implement  
389 the plan until certain funds are appropriated;  
390 amending s. 744.708, F.S.; revising provisions  
391 relating to audits of public guardian offices and to  
392 reports concerning those offices; amending s. 768.295,  
393 F.S.; revising duties of the Attorney General relating  
394 to reports concerning "SLAPP" lawsuits; amending s.  
395 775.084, F.S.; deleting provisions relating to  
396 sentencing of violent career criminals and to reports  
397 of judicial actions with respect thereto; amending s.  
398 790.22, F.S.; deleting provisions relating to reports  
399 by the Department of Juvenile Justice concerning  
400 certain juvenile offenses that involve weapons;  
401 amending s. 943.125, F.S.; deleting provisions  
402 relating to reports by the Florida Sheriffs  
403 Association and the Florida Police Chiefs Association  
404 concerning law enforcement agency accreditation;  
405 amending s. 943.68, F.S.; revising requirements  
406 relating to reports by the Department of Law

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407 Enforcement concerning transportation and protective  
408 services; amending s. 944.023, F.S.; deleting  
409 provisions relating to the comprehensive correctional  
410 master plan; amending s. 944.801, F.S.; deleting a  
411 requirement to deliver to specified officials copies  
412 of certain reports concerning education of state  
413 prisoners; repealing s. 945.35(10), F.S.; deleting a  
414 requirement for a report by the Department of  
415 Corrections concerning HIV and AIDS education;  
416 repealing s. 958.045(9), F.S.; deleting provisions  
417 relating to a report by the department concerning  
418 youthful offenders; amending s. 960.045, F.S.;  
419 revising requirements relating to reports by the  
420 Department of Legal Affairs with respect to victims of  
421 crimes; repealing s. 985.02(8)(c), F.S.; deleting the  
422 requirement of a study by the Office of Program Policy  
423 Analysis and Government Accountability on programs for  
424 young females within the Department of Juvenile  
425 Justice; amending s. 985.047, F.S.; deleting  
426 provisions relating to a plan by a multiagency task  
427 force on information systems related to delinquency;  
428 amending s. 985.47, F.S.; deleting provisions relating  
429 to a report on serious or habitual juvenile offenders;  
430 amending s. 985.483, F.S.; deleting provisions  
431 relating to a report on intensive residential  
432 treatment for offenders younger than 13 years of age;  
433 repealing s. 985.61(5), F.S.; deleting provisions  
434 relating to a report by the Department of Juvenile  
435 Justice on early delinquency intervention; amending s.

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436 985.622, F.S.; deleting provisions relating to  
437 submission of the multiagency plan for vocational  
438 education; repealing s. 985.632(7), F.S.; deleting  
439 provisions relating to a report by the Department of  
440 Corrections on quality assurance in contractual  
441 procurements; repealing s. 1002.34(19), F.S.; deleting  
442 provisions relating to an evaluation and report by the  
443 Commissioner of Education concerning charter technical  
444 career centers; repealing s. 1003.61(4), F.S.;

445 deleting provisions relating to evaluation of a pilot  
446 attendance project in Manatee County; amending s.  
447 1004.22, F.S.; deleting provisions relating to  
448 university reports concerning sponsored research;  
449 repealing s. 1004.50(6), F.S.; deleting a requirement  
450 for a report by the Governor concerning unmet needs in  
451 urban communities; repealing s. 1004.94(2) and (4),  
452 F.S.; deleting provisions relating to guidelines for  
453 and a report on plans for a state adult literacy  
454 program; amending s. 1004.95, F.S.; revising  
455 requirements relating to implementing provisions for  
456 adult literacy centers; repealing s. 1006.0605, F.S.,  
457 relating to students' summer nutrition; repealing s.  
458 1006.67, F.S., relating to a report of campus crime  
459 statistics; amending s. 1009.70, F.S.; deleting  
460 provisions relating to a report on a minority law  
461 school scholarship program; amending s. 1011.32, F.S.;

462 requiring the Governor to be given a copy of a report  
463 related to the Community College Facility Enhancement  
464 Challenge Grant Program; amending s. 1011.62, F.S.;



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465 deleting provisions relating to recommendations for  
 466 implementing the extended-school-year program;  
 467 repealing s. 1012.05(2)(1), F.S.; deleting provisions  
 468 relating to a plan concerning teacher recruitment and  
 469 retention; amending s. 1012.42, F.S.; deleting  
 470 provisions relating to a plan of assistance for  
 471 teachers teaching out-of-field; amending s. 1013.11,  
 472 F.S.; deleting provisions relating to transmittal of a  
 473 report on physical plant safety; amending ss. 161.142,  
 474 163.065, 163.2511, 163.2514, 163.3202, 259.041,  
 475 259.101, 369.305, 379.2431, 381.732, 381.733, 411.01,  
 476 411.232, and 445.006, F.S., conforming cross-  
 477 references to changes made by the act; providing an  
 478 effective date.

479

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

481

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

483 Section 2. Subsection (3) of section 14.26, Florida

484 Statutes, is amended to read:

485 14.26 Citizen's Assistance Office.—

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

488 (a) The number of complaints and investigations ~~and~~  
 489 ~~complaints made during the preceding quarter~~ and the disposition  
 490 of such investigations.

491 ~~(b) Recommendations in the form of suggested legislation or~~  
 492 ~~suggested procedures for the alleviation of problems disclosed~~  
 493 ~~by investigations.~~

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

497        (c) Recommendations for the alleviation of the cause of  
 498 complaints disclosed by investigations.

499        ~~Such~~ Other information as the Executive Office of the  
 500 Governor shall require.

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

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

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

505        17.32 Annual report of trust funds; duties of Chief  
 506 Financial Officer.—

507        (1) On February 1 of each year, the Chief Financial Officer  
 508 shall present to the Governor and the Legislature ~~President of~~  
 509 ~~the Senate and the Speaker of the House of Representatives~~ a  
 510 report listing all trust funds as defined in s. 215.32. The  
 511 report must ~~shall~~ contain the following data elements for each  
 512 fund for the preceding fiscal year:

513        (a) The fund code.

514        (b) The title.

515        (c) The fund type according to generally accepted  
 516 accounting principles.

517        (d) The statutory authority.

518        (e) The beginning cash balance.

519        (f) Direct revenues.

520        (g) Nonoperating revenues.

521        (h) Operating disbursements.

522        (i) Nonoperating disbursements.

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523 (j) The ending cash balance.

524 (k) The department and budget entity in which the fund is  
525 located.

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

528 17.325 Governmental efficiency hotline; duties of Chief  
529 Financial Officer.—

530 (1) The Chief Financial Officer shall establish and operate  
531 a statewide toll-free telephone hotline to receive information  
532 or suggestions from the residents ~~citizens~~ of this state on how  
533 to improve the operation of government, increase governmental  
534 efficiency, and eliminate waste in government. ~~The Chief  
535 Financial Officer shall report each month to the appropriations  
536 committee of the House of Representatives and of the Senate the  
537 information or suggestions received through the hotline and the  
538 evaluations and determinations made by the affected agency, as  
539 provided in subsection (3), with respect to such information or  
540 suggestions.~~

541 Section 7. Section 20.057, Florida Statutes, is amended to  
542 read:

543 20.057 Interagency agreements to delete duplication of  
544 inspections.—

545 (1) The Governor shall direct any department, the head of  
546 which is an officer or board appointed by and serving at the  
547 pleasure of the Governor, to enter into an interagency agreement  
548 to that will eliminate duplication of inspections among ~~the~~  
549 departments that inspect the same type of facility or structure.  
550 Parties to the agreement may include departments that ~~which~~ are  
551 headed by a Cabinet officer, the Governor and Cabinet, or a

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552 collegial body. The agreement shall:

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

555 (b) Specify that agents of the department conducting the  
556 inspection have all powers relative to the inspection as the  
557 agents of the department on whose behalf the inspection is being  
558 conducted.

559 (c) Require that agents of the department conducting the  
560 inspection have sufficient knowledge of statutory and  
561 administrative inspection requirements to conduct a proper  
562 inspection.

563 (d) Specify that the departments that enter ~~which have~~  
564 ~~entered~~ into the agreement may not ~~neither~~ charge or ~~nor~~ accept  
565 ~~any~~ funds with respect to duties performed under the agreement  
566 which are in excess of the direct costs of conducting the ~~such~~  
567 inspections.

568 (2) Before taking effect, an agreement entered into under  
569 this section must be approved by the Governor. Inspections  
570 conducted under an agreement are ~~shall be deemed~~ sufficient for  
571 enforcement purposes pursuant to the agreement or as otherwise  
572 provided by law.

573 ~~(2) No later than 60 days prior to the beginning of the~~  
574 ~~regular session, the Governor shall make an annual report to the~~  
575 ~~President of the Senate and the Speaker of the House of~~  
576 ~~Representatives regarding interagency agreements. The report~~  
577 ~~shall identify each interagency agreement entered into under~~  
578 ~~this section, and, for each agreement, shall describe the~~  
579 ~~duplication eliminated, provide data that measures the~~  
580 ~~effectiveness of inspections conducted under the interagency~~

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581 ~~agreement, and estimate the cost savings that have resulted from~~  
582 ~~the agreement. The report shall also describe obstacles~~  
583 ~~encountered by any department in attempting to develop an~~  
584 ~~interagency agreement and in performing duties resulting from an~~  
585 ~~interagency agreement and shall recommend appropriate remedial~~  
586 ~~legislative action.~~

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

589 20.19 Department of Children and Family Services.—There is  
590 created a Department of Children and Family Services.

591 (1) MISSION AND PURPOSE.—

592 ~~(a) The mission of the Department of Children and Family~~  
593 ~~Services is to protect vulnerable children and adults,~~  
594 strengthen families, and support individuals and families in  
595 achieving personal and economic self-sufficiency ~~work in~~  
596 ~~partnership with local communities to ensure the safety, well-~~  
597 ~~being, and self-sufficiency of the people served.~~

598 ~~(b) The department shall develop a strategic plan for~~  
599 ~~fulfilling its mission and establish a set of measurable goals,~~  
600 ~~objectives, performance standards, and quality assurance~~  
601 ~~requirements to ensure that the department is accountable to the~~  
602 ~~people of Florida.~~

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

606 (5) SERVICE DISTRICTS.—

607 ~~(c) Each fiscal year the secretary shall, in consultation~~  
608 ~~with the relevant employee representatives, develop projections~~  
609 ~~of the number of child abuse and neglect cases and shall include~~

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610 ~~in the department's legislative budget request a specific~~  
611 ~~appropriation for funds and positions for the next fiscal year~~  
612 ~~in order to provide an adequate number of full-time equivalent:~~

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

616 ~~2. Child protection case workers so that caseloads do not~~  
617 ~~exceed the Child Welfare League Standards by more than two~~  
618 ~~eases.~~

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

621 Section 10. Paragraph (1) of subsection (1) of section  
622 20.43, Florida Statutes, is amended to read:

623 20.43 Department of Health.—There is created a Department  
624 of Health.

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

629 (1) Include in its long-range program ~~the department's~~  
630 ~~strategie~~ plan developed under s. 186.021 an assessment of  
631 current health programs, systems, and costs; projections of  
632 future problems and opportunities; and recommended changes that  
633 are needed in the health care system to improve the public  
634 health.

635 Section 11. Paragraph (d) of subsection (3) of section  
636 39.3065, Florida Statutes, is repealed.

637 Section 12. Paragraph (h) of subsection (2) of section  
638 39.4086, Florida Statutes, is amended to read:

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639           39.4086 Pilot program for attorneys ad litem for dependent  
640 children.—

641           (2) RESPONSIBILITIES.—

642           (h) The Statewide Guardian Ad Litem Office ~~of the State~~  
643 ~~Courts Administrator~~ shall conduct research and gather  
644 statistical information to evaluate the establishment,  
645 operation, and impact of the pilot program in meeting the legal  
646 needs of dependent children. In assessing the effects of the  
647 pilot program, including achievement of outcomes identified  
648 under paragraph (b), the evaluation must include a comparison of  
649 children within the Ninth Judicial Circuit who are appointed an  
650 attorney ad litem with those who are not. ~~The office shall~~  
651 ~~submit a report to the Legislature and the Governor by October~~  
652 ~~1, 2001, and by October 1, 2002, regarding its findings. The~~  
653 ~~office shall submit a final report by October 1, 2003, which~~  
654 ~~must include an evaluation of the pilot program; findings on the~~  
655 ~~feasibility of a statewide program; and recommendations, if any,~~  
656 ~~for locating, establishing, and operating a statewide program.~~

657           Section 13. Subsection (5) of section 39.523, Florida  
658 Statutes, is repealed.

659           Section 14. Subsections (1) and (3) of section 98.255,  
660 Florida Statutes, are amended to read:

661           98.255 Voter education programs.—

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

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- 668 (a) Voter registration;
- 669 (b) Balloting procedures, absentee and polling place;
- 670 (c) Voter rights and responsibilities;
- 671 (d) Distribution of sample ballots; and
- 672 (e) Public service announcements.
- 673 (3)~~(a)~~ By December 15 of each general election year, each
- 674 supervisor of elections shall report to the Department of State
- 675 a detailed description of the voter education programs
- 676 implemented and any other information that may be useful in
- 677 evaluating the effectiveness of voter education efforts.
- 678 ~~(b) The Department of State, upon receipt of such~~
- 679 ~~information, shall prepare a public report on the effectiveness~~
- 680 ~~of voter education programs and shall submit the report to the~~
- 681 ~~Governor, the President of the Senate, and the Speaker of the~~
- 682 ~~House of Representatives by January 31 of each year following a~~
- 683 ~~general election.~~
- 684 ~~(c) The department of State shall reexamine the rules~~
- 685 ~~adopted pursuant to subsection (1) and use ~~consider~~ the findings~~
- 686 ~~in these reports ~~the report~~ as a basis for modifying the~~
- 687 ~~adopting modified rules ~~to that~~ incorporate successful voter~~
- 688 ~~education programs and techniques, as necessary.~~
- 689 Section 15. Paragraph (a) of subsection (7) of section
- 690 110.1227, Florida Statutes, is amended to read:
- 691 110.1227 Florida Employee Long-Term-Care Plan Act.—
- 692 (7) The board of directors of the Florida Long-Term-Care
- 693 Plan shall:
- 694 (a) Upon implementation, prepare an annual report of the
- 695 plan, with the assistance of an actuarial consultant, to be
- 696 submitted to the ~~Speaker of the House of Representatives, the~~



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697 ~~President of the Senate, the Governor, and the Legislature the~~  
698 ~~Minority Leaders of the Senate and the House of Representatives.~~

699 Section 16. Subsection (9) of section 120.542, Florida  
700 Statutes, is amended to read:

701 120.542 Variances and waivers.-

702 (9) Each agency shall maintain a record of the type and  
703 disposition of each petition, including temporary or emergency  
704 variances and waivers, filed pursuant to this section. ~~On~~  
705 ~~October 1 of each year, each agency shall file a report with the~~  
706 ~~Governor, the President of the Senate, and the Speaker of the~~  
707 ~~House of Representatives listing the number of petitions filed~~  
708 ~~requesting variances to each agency rule, the number of~~  
709 ~~petitions filed requesting waivers to each agency rule, and the~~  
710 ~~disposition of all petitions. Temporary or emergency variances~~  
711 ~~and waivers, and the reasons for granting or denying temporary~~  
712 ~~or emergency variances and waivers, shall be identified~~  
713 ~~separately from other waivers and variances.~~

714 Section 17. Subsection (3) of section 120.60, Florida  
715 Statutes, is amended to read:

716 120.60 Licensing.-

717 (3) Each applicant shall be given written notice either  
718 personally or by mail that the agency intends to grant or deny,  
719 or has granted or denied, the application for license. The  
720 notice must state with particularity the grounds or basis for  
721 the issuance or denial of the license, except when issuance is a  
722 ministerial act. Unless waived, a copy of the notice must ~~shall~~  
723 be delivered or mailed to each party's attorney of record and to  
724 each person who has requested notice of agency action. Each  
725 notice must ~~shall~~ inform the recipient of the basis for the

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726 agency decision, ~~shall~~ inform the recipient of any  
727 administrative hearing pursuant to ss. 120.569 and 120.57 or  
728 judicial review pursuant to s. 120.68 which may be available,  
729 ~~shall~~ indicate the procedure that ~~which~~ must be followed, and  
730 ~~shall~~ state the applicable time limits. The issuing agency shall  
731 certify the date the notice was mailed or delivered, ~~and the~~  
732 ~~notice and the certification shall be filed with the agency~~  
733 ~~clerk.~~

734 Section 18. Subsection (2) of section 120.695, Florida  
735 Statutes, is amended to read:

736 120.695 Notice of noncompliance.—

737 (2) (a) Each agency shall issue a notice of noncompliance as  
738 a first response to a minor violation of a rule. A "notice of  
739 noncompliance" is a notification by the agency charged with  
740 enforcing the rule issued to the person or business subject to  
741 the rule. A notice of noncompliance may not be accompanied with  
742 a fine or other disciplinary penalty. It must identify the  
743 specific rule that is being violated, provide information on how  
744 to comply with the rule, and specify a reasonable time for the  
745 violator to comply with the rule. ~~A rule is agency action that~~  
746 ~~regulates a business, occupation, or profession, or regulates a~~  
747 ~~person operating a business, occupation, or profession, and~~  
748 ~~that, if not complied with, may result in a disciplinary~~  
749 ~~penalty.~~

750 (b) Each agency shall ~~review all of its rules and~~ designate  
751 those rules for which a violation would be a minor violation and  
752 for which a notice of noncompliance must be the first  
753 enforcement action taken against a person or business subject to  
754 regulation. A violation of a rule is a minor violation if it

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755 does not result in economic or physical harm to a person or  
756 adversely affect the public health, safety, or welfare or create  
757 a significant threat of such harm. If an agency under the  
758 direction of a cabinet officer mails to each licensee a notice  
759 of the designated rules at the time of licensure and at least  
760 annually thereafter, the provisions of paragraph (a) may be  
761 exercised at the discretion of the agency. The ~~Such~~ notice shall  
762 include a subject-matter index of the rules and information on  
763 how the rules may be obtained.

764 ~~(e) The agency's review and designation must be completed~~  
765 ~~by December 1, 1995; each agency under the direction of the~~  
766 ~~Governor shall make a report to the Governor, and each agency~~  
767 ~~under the joint direction of the Governor and Cabinet shall~~  
768 ~~report to the Governor and Cabinet by January 1, 1996, on which~~  
769 ~~of its rules have been designated as rules the violation of~~  
770 ~~which would be a minor violation.~~

771 (c) ~~(d)~~ The Governor or the Governor and Cabinet, as  
772 appropriate pursuant to paragraph ~~(e)~~, may evaluate the rule  
773 ~~review and~~ designation effects of each agency and may apply a  
774 different designation than that applied by the agency.

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

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

779 Section 19. Subsection (3) of section 121.45, Florida  
780 Statutes, is amended to read:

781 121.45 Interstate compacts relating to pension  
782 portability.—

783 (3) ESTABLISHMENT OF COMPACTS.—

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784 (a) The Department of Management Services shall ~~is~~  
785 ~~authorized and directed to~~ survey other state retirement systems  
786 to determine if such retirement systems are interested in  
787 developing an interstate compact with Florida.

788 (b) If another ~~any such~~ state is interested in pursuing the  
789 matter, the department shall confer with the other state, and  
790 the consulting actuaries of both states, and ~~shall present its~~  
791 ~~findings to the committees having jurisdiction over retirement~~  
792 ~~matters in the Legislature, and to~~ representatives of affected  
793 certified bargaining units, ~~in order to determine the~~  
794 ~~feasibility of developing a portability compact, what groups~~  
795 ~~should be covered, and the goals and priorities which should~~  
796 ~~guide such development.~~

797 (c) Upon a determination that ~~such~~ a compact is feasible  
798 ~~and upon request of the Legislature,~~ the department, together  
799 with its consulting actuaries, shall, ~~in accordance with said~~  
800 ~~goals and priorities,~~ develop a proposal under which retirement  
801 credit may be transferred to or from Florida in an actuarially  
802 sound manner and shall present the proposal to the Governor and  
803 the Legislature for consideration.

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

808 ~~(e) After the actuarial study has been completed, the~~  
809 ~~department shall present its findings and the actuarial study to~~  
810 ~~the Legislature for consideration. If either house of the~~  
811 ~~Legislature elects to enter into such a compact, it shall be~~  
812 ~~introduced in the form of a proposed committee bill to the full~~

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813 ~~Legislature during the same or next regular session.~~

814 Section 20. Section 153.952, Florida Statutes, is repealed.

815 Section 21. Subsections (3) through (22) of section

816 161.053, Florida Statutes, are amended to read:

817 161.053 Coastal construction and excavation; regulation on  
818 county basis.-

819 ~~(3) It is the intent of the Legislature that any coastal  
820 construction control line that has not been updated since June  
821 30, 1980, shall be considered a critical priority for  
822 reestablishment by the department. In keeping with this intent,  
823 the department shall notify the Legislature if all such lines  
824 cannot be reestablished by December 31, 1997, so that the  
825 Legislature may subsequently consider interim lines of  
826 jurisdiction for the remaining counties.~~

827 (3) ~~(4)~~ A Any coastal county or coastal municipality may  
828 establish coastal construction zoning and building codes in lieu  
829 of the provisions of this section if, ~~provided~~ such zones and  
830 codes are approved by the department as being adequate to  
831 preserve and protect the beaches and coastal barrier dunes  
832 adjacent to such beaches, which are under the jurisdiction of  
833 the department, from imprudent construction that will jeopardize  
834 the stability of the beach-dune system, accelerate erosion,  
835 provide inadequate protection to upland structures, endanger  
836 adjacent properties, or interfere with public beach access.  
837 Exceptions to locally established coastal construction zoning  
838 and building codes may ~~shall~~ not be granted unless previously  
839 approved by the department. ~~It is~~ The intent of this subsection  
840 is to provide for the local administration of established  
841 coastal construction control lines through approved zoning and

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842 building codes if ~~where~~ desired by local interests and where  
843 such local interests have, in the judgment of the department,  
844 sufficient funds and personnel to adequately administer the  
845 program. Should the department determine at any time that the  
846 program is inadequately administered, the department may ~~shall~~  
847 ~~have authority to~~ revoke the authority granted to the county or  
848 municipality.

849 (4) ~~(5)~~ Except in those areas where local zoning and  
850 building codes have been established pursuant to subsection (3)  
851 ~~(4)~~, a permit to alter, excavate, or construct on property  
852 seaward of established coastal construction control lines may be  
853 granted by the department as follows:

854 (a) The department may authorize an excavation or erection  
855 of a structure at any coastal location as described in  
856 subsection (1) upon receipt of an application from a property or  
857 ~~and/or~~ riparian owner and upon the consideration of facts and  
858 circumstances, including:

859 1. Adequate engineering data concerning shoreline stability  
860 and storm tides related to shoreline topography;

861 2. Design features of the proposed structures or  
862 activities; and

863 3. Potential effects ~~impacts~~ of the location of the ~~such~~  
864 structures or activities, including potential cumulative effects  
865 of ~~any~~ proposed structures or activities upon the ~~such~~ beach-  
866 dune system, which, in the opinion of the department, clearly  
867 justify ~~such~~ a permit.

868 (b) If in the immediate contiguous or adjacent area a  
869 number of existing structures have established a reasonably  
870 continuous and uniform construction line closer to the line of

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871 mean high water than the foregoing, and if the existing  
872 structures have not been unduly affected by erosion, a proposed  
873 structure may, ~~at the discretion of the department,~~ be permitted  
874 along such line on written authorization from the department if  
875 the such structure is also approved by the department. However,  
876 the department may ~~shall~~ not contravene setback requirements or  
877 zoning or building codes established by a county or municipality  
878 which are equal to, or more strict than, the these requirements  
879 provided in this subsection herein. This paragraph does not  
880 prohibit the department from requiring structures to meet design  
881 and siting criteria established in paragraph (a) or in  
882 subsection (1) or subsection (2).

883 (c) The department may condition the nature, timing, and  
884 sequence of construction of permitted activities to provide  
885 protection to nesting sea turtles and hatchlings and their  
886 habitat, pursuant to s. 379.2431, and to native salt-resistant  
887 vegetation and endangered plant communities.

888 (d) The department may require ~~such~~ engineer certifications  
889 as necessary to ensure ~~assure~~ the adequacy of the design and  
890 construction of permitted projects.

891 (e) The department shall limit the construction of  
892 structures that ~~which~~ interfere with public access along the  
893 beach. However, the department may require, as a condition of ~~to~~  
894 granting permits, the provision of alternative access if ~~when~~  
895 interference with public access along the beach is unavoidable.  
896 The width of the such alternate access may not be required to  
897 exceed the width of the access that will be obstructed ~~as a~~  
898 ~~result of the permit being granted.~~

899 (f) The department may, as a condition of ~~to~~ the granting

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900 of a permit ~~under this section~~, require mitigation, financial,  
901 or other assurances acceptable to the department ~~as may be~~  
902 ~~necessary~~ to ensure ~~assure~~ performance of conditions of a permit  
903 or enter into contractual agreements to best assure compliance  
904 with any permit conditions. The department may also require  
905 notice of the permit conditions required and the contractual  
906 agreements entered into ~~pursuant to the provisions of this~~  
907 ~~subsection~~ to be filed in the public records of the county in  
908 which the permitted activity is located.

909 (5) ~~(6)~~ (a) As used in this subsection, the term:

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

914 2. "Seasonal high-water line" means the line formed by the  
915 intersection of the rising shore and the elevation of 150  
916 percent of the local mean tidal range above local mean high  
917 water.

918 (b) ~~After October 1, 1985, and~~ Notwithstanding any other  
919 provision of this part, the department, or a local government to  
920 which the department has delegated permitting authority pursuant  
921 to subsections (3) ~~(4)~~ and (15) ~~(16)~~, may ~~shall~~ not issue a ~~any~~  
922 permit for any structure, other than a coastal or shore  
923 protection structure, minor structure, or pier, meeting the  
924 requirements of this part, or other than intake and discharge  
925 structures for a facility sited pursuant to part II of chapter  
926 403, which is proposed for a location that ~~which~~, based on the  
927 department's projections of erosion in the area, will be seaward  
928 of the seasonal high-water line within 30 years after the date



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929 of application for the ~~such~~ permit. The procedures for  
930 determining such erosion shall be established by rule. In  
931 determining the area that ~~which~~ will be seaward of the seasonal  
932 high-water line in 30 years, the department may ~~shall~~ not  
933 include any areas landward of a coastal construction control  
934 line.

935 (c) If ~~Where~~ the application of paragraph (b) would  
936 preclude the construction of a structure, the department may  
937 issue a permit for a single-family dwelling for the parcel if ~~so~~  
938 ~~long as~~:

939 1. The parcel ~~for which the single-family dwelling is~~  
940 ~~proposed~~ was platted or subdivided by metes and bounds before  
941 the effective date of this section;

942 2. The owner of the parcel ~~for which the single-family~~  
943 ~~dwelling is proposed~~ does not own another parcel immediately  
944 adjacent to and landward of the parcel for which the dwelling is  
945 proposed;

946 3. The proposed single-family dwelling is located landward  
947 of the frontal dune structure; and

948 4. The proposed single-family dwelling will be as far  
949 landward on its parcel as is practicable without being located  
950 seaward of or on the frontal dune.

951 (d) In determining the land areas that ~~which~~ will be below  
952 the seasonal high-water line within 30 years after the permit  
953 application date, the department shall consider the effect  
954 ~~impact~~ on the erosion rates of an existing beach nourishment or  
955 restoration project or of a beach nourishment or restoration  
956 project for which all funding arrangements have been made and  
957 all permits have been issued at the time the application is

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958 submitted. The department shall consider each year there is sand  
959 seaward of the erosion control line whether ~~that no~~ erosion took  
960 place that year. However, the seaward extent of the beach  
961 nourishment or restoration project beyond the erosion control  
962 line may ~~shall~~ not be considered in determining the applicable  
963 erosion rates. ~~Nothing in~~ This subsection does not ~~shall~~  
964 prohibit the department from requiring structures to meet the  
965 criteria established in subsection (1), subsection (2), or  
966 subsection (4) ~~(5)~~ or to be further landward than required by  
967 this subsection based on the criteria established in subsection  
968 (1), subsection (2), or subsection (4) ~~(5)~~.

969 (e) The department shall annually report to the Legislature  
970 the status of this program, including any changes to the  
971 previously adopted procedures for determining erosion  
972 projections.

973 (6) ~~(7)~~ Any coastal structure erected, or excavation  
974 created, in violation of ~~the provisions of~~ this section is  
975 ~~hereby~~ declared to be a public nuisance, and such structure  
976 shall be ~~forthwith~~ removed or such excavation shall be ~~forthwith~~  
977 refilled after written notice by the department directing such  
978 removal or filling. If ~~In the event~~ the structure is not removed  
979 or the excavation refilled within a reasonable time as directed,  
980 the department may remove such structure or fill such excavation  
981 at its own expense, and the costs thereof shall become a lien on  
982 ~~upon~~ the property of the upland owner upon which the ~~such~~  
983 unauthorized structure or excavation is located.

984 (7) ~~(8)~~ Any person, firm, corporation, or agent thereof who  
985 violates this section commits ~~is guilty of~~ a misdemeanor of the  
986 first degree, punishable as provided in s. 775.082 or s.

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987 775.083,~~+~~ except that a person driving a ~~any~~ vehicle on, over,  
 988 or across a ~~any~~ sand dune and damaging or causing to be damaged  
 989 such sand dune or the vegetation growing thereon in violation of  
 990 this section commits ~~is guilty of~~ a misdemeanor of the second  
 991 degree, punishable as provided in s. 775.082 or s. 775.083. A  
 992 person, firm, corporation, or agent thereof commits ~~shall be~~  
 993 ~~deemed guilty of~~ a separate offense for each day during any  
 994 portion of which a ~~any~~ violation of this section is committed or  
 995 continued.

996 ~~(8)-(9)~~ ~~The provisions of~~ This section does ~~de~~ not apply to  
 997 structures intended for shore protection purposes which are  
 998 regulated by s. 161.041 or to structures existing or under  
 999 construction before ~~prior to~~ the establishment of the coastal  
 1000 construction control line if the ~~as provided herein, provided~~  
 1001 ~~such~~ structures are ~~may not be~~ materially altered except as  
 1002 provided in subsection (4) ~~(5)~~. Except for structures that have  
 1003 been materially altered, structures ~~determined to be~~ under  
 1004 construction at the time of the establishment or reestablishment  
 1005 of the coastal construction control line are ~~shall be~~ exempt  
 1006 from the provisions of this section. However, unless such an  
 1007 exemption has been judicially confirmed to exist before ~~prior to~~  
 1008 April 10, 1992, the exemption shall last only for a period of 3  
 1009 years from ~~either~~ the date of the determination of the exemption  
 1010 or April 10, 1992, whichever occurs later. The department may  
 1011 extend the exemption period for structures that require longer  
 1012 periods for completion if ~~of their construction, provided that~~  
 1013 construction during the initial exemption period is ~~has been~~  
 1014 continuous. For purposes of this subsection, the term  
 1015 "continuous" means following a reasonable sequence of

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1016 construction without significant or unreasonable periods of work  
1017 stoppage.

1018 (9)~~(10)~~ The department may ~~by regulation~~ exempt  
1019 specifically described portions of the coastline from the  
1020 provisions of this section if, when in its judgment, such  
1021 portions of coastline because of their nature are not subject to  
1022 erosion of a substantially damaging effect to the public.

1023 (10)~~(11)~~ Pending the establishment of coastal construction  
1024 control lines as provided herein, the provisions of s. 161.052  
1025 shall remain in force. However, upon the establishment of  
1026 coastal construction control lines, or the establishment of  
1027 coastal construction zoning and building codes as provided in  
1028 subsection (3) ~~(4)~~, ~~the provisions of~~ s. 161.052 shall be  
1029 superseded by the provisions of this section.

1030 (11)~~(12)~~(a) The coastal construction control requirements  
1031 defined in subsection (1) and the requirements of the erosion  
1032 projections in pursuant to subsection (5) ~~(6)~~ do not apply to  
1033 any modification, maintenance, or repair of ~~to~~ any existing  
1034 structure within the limits of the existing foundation which  
1035 does not require, involve, or include any additions to, or  
1036 repair or modification of, the existing foundation of that  
1037 structure. Specifically excluded from this exemption are  
1038 seawalls or other rigid coastal or shore protection structures  
1039 and any additions or enclosures added, constructed, or installed  
1040 below the first dwelling floor or lowest deck of the existing  
1041 structure.

1042 (b) Activities seaward of the coastal construction control  
1043 line which are determined by the department not to cause a  
1044 measurable interference with the natural functioning of the

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1045 coastal system are exempt from the requirements of ~~in~~ subsection  
1046 (4) ~~(5)~~.

1047 (c) The department may establish exemptions from the  
1048 requirements of this section for minor activities determined by  
1049 the department not to have an adverse effect ~~impacts~~ on the  
1050 coastal system. Examples of such activities include, but are not  
1051 limited to:

1052 1. Boat moorings;

1053 2. Maintenance of existing beach-dune ~~beach/dune~~  
1054 vegetation;

1055 3. The burial of seaweed, dead fish, whales, or other  
1056 marine animals on the unvegetated beach;

1057 4. The removal of piers or other derelict structures from  
1058 the unvegetated beach or seaward of mean high water;

1059 5. Temporary emergency vehicular access, if the affected  
1060 ~~provided any impacted~~ area is immediately restored;

1061 6. The removal of any existing structures or debris from  
1062 the upland, if provided there is no excavation or disturbance to  
1063 the existing topography or to beach-dune ~~beach/dune~~ vegetation;

1064 7. Construction of a ~~any~~ new roof overhang extending no  
1065 more than 4 feet beyond the confines of the existing foundation  
1066 during modification, renovation, or reconstruction of a  
1067 habitable structure within the confines of the existing  
1068 foundation of that structure which does not include any  
1069 additions to or modification of the existing foundation of that  
1070 structure;

1071 8. Minor and temporary excavation for the purpose of  
1072 repairs to existing subgrade residential service utilities  
1073 (e.g., water and sewer lines, septic tanks and drainfields,

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1074 electrical and telephone cables, and gas lines), if provided  
1075 ~~that~~ there is minimal disturbance and the ~~that~~ grade is restored  
1076 with fill compatible in both coloration and grain size to the  
1077 onsite material and any damaged or destroyed vegetation is  
1078 restored using similar vegetation; and

1079 9. Any other minor construction that has an effect with  
1080 ~~impacts~~ similar to the above activities.

1081 (12) ~~(13)~~ (a) Notwithstanding the coastal construction  
1082 control requirements defined in subsection (1) or the erosion  
1083 projection determined pursuant to subsection (5) ~~(6)~~, the  
1084 department may, ~~at its discretion,~~ issue a permit for the repair  
1085 or rebuilding within the confines of the original foundation of  
1086 a major structure pursuant to ~~the provisions of~~ subsection (4)  
1087 ~~(5)~~. Alternatively, the department may also, ~~at its discretion,~~  
1088 issue a permit for a more landward relocation or rebuilding of a  
1089 damaged or existing structure if such relocation or rebuilding  
1090 would not cause further harm to the beach-dune system, and if,  
1091 in the case of rebuilding, the ~~such~~ rebuilding complies with ~~the~~  
1092 ~~provisions of~~ subsection (4) ~~(5)~~, and otherwise complies with  
1093 ~~the provisions of~~ this subsection.

1094 (b) ~~Under no circumstances shall~~ The department may not  
1095 permit ~~such~~ repairs or rebuilding that expands ~~expand~~ the  
1096 capacity of the original structure seaward of the 30-year  
1097 erosion projection established pursuant to subsection (5) ~~(6)~~.

1098 (c) In reviewing applications for relocation or rebuilding,  
1099 the department shall specifically consider changes in shoreline  
1100 conditions, the availability of other relocation or rebuilding  
1101 options, and the design adequacy of the project sought to be  
1102 rebuilt.

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1103 (d) Permits issued under this subsection are ~~shall~~ not be  
1104 considered precedential as to the issuance of subsequent  
1105 permits.

1106 (13)~~(14)~~ Concurrent with the establishment of a coastal  
1107 construction control line and the ongoing administration of this  
1108 chapter, the secretary of the department shall make  
1109 recommendations to the Board of Trustees of the Internal  
1110 Improvement Trust Fund concerning the purchase of the fee or any  
1111 lesser interest in any lands seaward of the control line  
1112 pursuant to the state's Save Our Coast, Conservation and  
1113 Recreation Lands, or Outdoor Recreation Land acquisition  
1114 programs; and, with respect to those control lines established  
1115 pursuant to this section before ~~prior to~~ June 14, 1978, the  
1116 secretary may make such recommendations.

1117 (14)~~(15)~~ A coastal county or municipality fronting on the  
1118 Gulf of Mexico, the Atlantic Ocean, or the Straits of Florida  
1119 shall advise the department within 5 days after receipt of any  
1120 permit application for construction or other activities proposed  
1121 to be located seaward of the line established by the department  
1122 pursuant to ~~the provisions of~~ this section. Within 5 days after  
1123 receipt of such application, the county or municipality shall  
1124 notify the applicant of the requirements for state permits.

1125 (15)~~(16)~~ In keeping with the intent of subsection (3) ~~(4)~~,  
1126 ~~and at the discretion of the department,~~ authority for  
1127 permitting certain types of activities that ~~which~~ have been  
1128 defined by the department may be delegated by the department to  
1129 a coastal county or coastal municipality. Such partial  
1130 delegation shall be narrowly construed to those particular  
1131 activities specifically named in the delegation and agreed to by

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1132 the affected county or municipality, ~~and~~ The delegation may be  
1133 revoked by the department at any time if it is determined that  
1134 the delegation is improperly or inadequately administered.

1135 ~~(16)-(17)~~ The department may, at the request of a property  
1136 owner, contract with the ~~such~~ property owner for an agreement,  
1137 or modify an existing contractual agreement regulating  
1138 development activities landward of a coastal construction  
1139 control line, if provided that nothing within the contractual  
1140 agreement is consistent ~~shall be inconsistent~~ with the design  
1141 and siting provisions of this section. ~~In no case shall~~ The  
1142 contractual agreement may not bind either party for a period  
1143 longer than 5 years following ~~from~~ its date of execution. Before  
1144 ~~Prior to~~ beginning a ~~any~~ construction activity covered by the  
1145 agreement, the property owner must ~~shall~~ obtain the necessary  
1146 authorization required by the agreement. The agreement may ~~shall~~  
1147 not authorize construction for:

1148 (a) Major habitable structures that ~~which would~~ require  
1149 construction beyond the expiration of the agreement, unless such  
1150 construction is above the completed foundation; or

1151 (b) Nonhabitable major structures or minor structures,  
1152 unless such construction is ~~was~~ authorized at the same time as  
1153 the habitable major structure.

1154 ~~(17)-(18)~~ The department may ~~is authorized to~~ grant areawide  
1155 permits to local governments, other governmental agencies, and  
1156 utility companies for special classes of activities in areas  
1157 under their general jurisdiction or responsibility if, so long  
1158 ~~as~~ these activities, due to the type, size, or temporary nature  
1159 of the activity, will not cause measurable interference with the  
1160 natural functioning of the beach-dune ~~beach-dune~~ system or with



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1161 marine turtles or their nesting sites. Such activities ~~shall~~  
1162 include, but are not ~~be~~ limited to: road repairs, not including  
1163 new construction; utility repairs and replacements, or other  
1164 minor activities necessary to provide utility services; beach  
1165 cleaning; and emergency response. The department may adopt rules  
1166 to establish criteria and guidelines for ~~use by~~ permit  
1167 applicants. The department must ~~shall~~ require notice provisions  
1168 appropriate to the type and nature of the activities for which  
1169 the areawide permits are sought.

1170 ~~(18)-(19)~~ The department may ~~is authorized to~~ grant general  
1171 permits for projects, including dune walkovers, decks, fences,  
1172 landscaping, sidewalks, driveways, pool resurfacing, minor pool  
1173 repairs, and other nonhabitable structures, if the ~~so long as~~  
1174 ~~these~~ projects, due to their ~~the~~ type, size, or temporary nature  
1175 ~~of the project~~, will not cause a measurable interference with  
1176 the natural functioning of the beach-dune ~~beach-dune~~ system or  
1177 with marine turtles or their nesting sites. ~~In no event shall~~  
1178 Multifamily habitable structures do not qualify for general  
1179 permits. However, single-family habitable structures that ~~which~~  
1180 do not advance the line of existing construction and satisfy all  
1181 siting and design requirements of this section may be eligible  
1182 for a general permit ~~pursuant to this subsection~~. The department  
1183 may adopt rules to establish criteria and guidelines for ~~use by~~  
1184 permit applicants.

1185 (a) Persons wishing to use the general permits must ~~set~~  
1186 ~~forth in this subsection shall~~, at least 30 days before  
1187 beginning any work, notify the department in writing on forms  
1188 adopted by the department. The notice must ~~shall~~ include a  
1189 description of the proposed project and supporting documents

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1190 depicting the proposed project, its location, and other  
1191 pertinent information as required by rule, to demonstrate that  
1192 the proposed project qualifies for the requested general permit.  
1193 Persons who undertake projects without proof of notice to the  
1194 department, but whose projects would otherwise qualify for  
1195 general permits, shall be considered to have ~~as being~~ undertaken  
1196 a project without a permit and are ~~shall be~~ subject to  
1197 enforcement pursuant to s. 161.121.

1198 (b) Persons wishing to use a general permit must provide  
1199 notice as required by the applicable local building code where  
1200 the project will be located. If a building code requires no  
1201 notice, any person wishing to use a general permit must, at a  
1202 minimum, post on the property at least 5 days before commencing  
1203 ~~prior to the commencement of~~ construction a sign no smaller than  
1204 88 square inches, with letters no smaller than one-quarter inch,  
1205 describing the project.

1206 ~~(19)-(20)~~(a) The department may suspend or revoke the use of  
1207 a general or areawide permit for good cause, including:  
1208 submission of false or inaccurate information in the  
1209 notification for use of a general or areawide permit; violation  
1210 of law, department orders, or rules relating to permit  
1211 conditions; deviation from the specified activity or project  
1212 indicated or the conditions for undertaking the activity or  
1213 project; refusal of lawful inspection; or any other act by ~~on~~  
1214 the permittee ~~permittee's part in using the general or areawide~~  
1215 ~~permit~~ which results or may result in harm or injury to human  
1216 health or welfare, or which causes harm or injury to animal,  
1217 plant, or aquatic life or to property.

1218 (b) The department shall have access to the permitted

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1219 activity or project at reasonable times to inspect and determine  
1220 compliance with the permit and department rules.

1221 (20) ~~(21)~~ The department may ~~is authorized to~~ adopt rules  
1222 related to the ~~following provisions of this section:~~  
1223 establishment of coastal construction control lines; activities  
1224 seaward of the coastal construction control line; exemptions;  
1225 property owner agreements; delegation of the program; permitting  
1226 programs; and violations and penalties.

1227 (21) ~~(22)~~ In accordance with ss. 553.73 and 553.79, and upon  
1228 the effective date of the Florida Building Code, the provisions  
1229 of this section which pertain to and govern the design,  
1230 construction, erection, alteration, modification, repair, and  
1231 demolition of public and private buildings, structures, and  
1232 facilities shall be incorporated into the Florida Building Code.  
1233 The Florida Building Commission may ~~shall have the authority to~~  
1234 adopt rules pursuant to ss. 120.536 and 120.54 ~~in order to~~  
1235 administer ~~implement~~ those provisions. This subsection does not  
1236 limit or abrogate the right and authority of the department to  
1237 require permits or to adopt and enforce environmental standards,  
1238 including, but not limited to, standards for ensuring the  
1239 protection of the beach-dune system, proposed or existing  
1240 structures, adjacent properties, marine turtles, native salt-  
1241 resistant vegetation, endangered plant communities, and the  
1242 preservation of public beach access.

1243 Section 22. Subsection (2) of section 161.161, Florida  
1244 Statutes, is amended to read:

1245 161.161 Procedure for approval of projects.-

1246 (2) Annually ~~Upon approval of the beach management plan,~~  
1247 the secretary shall present to the Legislature ~~President of the~~

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1248 ~~Senate, the Speaker of the House of Representatives, and the~~  
1249 ~~chairs of the legislative appropriations committees~~  
1250 ~~recommendations for funding of beach erosion control projects~~  
1251 ~~prioritized according to the. Such recommendations shall be~~  
1252 ~~presented to such members of the Legislature in the priority~~  
1253 ~~order specified in the plan and established pursuant to criteria~~  
1254 ~~established contained in s. 161.101(14).~~

1255 Section 23. Section 163.2526, Florida Statutes, is  
1256 repealed.

1257 Section 24. Subsection (2) of section 163.3167, Florida  
1258 Statutes, is amended to read:

1259 163.3167 Scope of act.-

1260 (2) Each local government shall prepare a comprehensive  
1261 plan of the type and in the manner set out in this part ~~act~~ or  
1262 ~~shall~~ prepare amendments to its existing comprehensive plan to  
1263 conform it to the requirements of this part and in the manner  
1264 set out in this part. Each local government, in accordance with  
1265 ~~the procedures in s. 163.3184, shall submit its complete~~  
1266 proposed comprehensive plan or its complete comprehensive plan  
1267 as proposed to be amended to the state land planning agency ~~by~~  
1268 ~~the date specified in the rule adopted by the state land~~  
1269 ~~planning agency pursuant to this subsection. The state land~~  
1270 ~~planning agency shall, prior to October 1, 1987, adopt a~~  
1271 ~~schedule of local governments required to submit complete~~  
1272 ~~proposed comprehensive plans or comprehensive plans as proposed~~  
1273 ~~to be amended. Such schedule shall specify the exact date of~~  
1274 ~~submission for each local government, shall establish equal,~~  
1275 ~~staggered submission dates, and shall be consistent with the~~  
1276 ~~following time periods:~~

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1277 ~~(a) Beginning on July 1, 1988, and on or before July 1,~~  
1278 ~~1990, each county that is required to include a coastal~~  
1279 ~~management element in its comprehensive plan and each~~  
1280 ~~municipality in such a county; and~~

1281 ~~(b) Beginning on July 1, 1989, and on or before July 1,~~  
1282 ~~1991, all other counties or municipalities.~~

1283  
1284 ~~Nothing herein shall preclude the state land planning agency~~  
1285 ~~from permitting by rule a county together with each municipality~~  
1286 ~~in the county from submitting a proposed comprehensive plan~~  
1287 ~~earlier than the dates established in paragraphs (a) and (b).~~  
1288 ~~Any county or municipality that fails to meet the schedule set~~  
1289 ~~for submission of its proposed comprehensive plan by more than~~  
1290 ~~90 days shall be subject to the sanctions described in s.~~  
1291 ~~163.3184(11) (a) imposed by the Administration Commission.~~  
1292 ~~Notwithstanding the time periods established in this subsection,~~  
1293 ~~the state land planning agency may establish later deadlines for~~  
1294 ~~the submission of proposed comprehensive plans or comprehensive~~  
1295 ~~plans as proposed to be amended for a county or municipality~~  
1296 ~~which has all or a part of a designated area of critical state~~  
1297 ~~concern within its boundaries; however, such deadlines shall not~~  
1298 ~~be extended to a date later than July 1, 1991, or the time of~~  
1299 ~~de-designation, whichever is earlier.~~

1300 Section 25. Paragraph (h) of subsection (6) and paragraph  
1301 (k) of subsection (10) of section 163.3177, Florida Statutes,  
1302 are amended to read:

1303 163.3177 Required and optional elements of comprehensive  
1304 plan; studies and surveys.—

1305 (6) In addition to the requirements of subsections (1)-(5)

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1306 and (12), the comprehensive plan shall include the following  
1307 elements:

1308 (h)1. An intergovernmental coordination element showing  
1309 relationships and stating principles and guidelines to be used  
1310 in coordinating ~~the accomplishment of coordination of~~ the  
1311 adopted comprehensive plan with the plans of school boards,  
1312 regional water supply authorities, and other units of local  
1313 government providing services but not having regulatory  
1314 authority over the use of land, with the comprehensive plans of  
1315 adjacent municipalities, the county, adjacent counties, or the  
1316 region, with the state comprehensive plan and with the  
1317 applicable regional water supply plan approved pursuant to s.  
1318 373.0361, as the case may require and as such adopted plans or  
1319 plans in preparation may exist. This element of the local  
1320 comprehensive plan must ~~shall~~ demonstrate consideration of the  
1321 particular effects of the local plan, when adopted, upon the  
1322 development of adjacent municipalities, the county, adjacent  
1323 counties, or the region, or upon the state comprehensive plan,  
1324 as the case may require.

1325 a. The intergovernmental coordination element must ~~shall~~  
1326 provide ~~for~~ procedures for identifying and implementing ~~to~~  
1327 ~~identify and implement~~ joint planning areas, especially for the  
1328 purpose of annexation, municipal incorporation, and joint  
1329 infrastructure service areas.

1330 b. The intergovernmental coordination element must ~~shall~~  
1331 provide for recognition of campus master plans prepared pursuant  
1332 to s. 1013.30.

1333 c. The intergovernmental coordination element may provide  
1334 for a voluntary dispute resolution process, as established

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1335 pursuant to s. 186.509, for bringing ~~to closure in a timely~~  
1336 ~~manner~~ intergovernmental disputes to closure in a timely manner.  
1337 A local government may also develop and use an alternative local  
1338 dispute resolution process for this purpose.

1339 2. The intergovernmental coordination element shall also  
1340 ~~further~~ state principles and guidelines to be used in  
1341 coordinating ~~the accomplishment of coordination of~~ the adopted  
1342 comprehensive plan with the plans of school boards and other  
1343 units of local government providing facilities and services but  
1344 not having regulatory authority over the use of land. In  
1345 addition, the intergovernmental coordination element must ~~shall~~  
1346 describe joint processes for collaborative planning and  
1347 decisionmaking on population projections and public school  
1348 siting, the location and extension of public facilities subject  
1349 to concurrency, and siting facilities with countywide  
1350 significance, including locally unwanted land uses whose nature  
1351 and identity are established in an agreement. Within 1 year  
1352 after ~~of~~ adopting their intergovernmental coordination elements,  
1353 each county, all the municipalities within that county, the  
1354 district school board, and any unit of local government service  
1355 providers in that county shall establish by interlocal or other  
1356 formal agreement executed by all affected entities, the joint  
1357 processes described in this subparagraph consistent with their  
1358 adopted intergovernmental coordination elements.

1359 3. To foster coordination between special districts and  
1360 local general-purpose governments as local general-purpose  
1361 governments implement local comprehensive plans, each  
1362 independent special district must submit a public facilities  
1363 report to the appropriate local government as required by s.

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1364 189.415.

1365 4.~~a.~~ Local governments must execute an interlocal agreement  
1366 with the district school board, the county, and nonexempt  
1367 municipalities pursuant to s. 163.31777. The local government  
1368 shall amend the intergovernmental coordination element to ensure  
1369 ~~provide~~ that coordination between the local government and  
1370 school board is pursuant to the agreement and shall state the  
1371 obligations of the local government under the agreement.

1372 ~~b.~~ Plan amendments that comply with this subparagraph are  
1373 exempt from the provisions of s. 163.3187(1).

1374 ~~5. The state land planning agency shall establish a~~  
1375 ~~schedule for phased completion and transmittal of plan~~  
1376 ~~amendments to implement subparagraphs 1., 2., and 3. from all~~  
1377 ~~jurisdictions so as to accomplish their adoption by December 31,~~  
1378 ~~1999. A local government may complete and transmit its plan~~  
1379 ~~amendments to carry out these provisions prior to the scheduled~~  
1380 ~~date established by the state land planning agency. The plan~~  
1381 ~~amendments are exempt from the provisions of s. 163.3187(1).~~

1382 5.6. By January 1, 2004, any county having a population  
1383 greater than 100,000, and the municipalities and special  
1384 districts within that county, shall submit a report to the  
1385 Department of Community Affairs which identifies:

1386 a. ~~Identifies~~ All existing or proposed interlocal service  
1387 delivery agreements relating to ~~regarding the following~~:  
1388 education; sanitary sewer; public safety; solid waste; drainage;  
1389 potable water; parks and recreation; and transportation  
1390 facilities.

1391 b. ~~Identifies~~ Any deficits or duplication in the provision  
1392 of services within its jurisdiction, whether capital or



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1393 operational. Upon request, the Department of Community Affairs  
 1394 shall provide technical assistance to the local governments in  
 1395 identifying deficits or duplication.

1396 ~~6.7.~~ Within 6 months after submission of the report, the  
 1397 Department of Community Affairs shall, through the appropriate  
 1398 regional planning council, coordinate a meeting of all local  
 1399 governments within the regional planning area to discuss the  
 1400 reports and potential strategies to remedy any identified  
 1401 deficiencies or duplications.

1402 ~~7.8.~~ Each local government shall update its  
 1403 intergovernmental coordination element based upon the findings  
 1404 in the report submitted pursuant to subparagraph ~~5. 6.~~ The  
 1405 report may be used as supporting data and analysis for the  
 1406 intergovernmental coordination element.

1407 (10) The Legislature recognizes the importance and  
 1408 significance of chapter 9J-5, Florida Administrative Code, the  
 1409 Minimum Criteria for Review of Local Government Comprehensive  
 1410 Plans and Determination of Compliance of the Department of  
 1411 Community Affairs that will be used to determine compliance of  
 1412 local comprehensive plans. The Legislature reserved unto itself  
 1413 the right to review chapter 9J-5, Florida Administrative Code,  
 1414 and to reject, modify, or take no action relative to this rule.  
 1415 Therefore, pursuant to subsection (9), the Legislature hereby  
 1416 has reviewed chapter 9J-5, Florida Administrative Code, and  
 1417 expresses the following legislative intent:

1418 (k) In order for ~~So that~~ local governments ~~are able~~ to  
 1419 prepare and adopt comprehensive plans with knowledge of the  
 1420 rules that are ~~will be~~ applied to determine consistency of the  
 1421 plans with ~~provisions of this part, it is the intent of the~~

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1422 ~~Legislature that~~ there should be no doubt as to the legal  
1423 standing of chapter 9J-5, Florida Administrative Code, at the  
1424 close of the 1986 legislative session. Therefore, the  
1425 Legislature declares that changes made to chapter 9J-5 before,  
1426 ~~Florida Administrative Code, prior to~~ October 1, 1986, are shall  
1427 not ~~be~~ subject to rule challenges under s. 120.56(2), or to  
1428 drawout proceedings under s. 120.54(3)(c)2. The entire chapter  
1429 9J-5, Florida Administrative Code, as amended, is ~~shall be~~  
1430 subject to rule challenges under s. 120.56(3), as nothing herein  
1431 indicates ~~shall be construed to indicate~~ approval or disapproval  
1432 of any portion of chapter 9J-5, ~~Florida Administrative Code,~~ not  
1433 specifically addressed herein. ~~No challenge pursuant to s.~~  
1434 ~~120.56(3) may be filed from July 1, 1987, through April 1, 1993.~~  
1435 ~~Any amendments to chapter 9J-5, Florida Administrative Code,~~  
1436 ~~exclusive of the amendments adopted prior to October 1, 1986,~~  
1437 ~~pursuant to this act, shall be subject to the full chapter 120~~  
1438 ~~process. All amendments shall have effective dates as provided~~  
1439 ~~in chapter 120 and submission to the President of the Senate and~~  
1440 ~~Speaker of the House of Representatives shall not be required.~~

1441 Section 26. Subsection (6) of section 163.3178, Florida  
1442 Statutes, is amended to read:

1443 163.3178 Coastal management.—

1444 (6) Local governments are encouraged to adopt countywide  
1445 marina siting plans to designate sites for existing and future  
1446 marinas. The Coastal Resources Interagency Management Committee,  
1447 at the direction of the Legislature, shall identify incentives  
1448 to encourage local governments to adopt such siting plans and  
1449 uniform criteria and standards to be used by local governments  
1450 to implement state goals, objectives, and policies relating to

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1451 marina siting. These criteria must ensure that priority is given  
1452 to water-dependent land uses. ~~The Coastal Resources Interagency~~  
1453 ~~Management Committee shall submit its recommendations regarding~~  
1454 ~~local government incentives to the Legislature by December 1,~~  
1455 ~~1993.~~ Countywide marina siting plans must be consistent with  
1456 state and regional environmental planning policies and  
1457 standards. Each local government in the coastal area which  
1458 participates in the adoption of a countywide marina siting plan  
1459 shall incorporate the plan into the coastal management element  
1460 of its local comprehensive plan.

1461 Section 27. Subsection (12) of section 163.519, Florida  
1462 Statutes, is repealed.

1463 Section 28. Subsection (9) of section 186.007, Florida  
1464 Statutes, is repealed.

1465 Section 29. Subsection (5) of section 189.4035, Florida  
1466 Statutes, is amended to read:

1467 189.4035 Preparation of official list of special  
1468 districts.—

1469 (5) The official list of special districts shall be  
1470 available on the department's website ~~distributed by the~~  
1471 ~~department on October 1 of each year to the President of the~~  
1472 ~~Senate, the Speaker of the House of Representatives, the Auditor~~  
1473 ~~General, the Department of Revenue, the Department of Financial~~  
1474 ~~Services, the Department of Management Services, the State Board~~  
1475 ~~of Administration, counties, municipalities, county property~~  
1476 ~~appraisers, tax collectors, and supervisors of elections and to~~  
1477 ~~all interested parties who request the list.~~

1478 Section 30. Subsection (2) of section 189.412, Florida  
1479 Statutes, is amended to read:

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1480           189.412 Special District Information Program; duties and  
 1481 responsibilities.—The Special District Information Program of  
 1482 the Department of Community Affairs is created and has the  
 1483 following special duties:

1484           (2) The maintenance of a master list of independent and  
 1485 dependent special districts which shall be available on the  
 1486 department's website ~~annually updated and distributed to the~~  
 1487 ~~appropriate officials in state and local governments.~~

1488           Section 31. Subsection (2) of section 194.034, Florida  
 1489 Statutes, is amended to read:

1490           194.034 Hearing procedures; rules.—

1491           (2) ~~If In each case, Except when~~ a complaint is withdrawn  
 1492 by the petitioner or is acknowledged as correct by the property  
 1493 appraiser, the value adjustment board shall render a written  
 1494 decision in each case. All ~~such~~ decisions shall be issued within  
 1495 20 calendar days after ~~of~~ the last day the board is in session  
 1496 under s. 194.032. The decision of the board must ~~shall~~ contain  
 1497 findings of fact and conclusions of law and must ~~shall~~ include  
 1498 reasons for upholding or overturning the determination of the  
 1499 property appraiser. ~~If when~~ a special magistrate has been  
 1500 appointed, the recommendations of the special magistrate shall  
 1501 be considered by the board. ~~The clerk,~~ Upon issuance of the  
 1502 board's decision ~~decisions,~~ the clerk shall, on a form provided  
 1503 by the Department of Revenue, notify by first-class mail each  
 1504 taxpayer and ~~the property appraiser, and the department~~ of the  
 1505 decision of the board.

1506           Section 32. Paragraph (b) of subsection (1) of section  
 1507 206.606, Florida Statutes, is amended to read:

1508           206.606 Distribution of certain proceeds.—

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1509 (1) Moneys collected pursuant to ss. 206.41(1)(g) and  
1510 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust  
1511 Fund. Such moneys, after deducting the service charges imposed  
1512 by s. 215.20, the refunds granted pursuant to s. 206.41, and the  
1513 administrative costs incurred by the department in collecting,  
1514 administering, enforcing, and distributing the tax, which  
1515 administrative costs may not exceed 2 percent of collections,  
1516 shall be distributed monthly to the State Transportation Trust  
1517 Fund, except that:

1518 (b) Annually, \$2.5 million shall be transferred to the  
1519 State Game Trust Fund in the Fish and Wildlife Conservation  
1520 Commission ~~in each fiscal year~~ and used for recreational boating  
1521 activities, and freshwater fisheries management and research.  
1522 The transfers must be made in equal monthly amounts beginning on  
1523 July 1 of each fiscal year. The commission shall annually  
1524 determine where unmet needs exist for boating-related  
1525 activities, and may fund such activities in counties where, due  
1526 to the number of vessel registrations, sufficient financial  
1527 resources are unavailable.

1528 1. A minimum of \$1.25 million shall be used to fund local  
1529 projects to provide recreational channel marking and other  
1530 uniform waterway markers, public boat ramps, lifts, and hoists,  
1531 marine railways, and other public launching facilities, derelict  
1532 vessel removal, and other local boating-related activities. In  
1533 funding the projects, the commission shall give priority  
1534 consideration to ~~as follows~~:

1535 a. Unmet needs in counties having ~~with~~ populations of  
1536 100,000 or fewer ~~less~~.

1537 b. Unmet needs in coastal counties having ~~with~~ a high level

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1538 of boating-related activities from individuals residing in other  
1539 counties.

1540 2. The remaining \$1.25 million may be used for recreational  
1541 boating activities and freshwater fisheries management and  
1542 research.

1543 3. The commission may ~~is authorized to~~ adopt rules pursuant  
1544 ~~to ss. 120.536(1) and 120.54~~ to administer ~~implement~~ a Florida  
1545 Boating Improvement Program.

1546

1547 ~~On February 1 of each year,~~ The commission shall prepare and  
1548 make available on its Internet website ~~file~~ an annual report  
1549 ~~with the President of the Senate and the Speaker of the House of~~  
1550 ~~Representatives~~ outlining the status of its Florida Boating  
1551 Improvement Program, including the projects funded, and a list  
1552 of counties whose needs are unmet due to insufficient financial  
1553 resources from vessel registration fees.

1554 Section 33. Paragraph (b) of subsection (4) of section  
1555 212.054, Florida Statutes, is amended to read:

1556 212.054 Discretionary sales surtax; limitations,  
1557 administration, and collection.—

1558 (4)

1559 (b) The proceeds of a discretionary sales surtax collected  
1560 by the selling dealer located in a county imposing ~~which imposes~~  
1561 the surtax shall be returned, less the cost of administration,  
1562 to the county where the selling dealer is located. The proceeds  
1563 shall be transferred to the Discretionary Sales Surtax Clearing  
1564 Trust Fund. A separate account shall be established in the ~~such~~  
1565 trust fund for each county imposing a discretionary surtax. The  
1566 amount deducted for the costs of administration may ~~shall~~ not

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1567 exceed 3 percent of the total revenue generated for all counties  
 1568 levying a surtax authorized in s. 212.055. The amount deducted  
 1569 for the costs of administration may ~~shall~~ be used only for ~~these~~  
 1570 costs that ~~which~~ are solely and directly attributable to the  
 1571 surtax. The total cost of administration shall be prorated among  
 1572 those counties levying the surtax on the basis of the amount  
 1573 collected for a particular county to the total amount collected  
 1574 for all counties. ~~No later than March 1 of each year, the~~  
 1575 ~~department shall submit a written report which details the~~  
 1576 ~~expenses and amounts deducted for the costs of administration to~~  
 1577 ~~the President of the Senate, the Speaker of the House of~~  
 1578 ~~Representatives, and the governing authority of each county~~  
 1579 ~~levying a surtax.~~ The department shall distribute the moneys in  
 1580 the trust fund ~~each month~~ to the appropriate counties each  
 1581 month, unless otherwise provided in s. 212.055.

1582 Section 34. Paragraph (j) of subsection (5) of section  
 1583 212.08, Florida Statutes, is amended to read:

1584 212.08 Sales, rental, use, consumption, distribution, and  
 1585 storage tax; specified exemptions.—The sale at retail, the  
 1586 rental, the use, the consumption, the distribution, and the  
 1587 storage to be used or consumed in this state of the following  
 1588 are hereby specifically exempt from the tax imposed by this  
 1589 chapter.

1590 (5) EXEMPTIONS; ACCOUNT OF USE.—

1591 (j) *Machinery and equipment used in semiconductor, defense,*  
 1592 *or space technology production.—*

1593 1.a. Industrial machinery and equipment used in  
 1594 semiconductor technology facilities certified under subparagraph  
 1595 5. to manufacture, process, compound, or produce semiconductor

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1596 technology products for sale or for use by these facilities are  
1597 exempt from the tax imposed by this chapter. For purposes of  
1598 this paragraph, industrial machinery and equipment includes  
1599 molds, dies, machine tooling, other appurtenances or accessories  
1600 to machinery and equipment, testing equipment, test beds,  
1601 computers, and software, whether purchased or self-fabricated,  
1602 and, if self-fabricated, includes materials and labor for  
1603 design, fabrication, and assembly.

1604       b. Industrial machinery and equipment used in defense or  
1605 space technology facilities certified under subparagraph 5. to  
1606 design, manufacture, assemble, process, compound, or produce  
1607 defense technology products or space technology products for  
1608 sale or for use by these facilities are exempt from the tax  
1609 imposed by this chapter.

1610       2. Building materials purchased for use in manufacturing or  
1611 expanding clean rooms in semiconductor-manufacturing facilities  
1612 are exempt from the tax imposed by this chapter.

1613       3. In addition to meeting the criteria mandated by  
1614 subparagraph 1. or subparagraph 2., a business must be certified  
1615 by the Office of Tourism, Trade, and Economic Development ~~as~~  
1616 ~~authorized in this paragraph~~ in order to qualify for exemption  
1617 under this paragraph.

1618       4. For items purchased tax-exempt pursuant to this  
1619 paragraph, possession of a written certification from the  
1620 purchaser, certifying the purchaser's entitlement to the  
1621 exemption ~~pursuant to this paragraph~~, relieves the seller of the  
1622 responsibility of collecting the tax on the sale of such items,  
1623 and the department shall look solely to the purchaser for  
1624 recovery of the tax if it determines that the purchaser was not



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1625 entitled to the exemption.

1626 5.a. To be eligible to receive the exemption provided by  
1627 subparagraph 1. or subparagraph 2., a qualifying business entity  
1628 shall ~~apply~~ initially apply to Enterprise Florida, Inc. The  
1629 original certification is ~~shall be~~ valid for a period of 2  
1630 years. In lieu of submitting a new application, the original  
1631 certification may be renewed biennially by submitting to the  
1632 Office of Tourism, Trade, and Economic Development a statement,  
1633 certified under oath, that there has been no material change in  
1634 the conditions or circumstances entitling the business entity to  
1635 the original certification. The initial application and the  
1636 certification renewal statement shall be developed by the Office  
1637 of Tourism, Trade, and Economic Development in consultation with  
1638 Enterprise Florida, Inc.

1639 b. Enterprise Florida, Inc., shall review each submitted  
1640 initial application ~~and information~~ and determine whether or not  
1641 the application is complete within 5 working days. Once ~~an~~  
1642 ~~application is~~ complete, Enterprise Florida, Inc., shall, within  
1643 10 working days, evaluate the application and recommend approval  
1644 or disapproval ~~of the application~~ to the Office of Tourism,  
1645 Trade, and Economic Development.

1646 c. Upon receipt of the initial application and  
1647 recommendation from Enterprise Florida, Inc., or upon receipt of  
1648 a certification renewal statement, the Office of Tourism, Trade,  
1649 and Economic Development shall certify within 5 working days  
1650 those applicants who are found to meet the requirements of this  
1651 section and notify the applicant, Enterprise Florida, Inc., and  
1652 the department of the original certification or certification  
1653 renewal. If the Office of Tourism, Trade, and Economic

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1654 Development finds that the applicant does not meet the  
1655 requirements ~~of this section~~, it shall notify the applicant and  
1656 Enterprise Florida, Inc., within 10 working days that the  
1657 application for certification has been denied and the reasons  
1658 for denial. The Office of Tourism, Trade, and Economic  
1659 Development has final approval authority for certification under  
1660 this section.

1661 d. The initial application and certification renewal  
1662 statement must indicate, for program evaluation purposes only,  
1663 the average number of full-time equivalent employees at the  
1664 facility over the preceding calendar year, the average wage and  
1665 benefits paid to those employees over the preceding calendar  
1666 year, the total investment made in real and tangible personal  
1667 property over the preceding calendar year, and the total value  
1668 of tax-exempt purchases and taxes exempted during the previous  
1669 year. The department shall assist the Office of Tourism, Trade,  
1670 and Economic Development in evaluating and verifying information  
1671 provided in the application for exemption.

1672 e. The Office of Tourism, Trade, and Economic Development  
1673 may use the information reported on the initial application and  
1674 certification renewal statement for evaluation purposes only ~~and~~  
1675 ~~shall prepare an annual report on the exemption program and its~~  
1676 ~~cost and impact. The annual report for the preceding fiscal year~~  
1677 ~~shall be submitted to the Governor, the President of the Senate,~~  
1678 ~~and the Speaker of the House of Representatives by September 30~~  
1679 ~~of each fiscal year.~~

1680 6. A business certified to receive this exemption may elect  
1681 to designate one or more state universities or community  
1682 colleges as recipients of up to 100 percent of the amount of the

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1683 exemption ~~for which they may qualify~~. To receive these funds,  
1684 the institution must agree to match the funds ~~so earned~~ with  
1685 equivalent cash, programs, services, or other in-kind support on  
1686 a one-to-one basis for ~~in the pursuit of~~ research and  
1687 development projects ~~as~~ requested by the certified business. The  
1688 rights to any patents, royalties, or real or intellectual  
1689 property must be vested in the business unless otherwise agreed  
1690 to by the business and the university or community college.

1691 7. As used in this paragraph, the term:

1692 a. "Semiconductor technology products" means raw  
1693 semiconductor wafers or semiconductor thin films that are  
1694 transformed into semiconductor memory or logic wafers, including  
1695 wafers containing mixed memory and logic circuits; related  
1696 assembly and test operations; active-matrix flat panel displays;  
1697 semiconductor chips; semiconductor lasers; optoelectronic  
1698 elements; and related semiconductor technology products as  
1699 determined by the Office of Tourism, Trade, and Economic  
1700 Development.

1701 b. "Clean rooms" means manufacturing facilities enclosed in  
1702 a manner that meets the clean manufacturing requirements  
1703 necessary for high-technology semiconductor-manufacturing  
1704 environments.

1705 c. "Defense technology products" means products that have a  
1706 military application, including, but not limited to, weapons,  
1707 weapons systems, guidance systems, surveillance systems,  
1708 communications or information systems, munitions, aircraft,  
1709 vessels, or boats, or components thereof, which are intended for  
1710 military use and manufactured in performance of a contract with  
1711 the United States Department of Defense or the military branch

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1712 of a recognized foreign government or a subcontract thereunder  
1713 which relates to matters of national defense.

1714 d. "Space technology products" means products that are  
1715 specifically designed or manufactured for application in space  
1716 activities, including, but not limited to, space launch  
1717 vehicles, space flight vehicles, missiles, satellites or  
1718 research payloads, avionics, and associated control systems and  
1719 processing systems and components of any of the foregoing. The  
1720 term does not include products that are designed or manufactured  
1721 for general commercial aviation or other uses even though those  
1722 products may also serve an incidental use in space applications.

1723 Section 35. Section 213.0452, Florida Statutes, is  
1724 repealed.

1725 Section 36. Section 213.054, Florida Statutes, is repealed.

1726 Section 37. Subsection (3) of section 215.70, Florida  
1727 Statutes, is amended to read:

1728 215.70 State Board of Administration to act in case of  
1729 defaults.—

1730 (3) ~~It shall be the duty of~~ The State Board of  
1731 Administration shall ~~to~~ monitor the debt service accounts for  
1732 bonds issued pursuant to this act. The board shall advise the  
1733 Governor and Legislature of any projected need to appropriate  
1734 funds to honor the pledge of full faith and credit of the state.  
1735 The report must ~~shall~~ include the estimated amount of  
1736 appropriations needed, the estimated maximum amount of  
1737 appropriations needed, and a contingency appropriation request  
1738 for each bond issue.

1739 Section 38. Paragraph (z) of subsection (1) of section  
1740 216.011, Florida Statutes, is amended to read:

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1741 216.011 Definitions.—

1742 (1) For the purpose of fiscal affairs of the state,  
1743 appropriations acts, legislative budgets, and approved budgets,  
1744 each of the following terms has the meaning indicated:

1745 (z) "Long-range program plan" means a plan developed  
1746 pursuant to s. 216.013 ~~on an annual basis by each state agency~~  
1747 ~~that is policy based, priority driven, accountable, and~~  
1748 ~~developed through careful examination and justification of all~~  
1749 ~~programs and their associated costs. Each plan is developed by~~  
1750 ~~examining the needs of agency customers and clients and~~  
1751 ~~proposing programs and associated costs to address those needs~~  
1752 ~~based on state priorities as established by law, the agency~~  
1753 ~~mission, and legislative authorization. The plan provides the~~  
1754 ~~framework and context for preparing the legislative budget~~  
1755 ~~request and includes performance indicators for evaluating the~~  
1756 ~~impact of programs and agency performance.~~

1757 Section 39. Section 216.103, Florida Statutes, is repealed.

1758 Section 40. Section 216.172, Florida Statutes, is repealed.

1759 Section 41. Paragraph (c) of subsection (10) of section  
1760 216.181, Florida Statutes, is repealed.

1761 Section 42. Subsection (5) of section 252.55, Florida  
1762 Statutes, is amended to read:

1763 252.55 Civil Air Patrol, Florida Wing.—

1764 (5) The wing commander of the Florida Wing of the Civil Air  
1765 Patrol shall biennially furnish the Bureau of Emergency  
1766 Management a 2-year ~~an annual~~ projection of the goals and  
1767 objectives of the Civil Air Patrol which shall ~~for the following~~  
1768 ~~year. These will be reported to the Governor in the division's~~  
1769 biennial ~~annual~~ report submitted pursuant to s. 252.35 ~~of the~~

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1770 ~~division on February 1 of each year.~~

1771 Section 43. Subsection (1) of section 253.7825, Florida  
1772 Statutes, is amended to read:

1773 253.7825 Recreational uses.—

1774 (1) The Cross Florida Greenways State Recreation and  
1775 Conservation Area must be managed as a multiple-use area  
1776 pursuant to s. 253.034(2)(a), and as ~~further~~ provided in this  
1777 section herein. ~~The University of Florida Management Plan~~  
1778 ~~provides a conceptual recreational plan that may ultimately be~~  
1779 ~~developed at various locations throughout the greenways~~  
1780 ~~corridor. The plan proposes to locate a number of the larger,~~  
1781 ~~more comprehensive and complex recreational facilities in~~  
1782 ~~sensitive, natural resource areas.~~ Future site-specific studies  
1783 and investigations must be conducted by the department to  
1784 determine compatibility with, and potential for adverse impact  
1785 to, existing natural resources, need for the facility, the  
1786 availability of other alternative locations with reduced adverse  
1787 impacts to existing natural resources, and the proper specific  
1788 sites and locations for the more comprehensive and complex  
1789 facilities. Furthermore, it is appropriate, with the approval of  
1790 the department, to allow more fishing docks, boat launches, and  
1791 other user-oriented facilities to be developed and maintained by  
1792 local governments.

1793 Section 44. Section 253.7826, Florida Statutes, is  
1794 repealed.

1795 Section 45. Section 253.7829, Florida Statutes, is  
1796 repealed.

1797 Section 46. Subsection (4) of section 259.037, Florida  
1798 Statutes, is amended to read:

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1799 259.037 Land Management Uniform Accounting Council.—  
1800 (4) The council shall provide a report of the agencies'  
1801 ~~expenditures pursuant to the adopted categories to the President~~  
1802 ~~of the Senate and the Speaker of the House of Representatives~~  
1803 ~~annually, beginning July 1, 2001. The council shall also provide~~  
1804 ~~this report~~ to the Acquisition and Restoration Council and the  
1805 division for inclusion in its annual report required pursuant to  
1806 s. 259.036.

1807 Section 47. Subsection (4) of section 267.074, Florida  
1808 Statutes, is repealed.

1809 Section 48. Section 272.121, Florida Statutes, is repealed.

1810 Section 49. Subsection (3) of section 284.50, Florida  
1811 Statutes, is repealed.

1812 Section 50. Subsection (11) of section 287.045, Florida  
1813 Statutes, is repealed.

1814 Section 51. Subsection (15) of section 287.059, Florida  
1815 Statutes, is amended to read:

1816 287.059 Private attorney services.—

1817 (15) The Attorney General's office may, ~~by rule,~~ adopt  
1818 standard fee schedules for court reporting services for each  
1819 judicial circuit by rule, in consultation with the Florida Court  
1820 Reporters Association. ~~Agencies,~~ When contracting for court  
1821 reporting services, an agency shall ~~must~~ use the standard fee  
1822 schedule ~~for court reporting services~~ established pursuant to  
1823 this section unless a, ~~provided no~~ state contract is not  
1824 applicable or unless the head of the agency or his or her  
1825 designee waives use of the schedule and sets forth the reasons  
1826 for deviating from the schedule in writing to the Attorney  
1827 General. The ~~Such~~ waiver must demonstrate necessity based upon

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1828 criteria for deviation from the schedule which the Attorney  
1829 General shall establish by rule. ~~Any proposed fee schedule under~~  
1830 ~~this section shall be submitted to the Governor, the Speaker of~~  
1831 ~~the House of Representatives, the President of the Senate, and~~  
1832 ~~the Chief Justice of the Florida Supreme Court at least 60 days~~  
1833 ~~prior to publication of the notice to adopt the rule.~~

1834 Section 52. Subsection (10) of section 287.16, Florida  
1835 Statutes, is repealed.

1836 Section 53. Subsection (7) of section 288.108, Florida  
1837 Statutes, is repealed.

1838 Section 54. Section 288.1185, Florida Statutes, is  
1839 repealed.

1840 Section 55. Subsection (6) of section 288.1226, Florida  
1841 Statutes, is amended to read:

1842 288.1226 Florida Tourism Industry Marketing Corporation;  
1843 use of property; board of directors; duties; audit.—

1844 (6) ANNUAL AUDIT.—The corporation shall provide for an  
1845 annual financial audit in accordance with s. 215.981. The annual  
1846 audit report shall be submitted to the Auditor General; the  
1847 Office of Policy Analysis and Government Accountability; and the  
1848 Office of Tourism, Trade, and Economic Development for review.  
1849 The Office of Program Policy Analysis and Government  
1850 Accountability; the Office of Tourism, Trade, and Economic  
1851 Development; and the Auditor General may ~~have the authority to~~  
1852 ~~require and receive from the corporation or from its independent~~  
1853 ~~auditor any detail or supplemental data relative to the~~  
1854 ~~operation of the corporation. The Office of Tourism, Trade, and~~  
1855 ~~Economic Development shall annually certify whether the~~  
1856 ~~corporation is operating in a manner and achieving the~~



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1857 ~~objectives that are consistent with the policies and goals of~~  
1858 ~~the commission and its long-range marketing plan.~~ The identity  
1859 of a donor or prospective donor to the corporation who desires  
1860 to remain anonymous and all information identifying such donor  
1861 or prospective donor are confidential and exempt from the  
1862 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
1863 Constitution. Such anonymity shall be maintained in the  
1864 auditor's report.

1865 Section 56. Paragraph (e) of subsection (8) of section  
1866 288.1229, Florida Statutes, is amended to read:

1867 288.1229 Promotion and development of sports-related  
1868 industries and amateur athletics; direct-support organization;  
1869 powers and duties.—

1870 (8) To promote amateur sports and physical fitness, the  
1871 direct-support organization shall:

1872 (e) Promote Florida as a host for national and  
1873 international amateur athletic competitions. ~~As part of this~~  
1874 ~~effort, the direct-support organization shall:~~

1875 ~~1. Assist and support Florida cities or communities bidding~~  
1876 ~~or seeking to host the Summer Olympics or Pan American Games.~~

1877 ~~2. Annually report to the Governor, the President of the~~  
1878 ~~Senate, and the Speaker of the House of Representatives on the~~  
1879 ~~status of the efforts of cities or communities bidding to host~~  
1880 ~~the Summer Olympics or Pan American Games, including, but not~~  
1881 ~~limited to, current financial and infrastructure status,~~  
1882 ~~projected financial and infrastructure needs, and~~  
1883 ~~recommendations for satisfying the unmet needs and fulfilling~~  
1884 ~~the requirements for a successful bid in any year that the~~  
1885 ~~Summer Olympics or Pan American Games are held in this state.~~

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1886 Section 57. Subsection (4) of section 288.7015, Florida  
 1887 Statutes, is repealed.

1888 Section 58. Section 288.7771, Florida Statutes, is amended  
 1889 to read:

1890 288.7771 Annual report of Florida Export Finance  
 1891 Corporation. ~~By March 31 of each year,~~ The corporation shall  
 1892 annually prepare and submit to Enterprise Florida, Inc., for  
 1893 inclusion in its annual report required by s. 288.095 the  
 1894 ~~Governor, the President of the Senate, the Speaker of the House~~  
 1895 ~~of Representatives, the Senate Minority Leader, and the House~~  
 1896 ~~Minority Leader~~ a complete and detailed report setting forth:

1897 (1) The report required in s. 288.776(3).

1898 (2) Its assets and liabilities at the end of its most  
 1899 recent fiscal year.

1900 Section 59. Subsections (8), (10), and (11) of section  
 1901 288.8175, Florida Statutes, are repealed.

1902 Section 60. Subsection (5) of section 288.853, Florida  
 1903 Statutes, is repealed.

1904 Section 61. Subsection (5) of section 288.95155, Florida  
 1905 Statutes, is amended to read:

1906 288.95155 Florida Small Business Technology Growth  
 1907 Program.—

1908 (5) ~~By January 1 of each year,~~ Enterprise Florida, Inc.,  
 1909 shall prepare and include in its annual report required by s.  
 1910 288.095 a report on the financial status of the program ~~and the~~  
 1911 ~~account and shall submit a copy of the report to the board of~~  
 1912 ~~directors of Enterprise Florida, Inc., the appropriate~~  
 1913 ~~legislative committees responsible for economic development~~  
 1914 ~~oversight, and the appropriate legislative appropriations~~

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1915 ~~subcommittees~~. The report must ~~shall~~ specify the assets and  
1916 liabilities of the account within the current fiscal year and  
1917 must ~~shall~~ include a portfolio update that lists all of the  
1918 businesses assisted, the private dollars leveraged by each  
1919 business assisted, and the growth in sales and in employment of  
1920 each business assisted.

1921 Section 62. Paragraph (c) of subsection (4) of section  
1922 288.9604, Florida Statutes, is amended to read:

1923 288.9604 Creation of the authority.—

1924 (4)

1925 (c) The directors of the corporation shall annually elect  
1926 one of their members as chair and one as vice chair. The  
1927 corporation may employ a president, technical experts, and such  
1928 other agents and employees, permanent and temporary, as it  
1929 requires and determine their qualifications, duties, and  
1930 compensation. For such legal services as it requires, the  
1931 corporation may employ or retain its own counsel and legal  
1932 staff. ~~The corporation shall file with the governing body of~~  
1933 ~~each public agency with which it has entered into an interlocal~~  
1934 ~~agreement and with the Governor, the Speaker of the House of~~  
1935 ~~Representatives, the President of the Senate, the Minority~~  
1936 ~~Leaders of the Senate and House of Representatives, and the~~  
1937 ~~Auditor General, on or before 90 days after the close of the~~  
1938 ~~fiscal year of the corporation, a report of its activities for~~  
1939 ~~the preceding fiscal year, which report shall include a complete~~  
1940 ~~financial statement setting forth its assets, liabilities,~~  
1941 ~~income, and operating expenses as of the end of such fiscal~~  
1942 ~~year.~~

1943 Section 63. Section 288.9610, Florida Statutes, is amended

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1944 to read:

1945           288.9610 Annual reports of Florida Development Finance  
1946 Corporation.—On or before 90 days after the close of ~~By December~~  
1947 ~~1 of each year,~~ the Florida Development Finance Corporation's  
1948 fiscal year, the corporation shall submit to the Governor, the  
1949 Legislature ~~President of the Senate, the Speaker of the House of~~  
1950 ~~Representatives, the Senate Minority Leader, the House Minority~~  
1951 ~~Leader, the Auditor General, and the governing body of each~~  
1952 public entity with which it has entered into an interlocal  
1953 agreement ~~city or county activating the Florida Development~~  
1954 ~~Finance Corporation~~ a complete and detailed report setting  
1955 forth:

1956           (1) The results of any audit conducted pursuant to s. 11.45  
1957 ~~evaluation required in s. 11.45(3)(j).~~

1958           (2) The activities, operations, and accomplishments of the  
1959 Florida Development Finance Corporation, including the number of  
1960 businesses assisted by the corporation.

1961           (3) Its assets, and liabilities, income, and operating  
1962 expenses at the end of its most recent fiscal year, including a  
1963 description of all of its outstanding revenue bonds.

1964           Section 64. Subsection (6) of section 292.05, Florida  
1965 Statutes, is amended to read:

1966           292.05 Duties of Department of Veterans' Affairs.—

1967           (6) The department shall, by ~~on~~ December 31 of each year,  
1968 submit ~~make~~ an annual written report to the Governor, the  
1969 Cabinet, and the Legislature which describes:

1970           (a) ~~of the state, the Speaker of the House of~~  
1971 ~~Representatives, and the President of the Senate, which report~~  
1972 ~~shall show~~ The expenses incurred in veteran service work in the

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1973 state; the number, nature, and kind of cases handled by the  
 1974 department and by county and city veteran service officers of  
 1975 the state; the amounts of benefits obtained for veterans; the  
 1976 names and addresses of all certified veteran service officers,  
 1977 including county and city veteran service officers. The report  
 1978 must ~~shall~~ also describe the actions taken by the department in  
 1979 implementing subsections (4), (5), and (7) and include ~~shall~~  
 1980 ~~contain such~~ other information and recommendations as ~~may appear~~  
 1981 ~~to~~ the department requires ~~to be right and proper~~.

1982 (b) The current status of the department's domiciliary and  
 1983 nursing homes established pursuant to chapter 296, including all  
 1984 receipts and expenditures, the condition of the homes, the  
 1985 number of residents received and discharged during the preceding  
 1986 year, occupancy rates, staffing, and any other information  
 1987 necessary to provide an understanding of the management,  
 1988 conduct, and operation of the homes.

1989 Section 65. Section 296.16, Florida Statutes, is repealed.

1990 Section 66. Section 296.39, Florida Statutes, is repealed.

1991 Section 67. Paragraph (c) of subsection (12) of section  
 1992 315.03, Florida Statutes, is repealed.

1993 Section 68. Subsection (2) of section 319.324, Florida  
 1994 Statutes, is amended to read:

1995 319.324 Odometer fraud prevention and detection; funding.—

1996 (2) Moneys deposited into the Highway Safety Operating  
 1997 Trust Fund under this section shall be used to implement and  
 1998 maintain efforts by the department to prevent and detect  
 1999 odometer fraud, including the prompt investigation of alleged  
 2000 instances of odometer mileage discrepancies reported by licensed  
 2001 motor vehicle dealers, auctions, or purchasers of motor

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2002 ~~vehicles. Such moneys shall also be used to fund an annual~~  
 2003 ~~report to the Legislature by the Department of Highway Safety~~  
 2004 ~~and Motor Vehicles, summarizing the department's investigations~~  
 2005 ~~and findings. In addition, moneys deposited into the fund may be~~  
 2006 ~~used by the department for general operations.~~

2007 Section 69. Section 322.181, Florida Statutes, is repealed.

2008 Section 70. Paragraph (c) of subsection (7) of section  
 2009 322.251, Florida Statutes, is repealed.

2010 Section 71. Subsection (10) of section 366.82, Florida  
 2011 Statutes, is repealed.

2012 Section 72. Section 373.0391, Florida Statutes, is amended  
 2013 to read:

2014 373.0391 Technical assistance to local governments.-

2015 ~~(1) The water management districts shall assist local~~  
 2016 ~~governments in the development and future revision of local~~  
 2017 ~~government comprehensive plan elements or public facilities~~  
 2018 ~~report as required by s. 189.415, related to water resource~~  
 2019 ~~issues.~~

2020 ~~(2) By July 1, 1991, each water management district shall~~  
 2021 ~~prepare and provide information and data to assist local~~  
 2022 ~~governments in the preparation and implementation of their local~~  
 2023 ~~government comprehensive plans or public facilities report as~~  
 2024 ~~required by s. 189.415, whichever is applicable. Such~~  
 2025 ~~information and data shall include, but not be limited to:~~

2026 ~~(a) All information and data required in a public~~  
 2027 ~~facilities report pursuant to s. 189.415.~~

2028 ~~(b) A description of regulations, programs, and schedules~~  
 2029 ~~implemented by the district.~~

2030 ~~(c) Identification of regulations, programs, and schedules~~

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2031 ~~undertaken or proposed by the district to further the State~~  
2032 ~~Comprehensive Plan.~~

2033 ~~(d) A description of surface water basins, including~~  
2034 ~~regulatory jurisdictions, flood-prone areas, existing and~~  
2035 ~~projected water quality in water management district operated~~  
2036 ~~facilities, as well as surface water runoff characteristics and~~  
2037 ~~topography regarding flood plains, wetlands, and recharge areas.~~

2038 ~~(e) A description of groundwater characteristics, including~~  
2039 ~~existing and planned wellfield sites, existing and anticipated~~  
2040 ~~cones of influence, highly productive groundwater areas, aquifer~~  
2041 ~~recharge areas, deep well injection zones, contaminated areas,~~  
2042 ~~an assessment of regional water resource needs and sources for~~  
2043 ~~the next 20 years, and water quality.~~

2044 ~~(f) The identification of existing and potential water~~  
2045 ~~management district land acquisitions.~~

2046 ~~(g) Information reflecting the minimum flows for surface~~  
2047 ~~watercourses to avoid harm to water resources or the ecosystem~~  
2048 ~~and information reflecting the minimum water levels for aquifers~~  
2049 ~~to avoid harm to water resources or the ecosystem.~~

2050 Section 73. Subsection (4) of section 373.046, Florida  
2051 Statutes, is amended to read:

2052 373.046 Interagency agreements.—

2053 (4) The Legislature recognizes and affirms the division of  
2054 responsibilities between the department and the water management  
2055 districts as set forth in ss. III. and X. of each of the  
2056 operating agreements codified as rules 17-101.040(12)(a)3., 4.,  
2057 and 5., Florida Administrative Code. Section IV.A.2.a. of each  
2058 operating agreement regarding individual permit oversight is  
2059 rescinded. The department is ~~shall be~~ responsible for permitting

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2060 those activities under part IV of this chapter which, because of  
2061 their complexity and magnitude, need to be economically and  
2062 efficiently evaluated at the state level, including, but not  
2063 limited to, mining, hazardous waste management facilities, and  
2064 solid waste management facilities that do not qualify for a  
2065 general permit under chapter 403. With regard to  
2066 postcertification information submittals for activities  
2067 authorized under chapters 341 and 403 siting act certifications,  
2068 the department, after consultation with the appropriate water  
2069 management district and other agencies having applicable  
2070 regulatory jurisdiction, shall determine ~~be responsible for~~  
2071 ~~determining~~ the permittee's compliance with conditions of  
2072 certification which are ~~were~~ based upon the nonprocedural  
2073 requirements of part IV of this chapter. ~~The Legislature~~  
2074 ~~authorizes~~ The water management districts and the department may  
2075 ~~to~~ modify the division of responsibilities referenced in this  
2076 section and enter into further interagency agreements by  
2077 rulemaking, including incorporation by reference, pursuant to  
2078 chapter 120, to provide for greater efficiency and to avoid  
2079 duplication in the administration of part IV of this chapter by  
2080 designating ~~certain~~ activities that ~~which~~ will be regulated by  
2081 either the water management districts or the department. In  
2082 developing such interagency agreements, the water management  
2083 districts and the department shall consider ~~should take into~~  
2084 ~~consideration~~ the technical and fiscal ability of each water  
2085 management district to implement all or some of the provisions  
2086 of part IV of this chapter. This subsection does not rescind or  
2087 restrict ~~Nothing herein rescinds or restricts~~ the authority of  
2088 the districts to regulate silviculture and agriculture pursuant



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2089 to part IV of this chapter or s. 403.927. ~~By December 10, 1993,~~  
2090 ~~the secretary of the department shall submit a report to the~~  
2091 ~~President of the Senate and the Speaker of the House of~~  
2092 ~~Representatives regarding the efficiency of the procedures and~~  
2093 ~~the division of responsibilities contemplated by this subsection~~  
2094 ~~and regarding progress toward the execution of further~~  
2095 ~~interagency agreements and the integration of permitting with~~  
2096 ~~sovereignty lands approval. The report also will consider the~~  
2097 ~~feasibility of improving the protection of the environment~~  
2098 ~~through comprehensive criteria for protection of natural~~  
2099 ~~systems.~~

2100 Section 74. Subsection (14) of section 376.121, Florida  
2101 Statutes, is repealed.

2102 Section 75. Section 376.17, Florida Statutes, is repealed.

2103 Section 76. Subsection (5) of section 376.30713, Florida  
2104 Statutes, is repealed.

2105 Section 77. Paragraph (f) of subsection (2) of section  
2106 377.703, Florida Statutes, is amended to read:

2107 377.703 Additional functions of the Florida Energy and  
2108 Climate Commission.—

2109 (2) FLORIDA ENERGY AND CLIMATE COMMISSION; DUTIES.—The  
2110 commission shall perform the following functions consistent with  
2111 the development of a state energy policy:

2112 (f) The commission shall submit an annual report to the  
2113 Governor and the Legislature reflecting its activities and  
2114 making recommendations ~~of policies~~ for improvement of the  
2115 state's response to energy supply and demand and its effect on  
2116 the health, safety, and welfare of the people of Florida. The  
2117 report must ~~shall~~ include a report ~~from the Florida Public~~

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2118 ~~Service Commission on electricity and natural gas and~~  
2119 ~~information on energy conservation programs conducted and~~  
2120 ~~underway in the past year and shall include~~ recommendations for  
2121 energy conservation programs for the state, including, but not  
2122 limited to, ~~the following factors:~~

2123 1. Formulation of specific recommendations for improving  
2124 ~~improvement in~~ the efficiency of energy use ~~utilization~~ in  
2125 governmental, residential, commercial, industrial, and  
2126 transportation sectors.

2127 2. Collection and dissemination of information relating to  
2128 energy conservation.

2129 3. Development and conduct of educational and training  
2130 programs relating to energy conservation.

2131 4. An analysis of the ways in which state agencies are  
2132 seeking to implement s. 377.601(2), the state energy policy, and  
2133 recommendations for better fulfilling this policy.

2134 Section 78. Subsection (2) of section 379.2211, Florida  
2135 Statutes, is amended to read:

2136 379.2211 Florida waterfowl permit revenues.-

2137 (2) The intent of this section is to expand waterfowl  
2138 research and management and increase waterfowl populations in  
2139 the state without detracting from other programs. The commission  
2140 shall prepare and make available on its Internet website an  
2141 annual report documenting the use of funds generated under ~~the~~  
2142 ~~provisions of this section, to be submitted to the Governor, the~~  
2143 ~~Speaker of the House of Representatives, and the President of~~  
2144 ~~the Senate on or before September 1 of each year.~~

2145 Section 79. Subsection (2) of section 379.2212, Florida  
2146 Statutes, is amended to read:

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2147 379.2212 Florida wild turkey permit revenues.—

2148 (2) The intent of this section is to expand wild turkey  
2149 research and management and to increase wild turkey populations  
2150 in the state without detracting from other programs. The  
2151 commission shall prepare and make available on its Internet  
2152 website an annual report documenting the use of funds generated  
2153 ~~under the provisions of this section, to be submitted to the~~  
2154 ~~Governor, the Speaker of the House of Representatives, and the~~  
2155 ~~President of the Senate on or before September 1 of each year.~~

2156 Section 80. Subsection (8) of section 379.2523, Florida  
2157 Statutes, is repealed.

2158 Section 81. Paragraph (a) of subsection (2) of section  
2159 380.06, Florida Statutes, is amended to read:

2160 380.06 Developments of regional impact.—

2161 (2) STATEWIDE GUIDELINES AND STANDARDS.—

2162 (a) The state land planning agency shall recommend to the  
2163 Administration Commission specific statewide guidelines and  
2164 standards for adoption pursuant to this subsection. The  
2165 Administration Commission shall by rule adopt statewide  
2166 guidelines and standards to be used in determining whether  
2167 particular developments shall undergo development-of-regional-  
2168 impact review. The statewide guidelines and standards previously  
2169 adopted by the Administration Commission and approved by the  
2170 Legislature shall remain in effect unless revised pursuant to  
2171 this section or superseded by other provisions of law. ~~Revisions~~  
2172 ~~to the present statewide guidelines and standards, after~~  
2173 ~~adoption by the Administration Commission, shall be transmitted~~  
2174 ~~on or before March 1 to the President of the Senate and the~~  
2175 ~~Speaker of the House of Representatives for presentation at the~~

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2176 ~~next regular session of the Legislature. Unless approved by law~~  
2177 ~~by the Legislature, the revisions to the present guidelines and~~  
2178 ~~standards shall not become effective.~~

2179 Section 82. Subsection (3) of section 380.0677, Florida  
2180 Statutes, is repealed.

2181 Section 83. Subsection (3) of section 381.0011, Florida  
2182 Statutes, is repealed.

2183 Section 84. Section 381.0036, Florida Statutes, is  
2184 repealed.

2185 Section 85. Section 381.731, Florida Statutes, is repealed.

2186 Section 86. Section 381.795, Florida Statutes, is amended  
2187 to read:

2188 381.795 Long-term community-based supports.—The department  
2189 shall, contingent upon specific appropriations for these  
2190 purposes, establish:

2191 ~~(1) Study the long-term needs for community-based supports~~  
2192 ~~and services for individuals who have sustained traumatic brain~~  
2193 ~~or spinal cord injuries. The purpose of this study is to prevent~~  
2194 ~~inappropriate residential and institutional placement of these~~  
2195 ~~individuals, and promote placement in the most cost effective~~  
2196 ~~and least restrictive environment. Any placement recommendations~~  
2197 ~~for these individuals shall ensure full utilization of and~~  
2198 ~~collaboration with other state agencies, programs, and community~~  
2199 ~~partners. This study shall be submitted to the Governor, the~~  
2200 ~~President of the Senate, and the Speaker of the House of~~  
2201 ~~Representatives not later than December 31, 2000.~~

2202 ~~(2) Based upon the results of this study, establish a plan~~  
2203 ~~for the implementation of a program of long-term community-based~~  
2204 ~~supports and services for individuals who have sustained~~

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2205 traumatic brain or spinal cord injuries and who may be subject  
 2206 to inappropriate residential and institutional placement as a  
 2207 direct result of such injuries.

2208 (1)~~(a)~~ The program shall be payor of last resort for  
 2209 program services~~7~~ and expenditures for ~~such~~ services shall be  
 2210 considered funded services for purposes of s. 381.785; however,  
 2211 notwithstanding s. 381.79(5), proceeds resulting from this  
 2212 subsection shall be used solely for this program.

2213 (2)~~(b)~~ The department shall adopt ~~create~~~~7~~ by rule~~7~~  
 2214 procedures to ensure~~7~~ that if ~~in the event~~ the program is unable  
 2215 to directly or indirectly provide ~~such~~ services to all eligible  
 2216 individuals due to lack of funds, those individuals most at risk  
 2217 of suffering ~~to suffer~~ the greatest harm from an imminent  
 2218 inappropriate residential or institutional placement are served  
 2219 first.

2220 (3)~~(c)~~ Every applicant or recipient of the long-term  
 2221 community-based supports and services program must ~~shall~~ have  
 2222 been a resident of the state for 1 year immediately preceding  
 2223 application and be a resident of the state at the time of  
 2224 application.

2225 (4)~~(d)~~ The department shall adopt rules ~~pursuant to ss.~~  
 2226 ~~120.536(1) and 120.54~~ to administer ~~implement the provision of~~  
 2227 this section ~~subsection~~.

2228 Section 87. Section 381.931, Florida Statutes, is amended  
 2229 to read:

2230 381.931 Annual report on Medicaid expenditures.—The  
 2231 Department of Health and the Agency for Health Care  
 2232 Administration shall monitor the total Medicaid expenditures for  
 2233 services made under this act. If Medicaid expenditures are

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2234 projected to exceed the amount appropriated by the Legislature,  
2235 the Department of Health shall limit the number of screenings to  
2236 ensure Medicaid expenditures do not exceed the amount  
2237 appropriated. ~~The Department of Health, in cooperation with the~~  
2238 ~~Agency for Health Care Administration, shall prepare an annual~~  
2239 ~~report that must include the number of women screened; the~~  
2240 ~~percentage of positive and negative outcomes; the number of~~  
2241 ~~referrals to Medicaid and other providers for treatment~~  
2242 ~~services; the estimated number of women who are not screened or~~  
2243 ~~not served by Medicaid due to funding limitations, if any; the~~  
2244 ~~cost of Medicaid treatment services; and the estimated cost of~~  
2245 ~~treatment services for women who were not screened or referred~~  
2246 ~~for treatment due to funding limitations. The report shall be~~  
2247 ~~submitted to the President of the Senate, the Speaker of the~~  
2248 ~~House of Representatives, and the Executive Office of the~~  
2249 ~~Governor by March 1 of each year.~~

2250 Section 88. Subsection (6) of section 383.19, Florida  
2251 Statutes, is amended to read:

2252 383.19 Standards; funding; ineligibility.-

2253 (6) Each hospital that ~~which~~ contracts with the department  
2254 to provide services under the terms of ss. 383.15-383.21 shall  
2255 prepare and submit to the department an annual report that  
2256 includes, but is not limited to, the number of clients served  
2257 and the costs of services in the center. The department shall  
2258 annually conduct a programmatic and financial evaluation of each  
2259 center.

2260 Section 89. Section 383.21, Florida Statutes, is repealed.

2261 Section 90. Section 383.2161, Florida Statutes, is amended  
2262 to read:

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2263           383.2161 Maternal and child health report.—The Department  
 2264 of Health ~~annually~~ shall annually compile and analyze the risk  
 2265 information collected by the Office of Vital Statistics and the  
 2266 district prenatal and infant care coalitions and shall maintain  
 2267 county and statewide data on ~~prepare and submit to the~~  
 2268 ~~Legislature by January 2 a report that includes, but is not~~  
 2269 ~~limited to:~~

2270           (1) The number of families identified as families at  
 2271 potential risk;

2272           (2) The number of families receiving ~~that receive~~ family  
 2273 outreach services;

2274           (3) The increase in demand for services; and

2275           (4) The unmet need for services for identified target  
 2276 groups.

2277           Section 91. Subsection (4) of section 394.4573, Florida  
 2278 Statutes, is repealed.

2279           Section 92. Subsection (1) of section 394.4985, Florida  
 2280 Statutes, is amended to read:

2281           394.4985 Districtwide information and referral network;  
 2282 implementation.—

2283           (1) Each service district of the Department of Children and  
 2284 Family Services shall develop a detailed implementation plan for  
 2285 a districtwide comprehensive child and adolescent mental health  
 2286 information and referral network to be operational by July 1,  
 2287 1999. The plan must include an operating budget that  
 2288 demonstrates cost efficiencies and identifies funding sources  
 2289 for the district information and referral network. ~~The plan must~~  
 2290 ~~be submitted by the department to the Legislature by October 1,~~  
 2291 ~~1998.~~ The district shall use existing district information and

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2292 referral providers if, in the development of the plan, it is  
2293 concluded that these providers would deliver information and  
2294 referral services in a more efficient and effective manner when  
2295 compared to other alternatives. The district information and  
2296 referral network must include:

2297 (a) A resource file that contains information about the  
2298 child and adolescent mental health services as described in s.  
2299 394.495, including, but not limited to:

- 2300 1. Type of program;
- 2301 2. Hours of service;
- 2302 3. Ages of persons served;
- 2303 4. Program description;
- 2304 5. Eligibility requirements; and
- 2305 6. Fees.

2306 (b) Information about private providers and professionals  
2307 in the community who ~~which~~ serve children and adolescents with  
2308 an emotional disturbance.

2309 (c) A system to document requests for services which ~~that~~  
2310 are received through the network referral process, including,  
2311 but not limited to:

- 2312 1. Number of calls by type of service requested;
- 2313 2. Ages of the children and adolescents for whom services  
2314 are requested; and
- 2315 3. Type of referral made by the network.

2316 (d) The ability to share client information with the  
2317 appropriate community agencies.

2318 ~~(e) The submission of an annual report to the department,~~  
2319 ~~the Agency for Health Care Administration, and appropriate local~~  
2320 ~~government entities, which contains information about the~~



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2321 ~~sources and frequency of requests for information, types and~~  
2322 ~~frequency of services requested, and types and frequency of~~  
2323 ~~referrals made.~~

2324 Section 93. Section 394.75, Florida Statutes, is amended to  
2325 read:

2326 394.75 State and district substance abuse and mental health  
2327 plans.-

2328 ~~(1)(a) Every 3 years, beginning in 2001,~~ The department, in  
2329 consultation with the Medicaid program in the Agency for Health  
2330 Care Administration and the Florida Substance Abuse and Mental  
2331 Health Corporation, shall prepare a state ~~master~~ plan for the  
2332 delivery and financing of a system of publicly funded,  
2333 community-based substance abuse and mental health services  
2334 throughout the state. The state plan must include:

2335 ~~(b) The initial plan must include an assessment of the~~  
2336 ~~clinical practice guidelines and standards for community-based~~  
2337 ~~mental health and substance abuse services delivered by persons~~  
2338 ~~or agencies under contract with the Department of Children and~~  
2339 ~~Family Services. The assessment must include an inventory of~~  
2340 ~~current clinical guidelines and standards used by persons and~~  
2341 ~~agencies under contract with the department, and by nationally~~  
2342 ~~recognized accreditation organizations, to address the quality~~  
2343 ~~of care and must specify additional clinical practice standards~~  
2344 ~~and guidelines for new or existing services and programs.~~

2345 (a)(c) Proposed ~~The plan must propose~~ changes in department  
2346 policy or statutory revisions to strengthen the quality of  
2347 mental health and substance abuse treatment and support  
2348 services.

2349 (b)(d) ~~The plan must identify~~ Strategies for meeting the

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2350 treatment and support needs of children, adolescents, adults,  
2351 and older adults who have, or are at risk of having, mental,  
2352 emotional, or substance abuse problems as defined in this  
2353 chapter or chapter 397.

2354 (c)~~(e)~~ The plan must include Input from persons who  
2355 represent local communities; local government entities that  
2356 contribute funds to the local substance abuse and mental health  
2357 treatment systems; consumers of publicly funded substance abuse  
2358 and mental health services, and their families; and stakeholders  
2359 interested in mental health and substance abuse services. The  
2360 plan must describe the means by which this local input occurred.  
2361 ~~The plan shall be updated annually.~~

2362 ~~(f) The plan must include statewide policies and planning~~  
2363 ~~parameters that will be used by the health and human services~~  
2364 ~~boards in preparing the district substance abuse and mental~~  
2365 ~~health plans.~~

2366 ~~(g) The district plans shall be one component of the state~~  
2367 ~~master plan.~~

2368 ~~(2) The state master plan shall also include:~~

2369 ~~(a) A proposal for the development of a data system that~~  
2370 ~~will evaluate the effectiveness of programs and services~~  
2371 ~~provided to clients of the substance abuse and mental health~~  
2372 ~~service system.~~

2373 ~~(b) A proposal to resolve the funding discrepancies between~~  
2374 ~~districts.~~

2375 (d)~~(e)~~ A methodology for the allocation of resources  
2376 available from federal, state, and local sources and a  
2377 description of the current level of funding available from each  
2378 source.

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2379        (e)~~(d)~~ A description of the statewide priorities for  
2380 clients and services, and each district's priorities for clients  
2381 and services.

2382        ~~(e) Recommendations for methods of enhancing local  
2383 participation in the planning, organization, and financing of  
2384 substance abuse and mental health services.~~

2385        ~~(f) A description of the current methods of contracting for  
2386 services, an assessment of the efficiency of these methods in  
2387 providing accountability for contracted funds, and  
2388 recommendations for improvements to the system of contracting.~~

2389        (f)~~(g)~~ Recommendations for improving access to services by  
2390 clients and their families.

2391        ~~(h) Guidelines and formats for the development of district  
2392 plans.~~

2393        (g)~~(i)~~ Recommendations for future directions for the  
2394 substance abuse and mental health service delivery system.

2395        (2) A schedule, format, and procedure for development, and  
2396 review, and update of the ~~state master~~ plan shall be adopted by  
2397 the department ~~by June of each year~~. The plan and ~~annual~~ updates  
2398 shall ~~must~~ be submitted to the Governor and the Legislature  
2399 beginning February 10, 2010, and every 3rd year thereafter  
2400 ~~President of the Senate and the Speaker of the House of~~  
2401 ~~Representatives by January 1 of each year, beginning January 1,~~  
2402 ~~2001.~~

2403        (3) Each ~~The~~ district health and human services board shall  
2404 prepare an integrated district substance abuse and mental health  
2405 plan. The plan shall be prepared and updated on a schedule  
2406 established by the Assistant Secretary for Substance Abuse  
2407 ~~Alcohol, Drug Abuse, and Mental Health Program Office~~. The plan

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2408 shall reflect the needs and program priorities established by  
 2409 the department and the needs of the district established under  
 2410 ss. 394.674 and 394.675. The district plan must ~~list in order of~~  
 2411 ~~priority the mental health and the substance abuse treatment~~  
 2412 ~~needs of the district and must rank each program separately. The~~  
 2413 ~~plan shall include:~~

2414 ~~(a) A record of the total amount of money available in the~~  
 2415 ~~district for mental health and substance abuse services.~~

2416 ~~(b) A description of each service that will be purchased~~  
 2417 ~~with state funds.~~

2418 ~~(c) A record of the amount of money allocated for each~~  
 2419 ~~service identified in the plan as being purchased with state~~  
 2420 ~~funds.~~

2421 ~~(d) A record of the total funds allocated to each provider.~~

2422 ~~(e) A record of the total funds allocated to each provider~~  
 2423 ~~by type of service to be purchased with state funds.~~

2424 (a)(f) Include input from community-based persons,  
 2425 organizations, and agencies interested in substance abuse and  
 2426 mental health treatment services; local government entities that  
 2427 contribute funds to the public substance abuse and mental health  
 2428 treatment systems; and consumers of publicly funded substance  
 2429 abuse and mental health services, and their family members. The  
 2430 plan must describe the means by which this local input occurred.

2431  
 2432 ~~The plan shall be submitted by the district board to the~~  
 2433 ~~district administrator and to the governing bodies for review,~~  
 2434 ~~comment, and approval.~~

2435 ~~(4) The district plan shall:~~

2436 ~~(a) Describe the publicly funded, community-based substance~~

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2437 ~~abuse and mental health system of care, and identify statutorily~~  
 2438 ~~defined populations, their service needs, and the resources~~  
 2439 ~~available and required to meet their needs.~~

2440 ~~(b) Provide the means for meeting the needs of the~~  
 2441 ~~district's eligible clients, specified in ss. 394.674 and~~  
 2442 ~~394.675, for substance abuse and mental health services.~~

2443 (b)~~(e)~~ Provide a process for coordinating the delivery of  
 2444 services within a community-based system of care to eligible  
 2445 clients. The ~~Such~~ process must involve service providers,  
 2446 clients, and other stakeholders. The process must also provide a  
 2447 means by which providers will coordinate and cooperate to  
 2448 strengthen linkages, achieve maximum integration of services,  
 2449 foster efficiencies in service delivery and administration, and  
 2450 designate responsibility for outcomes for eligible clients.

2451 (c)~~(d)~~ Provide a projection of district program and fiscal  
 2452 needs for the next fiscal year, provide for the orderly and  
 2453 economical development of needed services, and indicate  
 2454 priorities and resources for each population served, performance  
 2455 outcomes, and anticipated expenditures and revenues.

2456 ~~(e) Include a summary budget request for the total district~~  
 2457 ~~substance abuse and mental health program, which must include~~  
 2458 ~~the funding priorities established by the district planning~~  
 2459 ~~process.~~

2460 ~~(f) Provide a basis for the district legislative budget~~  
 2461 ~~request.~~

2462 ~~(g) Include a policy and procedure for allocation of funds.~~

2463 ~~(h) Include a procedure for securing local matching funds.~~  
 2464 ~~Such a procedure shall be developed in consultation with~~  
 2465 ~~governing bodies and service providers.~~

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2466        (d)~~(i)~~ Provide for the integration of substance abuse and  
2467 mental health services with the other departmental programs and  
2468 with the criminal justice, juvenile justice, child protection,  
2469 school, and health care systems within the district.

2470        ~~(j) Provide a plan for the coordination of services in such~~  
2471 ~~manner as to ensure effectiveness and avoid duplication,~~  
2472 ~~fragmentation of services, and unnecessary expenditures.~~

2473        (e)~~(k)~~ Provide for continuity of client care between state  
2474 treatment facilities and community programs to ensure ~~assure~~  
2475 that discharge planning results in the rapid application for all  
2476 benefits for which a client is eligible, including Medicaid  
2477 coverage for persons leaving state treatment facilities and  
2478 returning to community-based programs.

2479        ~~(l) Provide for the most appropriate and economical use of~~  
2480 ~~all existing public and private agencies and personnel.~~

2481        ~~(m) Provide for the fullest possible and most appropriate~~  
2482 ~~participation by existing programs; state hospitals and other~~  
2483 ~~hospitals; city, county, and state health and family service~~  
2484 ~~agencies; drug abuse and alcoholism programs; probation~~  
2485 ~~departments; physicians; psychologists; social workers; marriage~~  
2486 ~~and family therapists; mental health counselors; clinical social~~  
2487 ~~workers; public health nurses; school systems; and all other~~  
2488 ~~public and private agencies and personnel that are required to,~~  
2489 ~~or may agree to, participate in the plan.~~

2490        ~~(n) Include an inventory of all public and private~~  
2491 ~~substance abuse and mental health resources within the district,~~  
2492 ~~including consumer advocacy groups and self-help groups known to~~  
2493 ~~the department.~~

2494        (4)~~(5)~~ The district plan must ~~shall~~ address how substance

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2495 abuse and mental health services will be provided and how a  
2496 system of care for target populations will be provided given the  
2497 resources available in the service district. The plan must  
2498 include provisions for providing the most appropriate and  
2499 current evidence-based services in a variety of settings for  
2500 persons who have substance abuse disorders and mental illnesses  
2501 ~~maximizing client access to the most recently developed~~  
2502 ~~psychiatric medications approved by the United States Food and~~  
2503 ~~Drug Administration, for developing independent housing units~~  
2504 ~~through participation in the Section 811 program operated by the~~  
2505 ~~United States Department of Housing and Urban Development, for~~  
2506 ~~developing supported employment services through the Division of~~  
2507 ~~Vocational Rehabilitation of the Department of Education, for~~  
2508 ~~providing treatment services to persons with co-occurring mental~~  
2509 ~~illness and substance abuse problems which are integrated across~~  
2510 ~~treatment systems, and for providing services to adults who have~~  
2511 ~~a serious mental illness, as defined in s. 394.67, and who~~  
2512 ~~reside in assisted living facilities.~~

2513 ~~(6) The district plan shall provide the means by which the~~  
2514 ~~needs of the population groups specified pursuant to s. 394.674~~  
2515 ~~will be addressed in the district.~~

2516 ~~(7) In developing the district plan, optimum use shall be~~  
2517 ~~made of any federal, state, and local funds that may be~~  
2518 ~~available for substance abuse and mental health service~~  
2519 ~~planning. However, the department must provide these services~~  
2520 ~~within legislative appropriations.~~

2521 ~~(8) The district health and human services board shall~~  
2522 ~~establish a subcommittee to prepare the portion of the district~~  
2523 ~~plan relating to children and adolescents. The subcommittee~~

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2524 ~~shall include representative membership of any committee~~  
2525 ~~organized or established by the district to review placement of~~  
2526 ~~children and adolescents in residential treatment programs. The~~  
2527 ~~board shall establish a subcommittee to prepare the portion of~~  
2528 ~~the district plan which relates to adult mental health and~~  
2529 ~~substance abuse. The subcommittee must include representatives~~  
2530 ~~from the community who have an interest in mental health and~~  
2531 ~~substance abuse treatment for adults.~~

2532 (5) ~~(9)~~ All departments of state government and all local  
2533 public agencies shall cooperate with officials to assist them in  
2534 service planning. Each ~~district administrator shall, upon~~  
2535 ~~request and the availability of staff, provide consultative~~  
2536 ~~services to the local agency directors and governing bodies.~~

2537 ~~(10) The district administrator shall ensure that the~~  
2538 ~~district plan:~~

2539 ~~(a) Conforms to the priorities in the state plan, the~~  
2540 ~~requirements of this part, and the standards adopted under this~~  
2541 ~~part;~~

2542 ~~(b) Ensures that the most effective and economical use will~~  
2543 ~~be made of available public and private substance abuse and~~  
2544 ~~mental health resources in the service district; and~~

2545 ~~(c) Has adequate provisions made for review and evaluation~~  
2546 ~~of the services provided in the service district.~~

2547 ~~(11) The district administrator shall require such~~  
2548 ~~modifications in the district plan as he or she deems necessary~~  
2549 ~~to bring the plan into conformance with the provisions of this~~  
2550 ~~part. If the district board and the district administrator~~  
2551 ~~cannot agree on the plan, including the projected budget, the~~  
2552 ~~issues under dispute shall be submitted directly to the~~



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2553 ~~secretary of the department for immediate resolution.~~

2554 ~~(12) Each governing body that provides local funds has the~~  
2555 ~~authority to require necessary modification to only that portion~~  
2556 ~~of the district plan which affects substance abuse and mental~~  
2557 ~~health programs and services within the jurisdiction of that~~  
2558 ~~governing body.~~

2559 ~~(13) The district administrator shall report annually to~~  
2560 ~~the district board the status of funding for priorities~~  
2561 ~~established in the district plan. Each report must include:~~

2562 ~~(a) A description of the district plan priorities that were~~  
2563 ~~included in the district legislative budget request.~~

2564 ~~(b) A description of the district plan priorities that were~~  
2565 ~~included in the departmental budget request.~~

2566 ~~(c) A description of the programs and services included in~~  
2567 ~~the district plan priorities that were appropriated funds by the~~  
2568 ~~Legislature in the legislative session that preceded the report.~~

2569 Section 94. Section 394.82, Florida Statutes, is repealed.

2570 Section 95. Subsection (9) of section 394.9082, Florida  
2571 Statutes, is repealed.

2572 Section 96. Section 394.9083, Florida Statutes, is  
2573 repealed.

2574 Section 97. Paragraph (c) of subsection (2) of section  
2575 395.807, Florida Statutes, is repealed.

2576 Section 98. Subsections (1) and (20) of section 397.321,  
2577 Florida Statutes, are repealed.

2578 Section 99. Subsection (3) of section 397.332, Florida  
2579 Statutes, is repealed.

2580 Section 100. Subsection (4) of section 397.333, Florida  
2581 Statutes, is amended to read:

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2582 397.333 Statewide Drug Policy Advisory Council.-

2583 (4) ~~(a)~~ The chairperson of the advisory council shall  
 2584 appoint workgroups that include members of state agencies that  
 2585 are not represented on the advisory council and shall solicit  
 2586 input and recommendations from those state agencies. ~~In~~  
 2587 ~~addition,~~ The chairperson may also appoint workgroups ~~as~~  
 2588 ~~necessary~~ from among the members of the advisory council in  
 2589 order to efficiently address specific issues. A representative  
 2590 of a state agency appointed to any workgroup shall be the head  
 2591 of the agency, ~~or his or her designee.~~ The chairperson may  
 2592 designate lead and contributing agencies within a workgroup.

2593 ~~(b) The advisory council shall submit a report to the~~  
 2594 ~~Governor, the President of the Senate, and the Speaker of the~~  
 2595 ~~House of Representatives by December 1 of each year which~~  
 2596 ~~contains a summary of the work of the council during that year~~  
 2597 ~~and the recommendations required under subsection (3). Interim~~  
 2598 ~~reports may be submitted at the discretion of the chairperson of~~  
 2599 ~~the advisory council.~~

2600 Section 101. Subsection (1) of section 397.94, Florida  
 2601 Statutes, is repealed.

2602 Section 102. Subsection (2) of section 400.148, Florida  
 2603 Statutes, is repealed.

2604 Section 103. Paragraph (a) of subsection (2) of section  
 2605 400.967, Florida Statutes, is amended to read:

2606 400.967 Rules and classification of deficiencies.-

2607 (2) Pursuant to the intention of the Legislature, the  
 2608 agency, in consultation with the Agency for Persons with  
 2609 Disabilities and the Department of Elderly Affairs, shall adopt  
 2610 and enforce rules to administer this part and part II of chapter

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2611 408, which shall include reasonable and fair criteria governing:

2612 (a) The location and construction of the facility;  
2613 including fire and life safety, plumbing, heating, cooling,  
2614 lighting, ventilation, and other housing conditions that ~~will~~  
2615 ensure the health, safety, and comfort of residents. The agency  
2616 shall establish standards for facilities and equipment to  
2617 increase the extent to which new facilities and a new wing or  
2618 floor added to an existing facility after July 1, 2000, are  
2619 structurally capable of serving as shelters only for residents,  
2620 staff, and families of residents and staff, and equipped to be  
2621 self-supporting during and immediately following disasters. ~~The~~  
2622 ~~Agency for Health Care Administration shall work with facilities~~  
2623 ~~licensed under this part and report to the Governor and the~~  
2624 ~~Legislature by April 1, 2000, its recommendations for cost-~~  
2625 ~~effective renovation standards to be applied to existing~~  
2626 ~~facilities. In making such rules, the agency shall be guided by~~  
2627 ~~criteria recommended by nationally recognized, reputable~~  
2628 ~~professional groups and associations having knowledge concerning~~  
2629 ~~such subject matters.~~ The agency shall update or revise the ~~such~~  
2630 criteria as the need arises. All facilities must comply with  
2631 those lifesafety code requirements and building code standards  
2632 applicable at the time of approval of their construction plans.  
2633 The agency may require alterations to a building if it  
2634 determines that an existing condition constitutes a distinct  
2635 hazard to life, health, or safety. The agency shall adopt fair  
2636 and reasonable rules setting forth conditions under which  
2637 existing facilities undergoing additions, alterations,  
2638 conversions, renovations, or repairs are required to comply with  
2639 the most recent updated or revised standards.

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2640 Section 104. Subsection (3) of section 402.3016, Florida  
2641 Statutes, is repealed.

2642 Section 105. Subsection (9) of section 402.40, Florida  
2643 Statutes, is repealed.

2644 Section 106. Subsection (1) of section 403.4131, Florida  
2645 Statutes, is amended to read:

2646 403.4131 Litter control.—

2647 (1) The Department of Transportation shall establish an  
2648 “adopt-a-highway” program to allow local organizations to be  
2649 identified with specific highway cleanup and highway  
2650 beautification projects authorized under s. 339.2405. ~~The~~  
2651 ~~department shall report to the Governor and the Legislature on~~  
2652 ~~the progress achieved and the savings incurred by the “adopt-a-~~  
2653 ~~highway” program.~~ The department shall also monitor ~~and report~~  
2654 ~~on~~ compliance with the provisions of the adopt-a-highway program  
2655 to ensure that organizations participating ~~that participate~~ in  
2656 the program comply with the goals identified by the department.

2657 Section 107. Paragraph (a) of subsection (4) of section  
2658 406.02, Florida Statutes, is repealed.

2659 Section 108. Paragraph (g) of subsection (1) of section  
2660 408.033, Florida Statutes, is amended to read:

2661 408.033 Local and state health planning.—

2662 (1) LOCAL HEALTH COUNCILS.—

2663 (g) Each local health council may ~~is authorized to~~ accept  
2664 and receive, in furtherance of its health planning functions,  
2665 funds, grants, and services from governmental agencies and from  
2666 private or civic sources and to perform studies related to local  
2667 health planning in exchange for such funds, grants, or services.  
2668 Each ~~local health~~ council shall, no later than January 30 of

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2669 each year, render an accounting of the receipt and disbursement  
2670 of such funds received by it to the Department of Health. ~~The~~  
2671 ~~department shall consolidate all such reports and submit such~~  
2672 ~~consolidated report to the Legislature no later than March 1 of~~  
2673 ~~each year.~~

2674 Section 109. Subsection (4) of section 408.914, Florida  
2675 Statutes, is repealed.

2676 Section 110. Paragraph (i) of subsection (3) of section  
2677 408.915, Florida Statutes, is repealed.

2678 Section 111. Section 408.917, Florida Statutes, is  
2679 repealed.

2680 Section 112. Paragraph (b) of subsection (7) of section  
2681 409.1451, Florida Statutes, is amended to read:

2682 409.1451 Independent living transition services.—

2683 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The  
2684 Secretary of Children and Family Services shall establish the  
2685 Independent Living Services Advisory Council for the purpose of  
2686 reviewing and making recommendations concerning the  
2687 implementation and operation of the independent living  
2688 transition services. This advisory council shall continue to  
2689 function as specified in this subsection until the Legislature  
2690 determines that the advisory council can no longer provide a  
2691 valuable contribution to the department's efforts to achieve the  
2692 goals of the independent living transition services.

2693 (b) The advisory council shall report to the secretary  
2694 ~~appropriate substantive committees of the Senate and the House~~  
2695 ~~of Representatives~~ on the status of the implementation of the  
2696 system of independent living transition services; efforts to  
2697 publicize the availability of aftercare support services, the

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2698 Road-to-Independence Program, and transitional support services;  
2699 the success of the services; problems identified;  
2700 recommendations for department or legislative action; and the  
2701 department's implementation of the recommendations contained in  
2702 the Independent Living Services Integration Workgroup Report  
2703 submitted to the appropriate Senate and the House substantive  
2704 committees of the Legislature by December 31, 2002. The  
2705 department shall submit a report by December 31 of each year to  
2706 the Governor and the Legislature ~~This advisory council report~~  
2707 ~~shall be submitted by December 31 of each year that the council~~  
2708 ~~is in existence and shall be accompanied by a report from the~~  
2709 ~~department~~ which includes a summary of the factors reported on  
2710 by the council and identifies the recommendations of the  
2711 advisory council and either describes the department's actions  
2712 to implement the ~~these~~ recommendations or provides the  
2713 department's rationale for not implementing the recommendations.

2714 Section 113. Section 409.146, Florida Statutes, is  
2715 repealed.

2716 Section 114. Section 409.152, Florida Statutes, is  
2717 repealed.

2718 Section 115. Subsections (1) and (2) of section 409.1679,  
2719 Florida Statutes, are repealed.

2720 Section 116. Section 409.1685, Florida Statutes, is amended  
2721 to read:

2722 409.1685 Children in foster care; annual report to  
2723 Legislature.—The Department of Children and Family Services  
2724 shall submit a written report to the Governor and ~~substantive~~  
2725 ~~committees~~ of the Legislature concerning the status of children  
2726 in foster care and ~~concerning~~ the judicial review mandated by

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2727 part X of chapter 39. The ~~This~~ report shall be submitted by May  
2728 ~~March~~ 1 of each year and must ~~shall~~ include the following  
2729 information for the prior calendar year:

2730 (1) The number of 6-month and annual judicial reviews  
2731 completed during that period.

2732 (2) The number of children in foster care returned to a  
2733 parent, guardian, or relative as a result of a 6-month or annual  
2734 judicial review hearing during that period.

2735 (3) The number of termination of parental rights  
2736 proceedings instituted during that period, including ~~which shall~~  
2737 ~~include~~:

2738 (a) The number of termination of parental rights  
2739 proceedings initiated pursuant to former s. 39.703; and

2740 (b) The total number of terminations of parental rights  
2741 ordered.

2742 (4) The number of foster care children placed for adoption  
2743 ~~during that period~~.

2744 Section 117. Paragraph (k) of subsection (4) of section  
2745 409.221, Florida Statutes, is repealed.

2746 Section 118. Paragraph (a) of subsection (3) of section  
2747 409.25575, Florida Statutes, is amended to read:

2748 409.25575 Support enforcement; privatization.—

2749 (3) (a) The department shall establish a quality assurance  
2750 program for the privatization of services. ~~The quality assurance~~  
2751 ~~program~~ must include standards for each specific component of  
2752 these services. The department shall establish minimum  
2753 thresholds for each component. Each program operated pursuant to  
2754 contract must be evaluated annually by the department or by an  
2755 objective competent entity designated by the department under

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2756 the provisions of the quality assurance program. The evaluation  
2757 must be financed from cost savings associated with the  
2758 privatization of services. ~~The department shall submit an annual~~  
2759 ~~report regarding quality performance, outcome measure~~  
2760 ~~attainment, and cost efficiency to the President of the Senate,~~  
2761 ~~the Speaker of the House of Representatives, the Minority leader~~  
2762 ~~of each house of the Legislature, and the Governor no later than~~  
2763 ~~January 31 of each year, beginning in 1999.~~ The quality  
2764 assurance program must be financed through administrative  
2765 savings generated by this act.

2766 Section 119. Subsection (9) of section 409.2558, Florida  
2767 Statutes, is amended to read:

2768 409.2558 Support distribution and disbursement.—

2769 (9) RULEMAKING AUTHORITY.—The department may adopt rules to  
2770 administer this section. ~~The department shall provide a draft of~~  
2771 ~~the proposed concepts for the rule for the undistributable~~  
2772 ~~collections to interested parties for review and recommendations~~  
2773 ~~prior to full development of the rule and initiating the formal~~  
2774 ~~rule-development process. The department shall consider but is~~  
2775 ~~not required to implement the recommendations. The department~~  
2776 ~~shall provide a report to the President of the Senate and the~~  
2777 ~~Speaker of the House of Representatives containing the~~  
2778 ~~recommendations received from interested parties and the~~  
2779 ~~department's response regarding incorporating the~~  
2780 ~~recommendations into the rule.~~

2781 Section 120. Subsection (3) of section 409.441, Florida  
2782 Statutes, is repealed.

2783 Section 121. Subsection (24) of section 409.906, Florida  
2784 Statutes, is amended to read:



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2785           409.906 Optional Medicaid services.—Subject to specific  
2786 appropriations, the agency may make payments for services which  
2787 are optional to the state under Title XIX of the Social Security  
2788 Act and are furnished by Medicaid providers to recipients who  
2789 are determined to be eligible on the dates on which the services  
2790 were provided. Any optional service that is provided shall be  
2791 provided only when medically necessary and in accordance with  
2792 state and federal law. Optional services rendered by providers  
2793 in mobile units to Medicaid recipients may be restricted or  
2794 prohibited by the agency. Nothing in this section shall be  
2795 construed to prevent or limit the agency from adjusting fees,  
2796 reimbursement rates, lengths of stay, number of visits, or  
2797 number of services, or making any other adjustments necessary to  
2798 comply with the availability of moneys and any limitations or  
2799 directions provided for in the General Appropriations Act or  
2800 chapter 216. If necessary to safeguard the state's systems of  
2801 providing services to elderly and disabled persons and subject  
2802 to the notice and review provisions of s. 216.177, the Governor  
2803 may direct the Agency for Health Care Administration to amend  
2804 the Medicaid state plan to delete the optional Medicaid service  
2805 known as "Intermediate Care Facilities for the Developmentally  
2806 Disabled." Optional services may include:

2807           (24) CHILD-WELFARE-TARGETED CASE MANAGEMENT.—The Agency for  
2808 Health Care Administration, in consultation with the Department  
2809 of Children and Family Services, may establish a targeted case-  
2810 management project in those counties identified by the  
2811 Department of Children and Family Services and for all counties  
2812 with a community-based child welfare project, as authorized  
2813 under s. 409.1671, which have been specifically approved by the

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2814 department. ~~Results of targeted case management projects shall~~  
2815 ~~be reported to the Social Services Estimating Conference~~  
2816 ~~established under s. 216.136.~~ The covered group of individuals  
2817 who are eligible to receive targeted case management include  
2818 children who are eligible for Medicaid; who are between the ages  
2819 of birth through 21; and who are under protective supervision or  
2820 postplacement supervision, under foster-care supervision, or in  
2821 shelter care or foster care. The number of individuals who are  
2822 eligible to receive targeted case management is ~~shall be~~ limited  
2823 to the number for whom the Department of Children and Family  
2824 Services has ~~available~~ matching funds to cover the costs. The  
2825 general revenue funds required to match the funds for services  
2826 provided by the community-based child welfare projects are  
2827 limited to funds available for services described under s.  
2828 409.1671. The Department of Children and Family Services may  
2829 transfer the general revenue matching funds as billed by the  
2830 Agency for Health Care Administration.

2831 Section 122. Paragraph (b) of subsection (4), subsections  
2832 (29) and (44), and paragraph (c) of subsection (49) of section  
2833 409.912, Florida Statutes, are amended to read:

2834 409.912 Cost-effective purchasing of health care.—The  
2835 agency shall purchase goods and services for Medicaid recipients  
2836 in the most cost-effective manner consistent with the delivery  
2837 of quality medical care. To ensure that medical services are  
2838 effectively utilized, the agency may, in any case, require a  
2839 confirmation or second physician's opinion of the correct  
2840 diagnosis for purposes of authorizing future services under the  
2841 Medicaid program. This section does not restrict access to  
2842 emergency services or poststabilization care services as defined

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2843 in 42 C.F.R. part 438.114. Such confirmation or second opinion  
2844 shall be rendered in a manner approved by the agency. The agency  
2845 shall maximize the use of prepaid per capita and prepaid  
2846 aggregate fixed-sum basis services when appropriate and other  
2847 alternative service delivery and reimbursement methodologies,  
2848 including competitive bidding pursuant to s. 287.057, designed  
2849 to facilitate the cost-effective purchase of a case-managed  
2850 continuum of care. The agency shall also require providers to  
2851 minimize the exposure of recipients to the need for acute  
2852 inpatient, custodial, and other institutional care and the  
2853 inappropriate or unnecessary use of high-cost services. The  
2854 agency shall contract with a vendor to monitor and evaluate the  
2855 clinical practice patterns of providers in order to identify  
2856 trends that are outside the normal practice patterns of a  
2857 provider's professional peers or the national guidelines of a  
2858 provider's professional association. The vendor must be able to  
2859 provide information and counseling to a provider whose practice  
2860 patterns are outside the norms, in consultation with the agency,  
2861 to improve patient care and reduce inappropriate utilization.  
2862 The agency may mandate prior authorization, drug therapy  
2863 management, or disease management participation for certain  
2864 populations of Medicaid beneficiaries, certain drug classes, or  
2865 particular drugs to prevent fraud, abuse, overuse, and possible  
2866 dangerous drug interactions. The Pharmaceutical and Therapeutics  
2867 Committee shall make recommendations to the agency on drugs for  
2868 which prior authorization is required. The agency shall inform  
2869 the Pharmaceutical and Therapeutics Committee of its decisions  
2870 regarding drugs subject to prior authorization. The agency is  
2871 authorized to limit the entities it contracts with or enrolls as

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2872 Medicaid providers by developing a provider network through  
 2873 provider credentialing. The agency may competitively bid single-  
 2874 source-provider contracts if procurement of goods or services  
 2875 results in demonstrated cost savings to the state without  
 2876 limiting access to care. The agency may limit its network based  
 2877 on the assessment of beneficiary access to care, provider  
 2878 availability, provider quality standards, time and distance  
 2879 standards for access to care, the cultural competence of the  
 2880 provider network, demographic characteristics of Medicaid  
 2881 beneficiaries, practice and provider-to-beneficiary standards,  
 2882 appointment wait times, beneficiary use of services, provider  
 2883 turnover, provider profiling, provider licensure history,  
 2884 previous program integrity investigations and findings, peer  
 2885 review, provider Medicaid policy and billing compliance records,  
 2886 clinical and medical record audits, and other factors. Providers  
 2887 shall not be entitled to enrollment in the Medicaid provider  
 2888 network. The agency shall determine instances in which allowing  
 2889 Medicaid beneficiaries to purchase durable medical equipment and  
 2890 other goods is less expensive to the Medicaid program than long-  
 2891 term rental of the equipment or goods. The agency may establish  
 2892 rules to facilitate purchases in lieu of long-term rentals in  
 2893 order to protect against fraud and abuse in the Medicaid program  
 2894 as defined in s. 409.913. The agency may seek federal waivers  
 2895 necessary to administer these policies.

2896 (4) The agency may contract with:

2897 (b) An entity that is providing comprehensive behavioral  
 2898 health care services to specified ~~certain~~ Medicaid recipients  
 2899 through a capitated, prepaid arrangement pursuant to the federal  
 2900 waiver in ~~provided for by~~ s. 409.905(5). The ~~Such an~~ entity must

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2901 be licensed under chapter 624, chapter 636, or chapter 641 and  
2902 must possess the clinical systems and operational competence to  
2903 manage risk and provide comprehensive behavioral health care to  
2904 Medicaid recipients. As used in this paragraph, the term  
2905 "comprehensive behavioral health care services" means covered  
2906 mental health and substance abuse treatment services that are  
2907 available to Medicaid recipients. The Secretary of ~~the~~  
2908 ~~Department of~~ Children and Family Services shall approve  
2909 ~~provisions of~~ procurements related to children in the  
2910 department's care or custody before ~~prior to~~ enrolling such  
2911 children in a prepaid behavioral health plan. A ~~Any~~ contract  
2912 awarded under this paragraph must be competitively procured. ~~In~~  
2913 ~~developing~~ The behavioral health care prepaid plan procurement  
2914 document must require, ~~the agency shall ensure that the~~  
2915 ~~procurement document requires~~ the contractor to develop and  
2916 implement a plan that ensures ~~to ensure~~ compliance with s.  
2917 394.4574 related to services provided to residents of licensed  
2918 assisted living facilities that hold a limited mental health  
2919 license. Except as provided in subparagraph 8., and except in  
2920 counties where the Medicaid managed care pilot program is  
2921 authorized pursuant to s. 409.91211, the agency shall seek  
2922 federal approval to contract with a single entity meeting the  
2923 ~~these~~ requirements to provide comprehensive behavioral health  
2924 care services to all Medicaid recipients not enrolled in a  
2925 Medicaid managed care plan authorized under s. 409.91211 or a  
2926 Medicaid health maintenance organization in an agency ~~AHCA~~ area.  
2927 In an agency ~~AHCA~~ area where the Medicaid managed care pilot  
2928 program is authorized pursuant to s. 409.91211 in one or more  
2929 counties, the agency may procure a contract with a single entity

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2930 to serve the remaining counties as an agency ~~AHCA~~ area or the  
 2931 remaining counties may be included with an adjacent agency ~~AHCA~~  
 2932 area and shall be subject to this paragraph. Each entity must  
 2933 offer sufficient choice of providers in its network to ensure  
 2934 recipient access to care and the opportunity to select a  
 2935 provider with whom the recipient is ~~they are~~ satisfied. The  
 2936 network must ~~shall~~ include all public mental health hospitals.  
 2937 To ensure unimpaired access to behavioral health care services  
 2938 by Medicaid recipients, all contracts issued pursuant to this  
 2939 paragraph must ~~shall~~ require 80 percent of the capitation paid  
 2940 to the managed care plan, including health maintenance  
 2941 organizations, to be expended for ~~the provision of~~ behavioral  
 2942 health care services. If ~~In the event~~ the managed care plan  
 2943 expends less than 80 percent ~~of the capitation paid pursuant to~~  
 2944 ~~this paragraph for the provision of behavioral health care~~  
 2945 ~~services~~, the difference must ~~shall~~ be returned to the agency.  
 2946 The agency shall provide the managed care plan with a  
 2947 certification letter indicating the amount of capitation paid  
 2948 during each calendar year for the provision of behavioral health  
 2949 care services pursuant to this section. The agency may reimburse  
 2950 for substance abuse treatment services on a fee-for-service  
 2951 basis until the agency finds that adequate funds are available  
 2952 for capitated, prepaid arrangements.

2953 1. ~~By January 1, 2001, the agency shall modify the~~  
 2954 ~~Contracts with the entities providing comprehensive inpatient~~  
 2955 ~~and outpatient mental health care services to Medicaid~~  
 2956 ~~recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk~~  
 2957 ~~Counties~~ must, ~~to~~ include substance abuse treatment services.

2958 2. ~~By July 1, 2003,~~ The agency and the Department of

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2959 Children and Family Services shall execute a written agreement  
2960 that requires collaboration and joint development of all policy,  
2961 budgets, procurement documents, contracts, and monitoring plans  
2962 that have an impact on the state and Medicaid community mental  
2963 health and targeted case management programs.

2964       3. Except as provided in subparagraph 8., ~~by July 1, 2006,~~  
2965 the agency and the Department of Children and Family Services  
2966 shall contract with managed care entities in each agency AHCA  
2967 area except area 6 or arrange to provide comprehensive inpatient  
2968 and outpatient mental health and substance abuse services  
2969 through capitated prepaid arrangements to all Medicaid  
2970 recipients who are eligible to participate in such plans under  
2971 federal law ~~and regulation~~. In agency AHCA areas where the  
2972 eligible population is fewer ~~individuals number less~~ than  
2973 150,000, the agency shall contract with a single managed care  
2974 plan to provide comprehensive behavioral health services to all  
2975 recipients who are not enrolled in a Medicaid health maintenance  
2976 organization or a Medicaid capitated managed care plan  
2977 authorized under s. 409.91211. The agency may contract with more  
2978 than one comprehensive behavioral health provider ~~to provide~~  
2979 ~~care to recipients who are not enrolled in a Medicaid capitated~~  
2980 ~~managed care plan authorized under s. 409.91211 or a Medicaid~~  
2981 ~~health maintenance organization~~ in agency AHCA areas where the  
2982 eligible population exceeds 150,000. In an agency AHCA area  
2983 where the Medicaid managed care pilot program is authorized  
2984 pursuant to s. 409.91211 in one or more counties, the agency may  
2985 procure a contract with a single entity to serve the remaining  
2986 counties as an agency AHCA area or the remaining counties may be  
2987 included with an adjacent agency AHCA area and shall be subject

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2988 to this paragraph. Contracts for comprehensive behavioral health  
2989 providers awarded pursuant to this section shall be  
2990 competitively procured. ~~Both~~ For-profit and not-for-profit  
2991 corporations are ~~shall be~~ eligible to compete. Managed care  
2992 plans contracting with the agency under subsection (3) shall  
2993 provide and receive payment for the same comprehensive  
2994 behavioral health benefits as provided in agency ~~AHCA~~ rules,  
2995 including handbooks incorporated by reference. In agency ~~AHCA~~  
2996 area 11, the agency shall contract with at least two  
2997 comprehensive behavioral health care providers to provide  
2998 behavioral health care to recipients in that area who are  
2999 enrolled in, or assigned to, the MediPass program. One of the  
3000 behavioral health care contracts must ~~shall~~ be with the existing  
3001 provider service network pilot project, as described in  
3002 paragraph (d), for the purpose of demonstrating the cost-  
3003 effectiveness of the provision of quality mental health services  
3004 through a public hospital-operated managed care model. Payment  
3005 must ~~shall~~ be at an agreed-upon capitated rate to ensure cost  
3006 savings. Of the recipients in area 11 who are assigned to  
3007 MediPass under ~~the provisions of~~ s. 409.9122(2)(k), a minimum of  
3008 50,000 must ~~of those MediPass-enrolled recipients shall~~ be  
3009 assigned to the existing provider service network in area 11 for  
3010 their behavioral care.

3011 ~~4. By October 1, 2003, the agency and the department shall~~  
3012 ~~submit a plan to the Governor, the President of the Senate, and~~  
3013 ~~the Speaker of the House of Representatives which provides for~~  
3014 ~~the full implementation of capitated prepaid behavioral health~~  
3015 ~~care in all areas of the state.~~

3016 ~~a. Implementation shall begin in 2003 in those AHCA areas~~



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3017 ~~of the state where the agency is able to establish sufficient~~  
3018 ~~capitation rates.~~

3019 4.b. If the agency determines that the proposed capitation  
3020 rate in an ~~any~~ area is insufficient to provide appropriate  
3021 services, the agency may adjust the capitation rate to ensure  
3022 that care is ~~will be~~ available. The agency and the department  
3023 may use existing general revenue to address any additional  
3024 required match but may not over-obligate existing funds on an  
3025 annualized basis.

3026 ~~e.~~ Subject to ~~any~~ limitations provided for in the General  
3027 Appropriations Act, the agency, in compliance with appropriate  
3028 federal authorization, shall develop policies and procedures  
3029 that allow for certification of local and state funds.

3030 5. Children residing in a statewide inpatient psychiatric  
3031 program, or in a Department of Juvenile Justice or a Department  
3032 of Children and Family Services residential program approved as  
3033 a Medicaid behavioral health overlay services provider may ~~shall~~  
3034 not be included in a behavioral health care prepaid health plan  
3035 or any other Medicaid managed care plan pursuant to this  
3036 paragraph.

3037 6. In converting to a prepaid system of delivery, the  
3038 agency ~~shall~~ in its procurement document shall require an entity  
3039 providing only comprehensive behavioral health care services to  
3040 prevent the displacement of indigent care patients by enrollees  
3041 in the Medicaid prepaid health plan providing behavioral health  
3042 care services from facilities receiving state funding to provide  
3043 indigent behavioral health care, to facilities licensed under  
3044 chapter 395 which do not receive state funding for indigent  
3045 behavioral health care, or reimburse the unsubsidized facility

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3046 for the cost of behavioral health care provided to the displaced  
3047 indigent care patient.

3048 7. Traditional community mental health providers under  
3049 contract with the Department of Children and Family Services  
3050 pursuant to part IV of chapter 394, child welfare providers  
3051 under contract with the Department of Children and Family  
3052 Services in areas 1 and 6, and inpatient mental health providers  
3053 licensed under ~~pursuant to~~ chapter 395 must be offered an  
3054 opportunity to accept or decline a contract to participate in  
3055 any provider network for prepaid behavioral health services.

3056 8. Beginning July 1, 2005, all Medicaid-eligible children,  
3057 except children in area 1 and children in Highlands County,  
3058 Hardee County, Polk County, or Manatee County of area 6, who are  
3059 open for child welfare services in the HomeSafeNet system, shall  
3060 be enrolled in MediPass or in Medicaid fee-for-service and shall  
3061 receive their behavioral health care services through a  
3062 specialty prepaid plan operated by community-based lead agencies  
3063 either through a single agency or formal agreements among  
3064 several agencies. The specialty prepaid plan must result in  
3065 savings to the state comparable to savings achieved in other  
3066 Medicaid managed care and prepaid programs. ~~The Such~~ plan must  
3067 provide mechanisms to maximize state and local revenues. The  
3068 agency and the Department of Children and Family Services  
3069 ~~specialty prepaid plan shall develop the specialty prepaid plan~~  
3070 ~~be developed by the agency and the Department of Children and~~  
3071 ~~Family Services.~~ The agency may ~~is authorized to~~ seek any  
3072 federal waivers to implement this initiative. Medicaid-eligible  
3073 children whose cases are open for child welfare services in the  
3074 HomeSafeNet system and who reside in agency AHCA area 10 are

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3075 exempt from the specialty prepaid plan upon the development of a  
3076 service delivery mechanism for children who reside in area 10 as  
3077 specified in s. 409.91211(3) (dd).

3078 (29) The agency shall perform enrollments and  
3079 disenrollments for Medicaid recipients who are eligible for  
3080 MediPass or managed care plans. Notwithstanding the prohibition  
3081 contained in paragraph (21) (f), managed care plans may perform  
3082 preenrollments of Medicaid recipients under the supervision of  
3083 the agency or its agents. For the purposes of this section, the  
3084 term "preenrollment" means the provision of marketing and  
3085 educational materials to a Medicaid recipient and assistance in  
3086 completing the application forms, but does ~~shall~~ not include  
3087 actual enrollment into a managed care plan. An application for  
3088 enrollment may ~~shall~~ not be deemed complete until the agency or  
3089 its agent verifies that the recipient made an informed,  
3090 voluntary choice. The agency, in cooperation with the Department  
3091 of Children and Family Services, may test new marketing  
3092 initiatives to inform Medicaid recipients about their managed  
3093 care options at selected sites. ~~The agency shall report to the~~  
3094 ~~Legislature on the effectiveness of such initiatives.~~ The agency  
3095 may contract with a third party to perform managed care plan and  
3096 MediPass enrollment and disenrollment services for Medicaid  
3097 recipients and may ~~is authorized to~~ adopt rules to administer  
3098 ~~implement~~ such services. The agency may adjust the capitation  
3099 rate only to cover the costs of a third-party enrollment and  
3100 disenrollment contract, and for agency supervision and  
3101 management of the managed care plan enrollment and disenrollment  
3102 contract.

3103 (44) The Agency for Health Care Administration shall ensure

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3104 that any Medicaid managed care plan as defined in s.  
3105 409.9122(2)(f), whether paid on a capitated basis or a shared  
3106 savings basis, is cost-effective. For purposes of this  
3107 subsection, the term "cost-effective" means that a network's  
3108 per-member, per-month costs to the state, including, but not  
3109 limited to, fee-for-service costs, administrative costs, and  
3110 case-management fees, if any, must be no greater than the  
3111 state's costs associated with contracts for Medicaid services  
3112 established under subsection (3), which may be adjusted for  
3113 health status. The agency shall conduct actuarially sound  
3114 adjustments for health status in order to ensure such cost-  
3115 effectiveness and shall annually publish the results on its  
3116 Internet website ~~and submit the results annually to the~~  
3117 ~~Governor, the President of the Senate, and the Speaker of the~~  
3118 ~~House of Representatives no later than December 31 of each year.~~  
3119 Contracts established pursuant to this subsection which are not  
3120 cost-effective may not be renewed.

3121 (49) The agency shall contract with established minority  
3122 physician networks that provide services to historically  
3123 underserved minority patients. The networks must provide cost-  
3124 effective Medicaid services, comply with the requirements to be  
3125 a MediPass provider, and provide their primary care physicians  
3126 with access to data and other management tools necessary to  
3127 assist them in ensuring the appropriate use of services,  
3128 including inpatient hospital services and pharmaceuticals.

3129 (c) For purposes of this subsection, the term "cost-  
3130 effective" means that a network's per-member, per-month costs to  
3131 the state, including, but not limited to, fee-for-service costs,  
3132 administrative costs, and case-management fees, if any, must be

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3133 no greater than the state's costs associated with contracts for  
3134 Medicaid services established under subsection (3), which shall  
3135 be actuarially adjusted for case mix, model, and service area.  
3136 The agency shall conduct actuarially sound audits adjusted for  
3137 case mix and model in order to ensure such cost-effectiveness  
3138 and shall annually publish the audit results on its Internet  
3139 website ~~and submit the audit results annually to the Governor,~~  
3140 ~~the President of the Senate, and the Speaker of the House of~~  
3141 ~~Representatives no later than December 31.~~ Contracts established  
3142 pursuant to this subsection which are not cost-effective may not  
3143 be renewed.

3144 Section 123. Section 410.0245, Florida Statutes, is  
3145 repealed.

3146 Section 124. Subsection (10) of section 410.604, Florida  
3147 Statutes, is repealed.

3148 Section 125. Paragraph (d) of subsection (5) of section  
3149 411.0102, Florida Statutes, is amended to read:

3150 411.0102 Child Care Executive Partnership Act; findings and  
3151 intent; grant; limitation; rules.-

3152 (5)

3153 (d) Each early learning coalition shall ~~be required to~~  
3154 establish a community child care task force for each child care  
3155 purchasing pool. The task force must be composed of employers,  
3156 parents, private child care providers, and one representative  
3157 from the local children's services council, if one exists in the  
3158 area of the purchasing pool. The early learning coalition is  
3159 expected to recruit the task force members from existing child  
3160 care councils, commissions, or task forces already operating in  
3161 the area of a purchasing pool. A majority of the task force

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3162 shall consist of employers. ~~Each task force shall develop a plan~~  
3163 ~~for the use of child care purchasing pool funds. The plan must~~  
3164 ~~show how many children will be served by the purchasing pool,~~  
3165 ~~how many will be new to receiving child care services, and how~~  
3166 ~~the early learning coalition intends to attract new employers~~  
3167 ~~and their employees to the program.~~

3168 Section 126. Section 411.221, Florida Statutes, is  
3169 repealed.

3170 Section 127. Section 411.242, Florida Statutes, is  
3171 repealed.

3172 Section 128. Subsection (3) of section 414.1251, Florida  
3173 Statutes, is repealed.

3174 Section 129. Section 414.14, Florida Statutes, is amended  
3175 to read:

3176 414.14 Public assistance policy simplification.—To the  
3177 extent possible, the department shall align the requirements for  
3178 eligibility under this chapter with the food stamp program and  
3179 medical assistance eligibility policies and procedures to  
3180 simplify the budgeting process and reduce errors. If the  
3181 department determines that s. 414.075, relating to resources, or  
3182 s. 414.085, relating to income, is inconsistent with ~~related~~  
3183 ~~provisions of federal law governing which govern~~ the food stamp  
3184 program or medical assistance, and that conformance to federal  
3185 law would simplify administration of the WAGES Program or reduce  
3186 errors without materially increasing the cost of the program to  
3187 the state, the secretary of the department may propose a change  
3188 in the resource or income requirements of the program by rule.  
3189 ~~The secretary shall provide written notice to the President of~~  
3190 ~~the Senate, the Speaker of the House of Representatives, and the~~

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3191 ~~chairpersons of the relevant committees of both houses of the~~  
 3192 ~~Legislature summarizing the proposed modifications to be made by~~  
 3193 ~~rule and changes necessary to conform state law to federal law.~~  
 3194 ~~The proposed rule shall take effect 14 days after written notice~~  
 3195 ~~is given unless the President of the Senate or the Speaker of~~  
 3196 ~~the House of Representatives advises the secretary that the~~  
 3197 ~~proposed rule exceeds the delegated authority of the~~  
 3198 ~~Legislature.~~

3199       Section 130. Subsection (1) of section 414.36, Florida  
 3200 Statutes, is repealed.

3201       Section 131. Subsection (3) of section 414.391, Florida  
 3202 Statutes, is repealed.

3203       Section 132. Subsection (6) of section 415.1045, Florida  
 3204 Statutes, is amended to read:

3205       415.1045 Photographs, videotapes, and medical examinations;  
 3206 abrogation of privileged communications; confidential records  
 3207 and documents.—

3208       (6) WORKING AGREEMENTS. ~~By March 1, 2004,~~ The department  
 3209 shall enter into working agreements with the jurisdictionally  
 3210 responsible county sheriff's ~~sheriffs'~~ office or local police  
 3211 department that will be the lead agency for ~~when~~ conducting any  
 3212 criminal investigation arising from an allegation of abuse,  
 3213 neglect, or exploitation of a vulnerable adult. The working  
 3214 agreement must specify how the requirements of this chapter will  
 3215 be met. ~~The Office of Program Policy Analysis and Government~~  
 3216 ~~Accountability shall conduct a review of the efficacy of the~~  
 3217 ~~agreements and report its findings to the Legislature by March~~  
 3218 ~~1, 2005.~~ For the purposes of such agreement, the  
 3219 jurisdictionally responsible law enforcement entity may ~~is~~

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3220 ~~authorized to~~ share Florida criminal history and local criminal  
3221 history information that is not otherwise exempt from s.  
3222 119.07(1) with the district personnel. A law enforcement entity  
3223 entering into such agreement must comply with s. 943.0525.  
3224 Criminal justice information provided by the ~~such~~ law  
3225 enforcement entity may ~~shall~~ be used only for the purposes  
3226 specified in the agreement and shall be provided at no charge.  
3227 Notwithstanding any other provision of law, the Department of  
3228 Law Enforcement shall provide to the department electronic  
3229 access to Florida criminal justice information that ~~which~~ is  
3230 lawfully available and not exempt from s. 119.07(1), only for  
3231 the purpose of protective investigations and emergency  
3232 placement. As a condition of access to the ~~such~~ information, the  
3233 department shall ~~be required to~~ execute an appropriate user  
3234 agreement addressing the access, use, dissemination, and  
3235 destruction of such information and ~~to~~ comply with all  
3236 applicable laws and rules of the Department of Law Enforcement.

3237 Section 133. Paragraph (a) of subsection (5) of section  
3238 415.111, Florida Statutes, is amended to read:

3239 415.111 Criminal penalties.—

3240 (5) A person who knowingly and willfully makes a false  
3241 report of abuse, neglect, or exploitation of a vulnerable adult,  
3242 or a person who advises another to make a false report, commits  
3243 a felony of the third degree, punishable as provided in s.  
3244 775.082 or s. 775.083.

3245 (a) The department shall establish procedures for  
3246 determining whether a false report of abuse, neglect, or  
3247 exploitation of a vulnerable adult has been made and for  
3248 submitting all identifying information relating to such a false



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3249 report to the local law enforcement agency as provided in this  
3250 subsection ~~and shall report annually to the Legislature the~~  
3251 ~~number of reports referred.~~

3252 Section 134. Subsection (9) of section 420.622, Florida  
3253 Statutes, is amended to read:

3254 420.622 State Office on Homelessness; Council on  
3255 Homelessness.—

3256 (9) The council shall, by December 31 of each year, provide  
3257 ~~issue~~ to the Governor, the Legislature ~~President of the Senate,~~  
3258 ~~the Speaker of the House of Representatives,~~ and the Secretary  
3259 of Children and Family Services ~~an evaluation of the executive~~  
3260 ~~director's performance in fulfilling the statutory duties of the~~  
3261 ~~office,~~ a report summarizing the extent of homelessness in the  
3262 state and the council's recommendations to the office and the  
3263 ~~corresponding actions taken by the office,~~ and any  
3264 ~~recommendations to the Legislature for~~ reducing proposals to  
3265 ~~reduce~~ homelessness in this state.

3266 Section 135. Subsection (4) of section 420.623, Florida  
3267 Statutes, is repealed.

3268 Section 136. Subsection (9) of section 427.704, Florida  
3269 Statutes, is amended to read:

3270 427.704 Powers and duties of the commission.—

3271 (9) The commission shall prepare ~~provide to the President~~  
3272 ~~of the Senate and to the Speaker of the House of Representatives~~  
3273 an annual report on the operation of the telecommunications  
3274 access system which shall be available on the commission's  
3275 Internet website. ~~The first report shall be provided no later~~  
3276 ~~than January 1, 1992, and successive reports shall be provided~~  
3277 ~~by January 1 of each year thereafter.~~ Reports must shall be

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3278 prepared in consultation with the administrator and the advisory  
3279 committee appointed pursuant to s. 427.706. The reports must  
3280 ~~shall~~, at a minimum, briefly outline the status of developments  
3281 in ~~of~~ the telecommunications access system, the number of  
3282 persons served, the call volume, revenues and expenditures, the  
3283 allocation of the revenues and expenditures between provision of  
3284 specialized telecommunications devices to individuals and  
3285 operation of statewide relay service, other major policy or  
3286 operational issues, and proposals for improvements or changes to  
3287 the telecommunications access system.

3288 Section 137. Subsection (2) of section 427.706, Florida  
3289 Statutes, is amended to read:

3290 427.706 Advisory committee.—

3291 (2) The advisory committee shall provide the expertise,  
3292 experience, and perspective of persons who are hearing impaired  
3293 or speech impaired to the commission and to the administrator  
3294 during all phases of the development and operation of the  
3295 telecommunications access system. The advisory committee shall  
3296 advise the commission and the administrator on ~~any matter~~  
3297 ~~relating to~~ the quality and cost-effectiveness of the  
3298 telecommunications relay service and the specialized  
3299 telecommunications devices distribution system. The advisory  
3300 committee may submit material for inclusion in the annual report  
3301 prepared pursuant to s. 427.704 ~~to the President of the Senate~~  
3302 ~~and the Speaker of the House of Representatives.~~

3303 Section 138. Paragraph (b) of subsection (3) of section  
3304 429.07, Florida Statutes, is amended to read:

3305 429.07 License required; fee.—

3306 (3) In addition to the requirements of s. 408.806, each

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3307 license granted by the agency must state the type of care for  
3308 which the license is granted. Licenses shall be issued for one  
3309 or more of the following categories of care: standard, extended  
3310 congregate care, limited nursing services, or limited mental  
3311 health.

3312 (b) An extended congregate care license shall be issued to  
3313 facilities providing, directly or through contract, services  
3314 beyond those authorized in paragraph (a), including services  
3315 performed by persons licensed under ~~acts performed pursuant to~~  
3316 ~~part I of chapter 464 by persons licensed thereunder,~~ and  
3317 supportive services, as defined by rule, to persons who would  
3318 otherwise ~~would~~ be disqualified from continued residence in a  
3319 facility licensed under this part.

3320 1. In order for extended congregate care services to be  
3321 provided ~~in a facility licensed under this part,~~ the agency must  
3322 first determine that all requirements established in law and  
3323 rule are met and must specifically designate, on the facility's  
3324 license, that such services may be provided and whether the  
3325 designation applies to all or part of the ~~a~~ facility. Such  
3326 designation may be made at the time of initial licensure or  
3327 relicensure, or upon request in writing by a licensee under this  
3328 part and part II of chapter 408. The notification of approval or  
3329 the denial of the ~~such~~ request shall be made in accordance with  
3330 part II of chapter 408. Existing facilities qualifying to  
3331 provide extended congregate care services must have maintained a  
3332 standard license and may not have been subject to administrative  
3333 sanctions during the previous 2 years, or since initial  
3334 licensure if the facility has been licensed for less than 2  
3335 years, for any of the following reasons:

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- 3336 a. A class I or class II violation;
- 3337 b. Three or more repeat or recurring class III violations  
 3338 of identical or similar resident care standards ~~as specified in~~  
 3339 ~~rule~~ from which a pattern of noncompliance is found by the  
 3340 agency;
- 3341 c. Three or more class III violations that were not  
 3342 corrected in accordance with the corrective action plan approved  
 3343 by the agency;
- 3344 d. Violation of resident care standards which results in  
 3345 requiring the facility ~~resulting in a requirement~~ to employ the  
 3346 services of a consultant pharmacist or consultant dietitian;
- 3347 e. Denial, suspension, or revocation of a license for  
 3348 another facility licensed under this part in which the applicant  
 3349 for an extended congregate care license has at least 25 percent  
 3350 ownership interest; or
- 3351 f. Imposition of a moratorium pursuant to this part or part  
 3352 II of chapter 408 or initiation of injunctive proceedings.
- 3353 2. A facility that is ~~Facilities that are~~ licensed to  
 3354 provide extended congregate care services shall maintain a  
 3355 written progress report on each person who receives ~~such~~  
 3356 ~~services,~~ which ~~report~~ describes the type, amount, duration,  
 3357 scope, and outcome of services that are rendered and the general  
 3358 status of the resident's health. A registered nurse, or  
 3359 appropriate designee, representing the agency shall visit the  
 3360 facility ~~such facilities~~ at least quarterly to monitor residents  
 3361 who are receiving extended congregate care services and to  
 3362 determine if the facility is in compliance with this part, part  
 3363 II of chapter 408, and relevant rules ~~that relate to extended~~  
 3364 ~~congregate care~~. One of the ~~these~~ visits may be in conjunction

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3365 with the regular survey. The monitoring visits may be provided  
3366 through contractual arrangements with appropriate community  
3367 agencies. A registered nurse shall serve as part of the team  
3368 that inspects the ~~such~~ facility. The agency may waive one of the  
3369 required yearly monitoring visits for a facility that has been  
3370 licensed for at least 24 months to provide extended congregate  
3371 care services, if, during the inspection, the registered nurse  
3372 determines that extended congregate care services are being  
3373 provided appropriately, and if the facility has no class I or  
3374 class II violations and no uncorrected class III violations.  
3375 ~~Before such decision is made,~~ The agency must first ~~shall~~  
3376 consult with the long-term care ombudsman council for the area  
3377 in which the facility is located to determine if any complaints  
3378 have been made and substantiated about the quality of services  
3379 or care. The agency may not waive one of the required yearly  
3380 monitoring visits if complaints have been made and  
3381 substantiated.

3382 3. A facility ~~Facilities~~ that is ~~are~~ licensed to provide  
3383 extended congregate care services must ~~shall~~:

3384 a. Demonstrate the capability to meet unanticipated  
3385 resident service needs.

3386 b. Offer a physical environment that promotes a homelike  
3387 setting, provides for resident privacy, promotes resident  
3388 independence, and allows sufficient congregate space as defined  
3389 by rule.

3390 c. Have sufficient staff available, taking into account the  
3391 physical plant and firesafety features of the building, to  
3392 assist with the evacuation of residents in an emergency, ~~as~~  
3393 necessary.

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3394 d. Adopt and follow policies and procedures that maximize  
 3395 resident independence, dignity, choice, and decisionmaking to  
 3396 permit residents to age in place ~~to the extent possible~~, so that  
 3397 moves due to changes in functional status are minimized or  
 3398 avoided.

3399 e. Allow residents or, if applicable, a resident's  
 3400 representative, designee, surrogate, guardian, or attorney in  
 3401 fact to make a variety of personal choices, participate in  
 3402 developing service plans, and share responsibility in  
 3403 decisionmaking.

3404 f. Implement the concept of managed risk.

3405 g. Provide, ~~either~~ directly or through contract, the  
 3406 services of a person licensed under ~~pursuant to~~ part I of  
 3407 chapter 464.

3408 h. In addition to the training mandated in s. 429.52,  
 3409 provide specialized training as defined by rule for facility  
 3410 staff.

3411 4. A facility that is ~~Facilities~~ licensed to provide  
 3412 extended congregate care services is ~~are~~ exempt from the  
 3413 criteria for continued residency ~~as~~ set forth in rules adopted  
 3414 under s. 429.41. A licensed facility must ~~Facilities so licensed~~  
 3415 ~~shall~~ adopt its ~~their~~ own requirements within guidelines for  
 3416 continued residency set forth by rule. However, the facility  
 3417 ~~such facilities~~ may not serve residents who require 24-hour  
 3418 nursing supervision. A licensed facility that provides  
 3419 ~~Facilities licensed to provide~~ extended congregate care services  
 3420 must also shall provide each resident with a written copy of  
 3421 facility policies governing admission and retention.

3422 5. The primary purpose of extended congregate care services

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3423 is to allow residents, as they become more impaired, the option  
3424 of remaining in a familiar setting from which they would  
3425 otherwise be disqualified for continued residency. A facility  
3426 licensed to provide extended congregate care services may also  
3427 admit an individual who exceeds the admission criteria for a  
3428 facility with a standard license, if the individual is  
3429 determined appropriate for admission to the extended congregate  
3430 care facility.

3431 6. Before the admission of an individual to a facility  
3432 licensed to provide extended congregate care services, the  
3433 individual must undergo a medical examination as provided in s.  
3434 429.26(4) and the facility must develop a preliminary service  
3435 plan for the individual.

3436 7. When a facility can no longer provide or arrange for  
3437 services in accordance with the resident's service plan and  
3438 needs and the facility's policy, the facility shall make  
3439 arrangements for relocating the person in accordance with s.  
3440 429.28(1)(k).

3441 8. Failure to provide extended congregate care services may  
3442 result in denial of extended congregate care license renewal.

3443 ~~9. No later than January 1 of each year, the department, in~~  
3444 ~~consultation with the agency, shall prepare and submit to the~~  
3445 ~~Governor, the President of the Senate, the Speaker of the House~~  
3446 ~~of Representatives, and the chairs of appropriate legislative~~  
3447 ~~committees, a report on the status of, and recommendations~~  
3448 ~~related to, extended congregate care services. The status report~~  
3449 ~~must include, but need not be limited to, the following~~  
3450 ~~information:~~

3451 a. ~~A description of the facilities licensed to provide such~~

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3452 ~~services, including total number of beds licensed under this~~  
3453 ~~part.~~

3454 ~~b. The number and characteristics of residents receiving~~  
3455 ~~such services.~~

3456 ~~e. The types of services rendered that could not be~~  
3457 ~~provided through a standard license.~~

3458 ~~d. An analysis of deficiencies cited during licensure~~  
3459 ~~inspections.~~

3460 ~~e. The number of residents who required extended congregate~~  
3461 ~~care services at admission and the source of admission.~~

3462 ~~f. Recommendations for statutory or regulatory changes.~~

3463 ~~g. The availability of extended congregate care to state~~  
3464 ~~clients residing in facilities licensed under this part and in~~  
3465 ~~need of additional services, and recommendations for~~  
3466 ~~appropriations to subsidize extended congregate care services~~  
3467 ~~for such persons.~~

3468 ~~h. Such other information as the department considers~~  
3469 ~~appropriate.~~

3470 Section 139. Subsection (2) of section 429.08, Florida  
3471 Statutes, is repealed.

3472 Section 140. Subsection (5) of section 429.41, Florida  
3473 Statutes, is amended to read:

3474 429.41 Rules establishing standards.—

3475 (5) The agency may use an abbreviated biennial standard  
3476 licensure inspection that consists of a review of key quality-  
3477 of-care standards in lieu of a full inspection in a facility  
3478 that has facilities which have a good record of past  
3479 performance. However, a full inspection must ~~shall~~ be conducted  
3480 in a facility that has facilities which have had a history of



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3481 class I or class II violations, uncorrected class III  
3482 violations, confirmed ombudsman council complaints, or confirmed  
3483 licensure complaints, within the previous licensure period  
3484 immediately preceding the inspection or if ~~when~~ a potentially  
3485 serious problem is identified during the abbreviated inspection.  
3486 The agency, in consultation with the department, shall develop  
3487 the key quality-of-care standards with input from the State  
3488 Long-Term Care Ombudsman Council and representatives of provider  
3489 groups for incorporation into its rules. ~~The department, in~~  
3490 ~~consultation with the agency, shall report annually to the~~  
3491 ~~Legislature concerning its implementation of this subsection.~~  
3492 ~~The report shall include, at a minimum, the key quality-of-care~~  
3493 ~~standards which have been developed; the number of facilities~~  
3494 ~~identified as being eligible for the abbreviated inspection; the~~  
3495 ~~number of facilities which have received the abbreviated~~  
3496 ~~inspection and, of those, the number that were converted to full~~  
3497 ~~inspection; the number and type of subsequent complaints~~  
3498 ~~received by the agency or department on facilities which have~~  
3499 ~~had abbreviated inspections; any recommendations for~~  
3500 ~~modification to this subsection; any plans by the agency to~~  
3501 ~~modify its implementation of this subsection; and any other~~  
3502 ~~information which the department believes should be reported.~~

3503 Section 141. Subsections (3) through (17) of section  
3504 430.04, Florida Statutes, are amended to read:

3505 430.04 Duties and responsibilities of the Department of  
3506 Elderly Affairs.—The Department of Elderly Affairs shall:

3507 ~~(3) Prepare and submit to the Governor, each Cabinet~~  
3508 ~~member, the President of the Senate, the Speaker of the House of~~  
3509 ~~Representatives, the minority leaders of the House and Senate,~~

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3510 ~~and chairpersons of appropriate House and Senate committees a~~  
3511 ~~master plan for policies and programs in the state related to~~  
3512 ~~aging. The plan must identify and assess the needs of the~~  
3513 ~~elderly population in the areas of housing, employment,~~  
3514 ~~education and training, medical care, long-term care, preventive~~  
3515 ~~care, protective services, social services, mental health,~~  
3516 ~~transportation, and long-term care insurance, and other areas~~  
3517 ~~considered appropriate by the department. The plan must assess~~  
3518 ~~the needs of particular subgroups of the population and evaluate~~  
3519 ~~the capacity of existing programs, both public and private and~~  
3520 ~~in state and local agencies, to respond effectively to~~  
3521 ~~identified needs. If the plan recommends the transfer of any~~  
3522 ~~program or service from the Department of Children and Family~~  
3523 ~~Services to another state department, the plan must also include~~  
3524 ~~recommendations that provide for an independent third-party~~  
3525 ~~mechanism, as currently exists in the Florida advocacy councils~~  
3526 ~~established in ss. 402.165 and 402.166, for protecting the~~  
3527 ~~constitutional and human rights of recipients of departmental~~  
3528 ~~services. The plan must include policy goals and program~~  
3529 ~~strategies designed to respond efficiently to current and~~  
3530 ~~projected needs. The plan must also include policy goals and~~  
3531 ~~program strategies to promote intergenerational relationships~~  
3532 ~~and activities. Public hearings and other appropriate processes~~  
3533 ~~shall be utilized by the department to solicit input for the~~  
3534 ~~development and updating of the master plan from parties~~  
3535 ~~including, but not limited to, the following:~~  
3536 ~~(a) Elderly citizens and their families and caregivers.~~  
3537 ~~(b) Local-level public and private service providers,~~  
3538 ~~advocacy organizations, and other organizations relating to the~~

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3539 elderly.

3540 ~~(c) Local governments.~~

3541 ~~(d) All state agencies that provide services to the~~  
 3542 ~~elderly.~~

3543 ~~(e) University centers on aging.~~

3544 ~~(f) Area agency on aging and community care for the elderly~~  
 3545 ~~lead agencies.~~

3546 (3)~~(4)~~ Serve as an information clearinghouse at the state  
 3547 level, and assist local-level information and referral resources  
 3548 as a repository and means for the dissemination of information  
 3549 regarding all federal, state, and local resources for assistance  
 3550 to the elderly in the areas of, but not limited to, health,  
 3551 social welfare, long-term care, protective services, consumer  
 3552 protection, education and training, housing, employment,  
 3553 recreation, transportation, insurance, and retirement.

3554 (4)~~(5)~~ Recommend guidelines for the development of roles  
 3555 for state agencies that provide services for the aging, review  
 3556 plans of agencies that provide such services, and relay the  
 3557 ~~these plans to the Governor and the Legislature, each Cabinet~~  
 3558 ~~member, the President of the Senate, the Speaker of the House of~~  
 3559 ~~Representatives, the minority leaders of the House and Senate,~~  
 3560 ~~and chairpersons of appropriate House and Senate committees.~~

3561 (5)~~(6)~~ Recommend to the Governor and the Legislature,~~each~~  
 3562 ~~Cabinet member, the President of the Senate, the Speaker of the~~  
 3563 ~~House of Representatives, the minority leaders of the House and~~  
 3564 ~~Senate, and chairpersons of appropriate House and Senate~~  
 3565 ~~committees~~ an organizational framework for the planning,  
 3566 coordination, implementation, and evaluation of programs related  
 3567 to aging, with the purpose of expanding and improving programs

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3568 and opportunities available to the state's elderly population  
3569 and enhancing a continuum of long-term care. This framework must  
3570 ensure ~~assure~~ that:

3571 (a) Performance objectives are established.

3572 (b) Program reviews are conducted statewide.

3573 (c) Each major program related to aging is reviewed every 3  
3574 years.

3575 ~~(d) Agency budget requests reflect the results and~~  
3576 ~~recommendations of such program reviews.~~

3577 (d) ~~(e)~~ Program decisions reinforce ~~lead to~~ the distinctive  
3578 roles established for state agencies that provide aging  
3579 services.

3580 (6) ~~(7)~~ Advise the Governor and the Legislature, ~~each~~  
3581 ~~Cabinet member, the President of the Senate, the Speaker of the~~  
3582 ~~House of Representatives, the minority leaders of the House and~~  
3583 ~~Senate, and the chairpersons of appropriate House and Senate~~  
3584 ~~committees~~ regarding the need for and location of programs  
3585 related to aging.

3586 (7) ~~(8)~~ Review and coordinate aging research plans of all  
3587 state agencies to ensure that ~~the conformance of~~ research  
3588 objectives address ~~to~~ issues and needs of the state's elderly  
3589 population ~~addressed in the master plan for policies and~~  
3590 ~~programs related to aging~~. The research activities that must be  
3591 reviewed and coordinated by the department include, but are not  
3592 limited to, contracts with academic institutions, development of  
3593 educational and training curriculums, Alzheimer's disease and  
3594 other medical research, studies of long-term care and other  
3595 personal assistance needs, and design of adaptive or modified  
3596 living environments.

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3597        (8)~~(9)~~ Review budget requests for programs related to aging  
3598 to ensure the most cost-effective use of state funding for the  
3599 state's elderly population for compliance with the master plan  
3600 for policies and programs related to aging before submission to  
3601 the Governor and the Legislature.

3602        ~~(10) Update the master plan for policies and programs~~  
3603 ~~related to aging every 3 years.~~

3604        ~~(11) Review implementation of the master plan for programs~~  
3605 ~~and policies related to aging and annually report to the~~  
3606 ~~Governor, each Cabinet member, the President of the Senate, the~~  
3607 ~~Speaker of the House of Representatives, the minority leaders of~~  
3608 ~~the House and Senate, and the chairpersons of appropriate House~~  
3609 ~~and Senate committees the progress towards implementation of the~~  
3610 ~~plan.~~

3611        (9)~~(12)~~ Request other departments that administer programs  
3612 affecting the state's elderly population to amend their plans,  
3613 rules, policies, and research objectives as necessary to ensure  
3614 that programs and other initiatives are coordinated and maximize  
3615 the state's efforts to address the needs of the elderly conform  
3616 ~~with the master plan for policies and programs related to aging.~~

3617        (10)~~(13)~~ Hold public meetings regularly throughout the  
3618 state to receive for purposes of receiving information and  
3619 maximize ~~maximizing~~ the visibility of important issues relating  
3620 to aging and the elderly.

3621        (11)~~(14)~~ Conduct policy analysis and program evaluation  
3622 studies assigned by the Legislature.

3623        (12)~~(15)~~ Assist the Governor, each Cabinet member, and  
3624 members of the Legislature ~~the President of the Senate, the~~  
3625 ~~Speaker of the House of Representatives, the minority leaders of~~

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3626 ~~the House and Senate, and the chairpersons of appropriate House~~  
3627 ~~and Senate committees in conducting the conduct of their~~  
3628 ~~responsibilities in such capacities as they consider~~  
3629 ~~appropriate.~~

3630 (13)~~(16)~~ Call upon appropriate agencies of state government  
3631 for such assistance as is needed in the discharge of its duties.  
3632 All agencies shall cooperate in assisting the department in  
3633 carrying out its responsibilities as prescribed by this section.  
3634 However, the ~~no provision of law regarding with respect to~~  
3635 ~~confidentiality of information may not be violated.~~

3636 (14)~~(17)~~ Be designated as a state agency that is eligible  
3637 to receive federal funds for adults who are eligible for  
3638 assistance through the portion of the federal Child and Adult  
3639 Care Food Program for adults, which is referred to as the Adult  
3640 Care Food Program, and that is responsible for establishing and  
3641 administering the program. The purpose of the Adult Care Food  
3642 Program is to provide nutritious and wholesome meals and snacks  
3643 for adults in nonresidential day care centers or residential  
3644 treatment facilities. To ensure the quality and integrity of the  
3645 program, the department shall develop standards and procedures  
3646 that govern sponsoring organizations and adult day care centers.  
3647 The department shall follow federal requirements and may adopt  
3648 any rules necessary to administer ~~pursuant to ss. 120.536(1) and~~  
3649 ~~120.54 for the implementation of the Adult Care Food program~~  
3650 ~~and. With respect to the Adult Care Food Program, the department~~  
3651 ~~shall adopt rules pursuant to ss. 120.536(1) and 120.54 that~~  
3652 ~~implement relevant federal regulations, including 7 C.F.R. part~~  
3653 ~~226. The rules may address, at a minimum, the program~~  
3654 ~~requirements and procedures identified in this subsection.~~

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3655 Section 142. Subsections (3) and (8) of section 430.502,  
3656 Florida Statutes, are amended to read:

3657 430.502 Alzheimer's disease; memory disorder clinics and  
3658 day care and respite care programs.—

3659 (3) The Alzheimer's Disease Advisory Committee shall ~~must~~  
3660 evaluate and make recommendations to the department and the  
3661 Legislature concerning the need for additional memory disorder  
3662 clinics in the state. ~~The first report will be due by December~~  
3663 ~~31, 1995.~~

3664 (8) The department shall ~~will~~ implement the waiver program  
3665 specified in subsection (7). The agency and the department shall  
3666 ensure that providers who ~~are selected that~~ have a history of  
3667 successfully serving persons with Alzheimer's disease are  
3668 selected. The department and the agency shall develop  
3669 specialized standards for providers and services tailored to  
3670 persons in the early, middle, and late stages of Alzheimer's  
3671 disease and designate a level of care determination process and  
3672 standard that is most appropriate to this population. The  
3673 department and the agency shall include in the waiver services  
3674 designed to assist the caregiver in continuing to provide in-  
3675 home care. The department shall implement this waiver program  
3676 subject to a specific appropriation or as provided in the  
3677 General Appropriations Act. ~~The department and the agency shall~~  
3678 ~~submit their program design to the President of the Senate and~~  
3679 ~~the Speaker of the House of Representatives for consultation~~  
3680 ~~during the development process.~~

3681 Section 143. Paragraph (c) of subsection (4) of section  
3682 445.003, Florida Statutes, is amended to read:

3683 445.003 Implementation of the federal Workforce Investment

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3684 Act of 1998.—

3685 (4) FEDERAL REQUIREMENTS, EXCEPTIONS AND REQUIRED  
3686 MODIFICATIONS.—

3687 (c) Workforce Florida, Inc., may modify ~~make modifications~~  
3688 ~~to~~ the state's plan, policies, and procedures to comply with  
3689 federally mandated requirements that in its judgment are  
3690 necessary ~~must be complied with~~ to maintain funding provided  
3691 pursuant to Pub. L. No. 105-220. ~~The board shall notify in~~  
3692 ~~writing the Governor, the President of the Senate, and the~~  
3693 ~~Speaker of the House of Representatives within 30 days after any~~  
3694 ~~such changes or modifications.~~

3695 Section 144. Subsection (1) and paragraph (a) of subsection  
3696 (6) of section 445.006, Florida Statutes, are amended to read:

3697 445.006 Strategic and operational plans for workforce  
3698 development.—

3699 (1) Workforce Florida, Inc., in conjunction with state and  
3700 local partners in the workforce system, shall develop a  
3701 strategic plan that produces ~~for workforce, with the goal of~~  
3702 ~~producing~~ skilled employees for employers in the state. ~~The~~  
3703 ~~strategic plan shall be submitted to the Governor, the President~~  
3704 ~~of the Senate, and the Speaker of the House of Representatives~~  
3705 ~~by February 1, 2001.~~ The strategic plan shall be updated or  
3706 modified by January 1 of each year ~~thereafter~~. The plan must  
3707 include, but need not be limited to, strategies for:

3708 (a) Fulfilling the workforce system goals and strategies  
3709 prescribed in s. 445.004;

3710 (b) Aggregating, integrating, and leveraging workforce  
3711 system resources;

3712 (c) Coordinating the activities of federal, state, and



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3713 local workforce system partners;

3714 (d) Addressing the workforce needs of small businesses; and

3715 (e) Fostering the participation of rural communities and  
3716 distressed urban cores in the workforce system.

3717 (6) (a) The operational plan must include strategies that  
3718 are designed to prevent or reduce the need for a person to  
3719 receive public assistance. The ~~These~~ strategies must include:

3720 1. A teen pregnancy prevention component that includes, but  
3721 is not limited to, a plan for implementing the ~~Florida Education~~  
3722 ~~Now and Babies Later (ENABL) program under s. 411.242 and the~~  
3723 Teen Pregnancy Prevention Community Initiative within each  
3724 county of the services area in which the teen birth rate is  
3725 higher than the state average;

3726 2. A component that encourages creation of community-based  
3727 welfare prevention and reduction initiatives that increase  
3728 support provided by noncustodial parents to their welfare-  
3729 dependent children and are consistent with program and financial  
3730 guidelines developed by Workforce Florida, Inc., and the  
3731 Commission on Responsible Fatherhood. These initiatives may  
3732 include, ~~but are not limited to,~~ improved paternity  
3733 establishment, work activities for noncustodial parents,  
3734 programs aimed at decreasing out-of-wedlock pregnancies,  
3735 encouraging involvement of fathers with their children which  
3736 includes ~~including~~ court-ordered supervised visitation, and  
3737 increasing child support payments;

3738 3. A component that encourages formation and maintenance of  
3739 two-parent families through, among other things, court-ordered  
3740 supervised visitation;

3741 4. A component that fosters responsible fatherhood in

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3742 families receiving assistance; and

3743 5. A component that fosters the provision of services that  
3744 reduce the incidence and effects of domestic violence on women  
3745 and children in families receiving assistance.

3746 Section 145. Subsection (4) of section 445.022, Florida  
3747 Statutes, is repealed.

3748 Section 146. Paragraphs (a) and (c) of subsection (4) of  
3749 section 446.50, Florida Statutes, are amended to read:

3750 446.50 Displaced homemakers; multiservice programs; report  
3751 to the Legislature; Displaced Homemaker Trust Fund created.—

3752 (4) STATE PLAN.—

3753 (a) The Agency for Workforce Innovation shall develop a 3-  
3754 year state plan for the displaced homemaker program which shall  
3755 be updated annually and submitted to the Legislature by January  
3756 1. The plan must address, at a minimum, the need for programs  
3757 specifically designed to serve displaced homemakers, any  
3758 necessary service components for such programs in addition to  
3759 those enumerated in this section, goals of the displaced  
3760 homemaker program, including ~~with~~ an analysis of the extent to  
3761 which those goals are being met, and recommendations for ways to  
3762 address any unmet program goals. Any request for funds for  
3763 program expansion must be based on the state plan.

3764 ~~(c) The 3-year state plan must be submitted to the~~  
3765 ~~President of the Senate, the Speaker of the House of~~  
3766 ~~Representatives, and the Governor on or before January 1, 2001,~~  
3767 ~~and annual updates of the plan must be submitted by January 1 of~~  
3768 ~~each subsequent year.~~

3769 Section 147. Section 455.204, Florida Statutes, is  
3770 repealed.

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3771 Section 148. Subsection (8) of section 455.2226, Florida  
 3772 Statutes, is repealed.

3773 Section 149. Subsection (6) of section 455.2228, Florida  
 3774 Statutes, is repealed.

3775 Section 150. Section 456.005, Florida Statutes, is amended  
 3776 to read:

3777 456.005 Long-range policy planning; ~~plans, reports, and~~  
 3778 ~~recommendations.~~-To facilitate efficient and cost-effective  
 3779 regulation, the department and the board, if where appropriate,  
 3780 shall develop and implement a long-range policy planning and  
 3781 monitoring process that includes ~~to include~~ recommendations  
 3782 specific to each profession. The ~~Such~~ process shall include  
 3783 estimates of revenues, expenditures, cash balances, and  
 3784 performance statistics for each profession. The period covered  
 3785 may shall not be less than 5 years. The department, with input  
 3786 from the boards and licensees, shall develop and adopt the long-  
 3787 range plan ~~and must obtain the approval of the State Surgeon~~  
 3788 ~~General.~~ The department shall monitor compliance with the  
 3789 ~~approved long-range~~ plan and, with input from the boards and  
 3790 licensees, shall annually update the plans ~~for approval by the~~  
 3791 ~~State Surgeon General.~~ The department shall provide concise  
 3792 management reports to the boards quarterly. As part of the  
 3793 review process, the department shall evaluate:

3794 (1) Whether the department, including the boards and the  
 3795 various functions performed by the department, is operating  
 3796 efficiently and effectively and if there is a need for a board  
 3797 or council to assist in cost-effective regulation.

3798 (2) How and why the various professions are regulated.

3799 (3) Whether there is a need to continue regulation, and to

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3800 what degree.

3801 (4) Whether or not consumer protection is adequate, and how  
3802 it can be improved.

3803 (5) Whether there is consistency between the various  
3804 practice acts.

3805 (6) Whether unlicensed activity is adequately enforced.  
3806

3807 The ~~Such~~ plans shall ~~should~~ include conclusions and  
3808 recommendations on these and other issues as appropriate. ~~Such~~  
3809 ~~plans shall be provided to the Governor and the Legislature by~~  
3810 ~~November 1 of each year.~~

3811 Section 151. Subsection (9) of section 456.025, Florida  
3812 Statutes, is amended to read:

3813 456.025 Fees; receipts; disposition.—

3814 (9) The department shall provide a ~~condensed~~ management  
3815 report of revenues and expenditures ~~budgets, finances,~~  
3816 performance measures ~~statistics,~~ and recommendations to each  
3817 board at least once a quarter. ~~The department shall identify and~~  
3818 ~~include in such presentations any changes, or projected changes,~~  
3819 ~~made to the board's budget since the last presentation.~~

3820 Section 152. Subsection (6) of section 456.034, Florida  
3821 Statutes, is repealed.

3822 Section 153. Subsections (3) and (4) of section 517.302,  
3823 Florida Statutes, are amended to read:

3824 517.302 Criminal penalties; alternative fine; Anti-Fraud  
3825 Trust Fund; time limitation for criminal prosecution.—

3826 (3) In lieu of a fine otherwise authorized by law, a person  
3827 who has been convicted of or who has pleaded guilty or no  
3828 contest to having engaged in conduct in violation of ~~the~~

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3829 ~~provisions of~~ this chapter may be sentenced to pay a fine that  
3830 does not exceed the greater of three times the gross value  
3831 gained or three times the gross loss caused by such conduct,  
3832 plus court costs and the costs of investigation and prosecution  
3833 reasonably incurred.

3834 (4)~~(a)~~ There is created within the office a trust fund to  
3835 be known as the Anti-Fraud Trust Fund. Any amounts assessed as  
3836 costs of investigation and prosecution under this subsection  
3837 shall be deposited in the trust fund. Funds deposited in the  
3838 ~~such~~ trust fund must ~~shall~~ be used, when authorized by  
3839 appropriation, for investigation and prosecution of  
3840 administrative, civil, and criminal actions arising under ~~the~~  
3841 ~~provisions of~~ this chapter. Funds may also be used to improve  
3842 the public's awareness and understanding of prudent investing.

3843 ~~(b) The office shall report to the Executive Office of the~~  
3844 ~~Governor annually by November 15, the amounts deposited into the~~  
3845 ~~Anti-Fraud Trust Fund during the previous fiscal year. The~~  
3846 ~~Executive Office of the Governor shall distribute these reports~~  
3847 ~~to the President of the Senate and the Speaker of the House of~~  
3848 ~~Representatives.~~

3849 (5)~~(4)~~ Criminal prosecution for offenses under this chapter  
3850 is subject to the time limitations in ~~of~~ s. 775.15.

3851 Section 154. Subsection (3) of section 531.415, Florida  
3852 Statutes, is repealed.

3853 Section 155. Subsection (3) of section 570.0705, Florida  
3854 Statutes, is repealed.

3855 Section 156. Subsection (5) of section 570.0725, Florida  
3856 Statutes, is repealed.

3857 Section 157. Subsection (3) of section 570.543, Florida

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3858 Statutes, is repealed.

3859 Section 158. Section 603.204, Florida Statutes, is amended  
3860 to read:

3861 603.204 South Florida Tropical Fruit Plan.—

3862 ~~(1) The Commissioner of Agriculture, in consultation with~~  
3863 ~~the Tropical Fruit Advisory Council, shall develop and update,~~  
3864 ~~at least 90 days prior to the 1991 legislative session, submit~~  
3865 ~~to the President of the Senate, the Speaker of the House of~~  
3866 ~~Representatives, and the chairs of appropriate Senate and House~~  
3867 ~~of Representatives committees,~~ a South Florida Tropical Fruit  
3868 Plan, which shall identify problems and constraints of the  
3869 tropical fruit industry, propose possible solutions to such  
3870 problems, and develop planning mechanisms for orderly growth of  
3871 the industry, including:

3872 (1) ~~(a)~~ Criteria for tropical fruit research, service, and  
3873 management priorities.

3874 (2) ~~(b)~~ Additional Proposed legislation that ~~which~~ may be  
3875 required.

3876 (3) ~~(c)~~ Plans relating to other tropical fruit programs and  
3877 related disciplines in the State University System.

3878 (4) ~~(d)~~ Potential tropical fruit products in terms of market  
3879 and needs for development.

3880 (5) ~~(e)~~ Evaluation of production and fresh fruit policy  
3881 alternatives, including, but not limited to, setting minimum  
3882 grades and standards, promotion and advertising, development of  
3883 production and marketing strategies, and setting minimum  
3884 standards on types and quality of nursery plants.

3885 (6) ~~(f)~~ Evaluation of policy alternatives for processed  
3886 tropical fruit products, including, but not limited to, setting

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3887 minimum quality standards and development of production and  
3888 marketing strategies.

3889 (7)~~(g)~~ Research and service priorities for further  
3890 development of the tropical fruit industry.

3891 (8)~~(h)~~ Identification of state agencies and public and  
3892 private institutions concerned with research, education,  
3893 extension, services, planning, promotion, and marketing  
3894 functions related to tropical fruit development, and delineation  
3895 of contributions and responsibilities. The recommendations in  
3896 the ~~South Florida Tropical Fruit~~ plan relating to education or  
3897 research shall be submitted to the Institute of Food and  
3898 Agricultural Sciences. ~~The recommendations relating to~~  
3899 ~~regulation or marketing shall be submitted to the Department of~~  
3900 ~~Agriculture and Consumer Services.~~

3901 (9)~~(i)~~ Business planning, investment potential, financial  
3902 risks, and economics of production and use utilization.

3903 ~~(2) A revision and update of the South Florida Tropical~~  
3904 ~~Fruit Plan shall be submitted biennially, and a progress report~~  
3905 ~~and budget request shall be submitted annually, to the officials~~  
3906 ~~specified in subsection (1).~~

3907 Section 159. Subsection (6) of section 627.64872, Florida  
3908 Statutes, is amended to read:

3909 627.64872 Florida Health Insurance Plan.—

3910 (6) ~~INTERIM REPORT;~~ ANNUAL REPORT.—

3911 ~~(a) By no later than December 1, 2004, the board shall~~  
3912 ~~report to the Governor, the President of the Senate, and the~~  
3913 ~~Speaker of the House of Representatives the results of an~~  
3914 ~~actuarial study conducted by the board to determine, including,~~  
3915 ~~but not limited to:~~

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3916 ~~1. The impact the creation of the plan will have on the~~  
 3917 ~~small group insurance market and the individual market on~~  
 3918 ~~premiums paid by insureds. This shall include an estimate of the~~  
 3919 ~~total anticipated aggregate savings for all small employers in~~  
 3920 ~~the state.~~

3921 ~~2. The number of individuals the pool could reasonably~~  
 3922 ~~cover at various funding levels, specifically, the number of~~  
 3923 ~~people the pool may cover at each of those funding levels.~~

3924 ~~3. A recommendation as to the best source of funding for~~  
 3925 ~~the anticipated deficits of the pool.~~

3926 ~~4. The effect on the individual and small group market by~~  
 3927 ~~including in the Florida Health Insurance Plan persons eligible~~  
 3928 ~~for coverage under s. 627.6487, as well as the cost of including~~  
 3929 ~~these individuals.~~

3930  
 3931 ~~The board shall take no action to implement the Florida Health~~  
 3932 ~~Insurance Plan, other than the completion of the actuarial study~~  
 3933 ~~authorized in this paragraph, until funds are appropriated for~~  
 3934 ~~startup cost and any projected deficits.~~

3935 ~~(b) No later than December 1, 2005, and annually~~  
 3936 ~~thereafter,~~ The board shall annually submit to the Governor, the  
 3937 President of the Senate, and the Speaker of the House of  
 3938 Representatives, ~~and the substantive legislative committees of~~  
 3939 ~~the Legislature~~ a report that ~~which~~ includes an independent  
 3940 actuarial study to determine, without limitation, the following  
 3941 ~~including, but not be limited to:~~

3942 (a)1. The effect ~~impact~~ the creation of the plan has on the  
 3943 small group and individual insurance market, specifically on the  
 3944 premiums paid by insureds, including. ~~This shall include an~~



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3945 estimate of the total anticipated aggregate savings for all  
3946 small employers in the state.

3947 (b)2. The actual number of individuals covered at the  
3948 current funding and benefit level, the projected number of  
3949 individuals that may seek coverage in the forthcoming fiscal  
3950 year, and the projected funding needed to cover anticipated  
3951 increase or decrease in plan participation.

3952 (c)3. A recommendation as to the best source of funding for  
3953 the anticipated deficits of the pool.

3954 (d)4. A summary ~~summarization~~ of the activities of the plan  
3955 in the preceding calendar year, including the net written and  
3956 earned premiums, plan enrollment, the expense of administration,  
3957 and the paid and incurred losses.

3958 (e)5. A review of the operation of the plan as to whether  
3959 the plan has met the intent of this section.

3960  
3961 The board may not implement the Florida Health Insurance Plan  
3962 until funds are appropriated for startup costs and any projected  
3963 deficits; however, the board may complete the actuarial study  
3964 authorized in this subsection.

3965 Section 160. Subsections (5) and (7) of section 744.708,  
3966 Florida Statutes, are amended to read:

3967 744.708 Reports and standards.—

3968 (5) (a) Each office of public guardian shall undergo an  
3969 independent audit by a qualified certified public accountant at  
3970 least once every 2 years. A copy of the audit report shall be  
3971 submitted to the Statewide Public Guardianship Office.

3972 (b) In addition to regular monitoring activities, the  
3973 Statewide Public Guardianship Office shall conduct an

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3974 investigation into the practices of each office of public  
 3975 guardian related to the managing of each ward's personal affairs  
 3976 and property. ~~If~~ When feasible, the investigation ~~required under~~  
 3977 ~~this paragraph~~ shall be conducted in conjunction with the  
 3978 financial audit of each office of public guardian under  
 3979 paragraph (a).

3980 ~~(c) In addition, each office of public guardian shall be~~  
 3981 ~~subject to audits or examinations by the Auditor General and the~~  
 3982 ~~Office of Program Policy Analysis and Government Accountability~~  
 3983 ~~pursuant to law.~~

3984 (7) The ratio for professional staff to wards shall be 1  
 3985 professional to 40 wards. The Statewide Public Guardianship  
 3986 Office may increase or decrease the ratio after consultation  
 3987 with the local public guardian and the chief judge of the  
 3988 circuit court. The basis for ~~of~~ the decision to increase or  
 3989 decrease the prescribed ratio must ~~shall~~ be included ~~reported~~ in  
 3990 the annual report to the secretary ~~of Elderly Affairs, the~~  
 3991 ~~Governor, the President of the Senate, the Speaker of the House~~  
 3992 ~~of Representatives, and the Chief Justice of the Supreme Court.~~

3993 Section 161. Subsection (6) of section 768.295, Florida  
 3994 Statutes, is amended to read:

3995 768.295 Strategic Lawsuits Against Public Participation  
 3996 (SLAPP) suits by governmental entities prohibited.—

3997 (6) In any case filed by a governmental entity which is  
 3998 found by a court to be in violation of this section, the  
 3999 governmental entity shall report such finding and provide a copy  
 4000 of the court's order to the Attorney General no later than 30  
 4001 days after the ~~such~~ order is final. The Attorney General shall  
 4002 maintain a record of the court orders ~~report any violation of~~

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4003 ~~this section by a governmental entity to the Cabinet, the~~  
4004 ~~President of the Senate, and the Speaker of the House of~~  
4005 ~~Representatives. A copy of such report shall be provided to the~~  
4006 ~~affected governmental entity.~~

4007 Section 162. Paragraph (c) of subsection (3) of section  
4008 775.084, Florida Statutes, is amended to read:

4009 775.084 Violent career criminals; habitual felony offenders  
4010 and habitual violent felony offenders; three-time violent felony  
4011 offenders; definitions; procedure; enhanced penalties or  
4012 mandatory minimum prison terms.—

4013 (3)

4014 (c) In a separate proceeding, the court shall determine  
4015 whether the defendant is a violent career criminal with respect  
4016 to a primary offense committed on or after October 1, 1995. The  
4017 procedure shall be as follows:

4018 1. Written notice shall be served on the defendant and the  
4019 defendant's attorney a sufficient time before ~~prior to~~ the entry  
4020 of a plea or before ~~prior to~~ the imposition of sentence ~~in order~~  
4021 to allow for the preparation of a submission on behalf of the  
4022 defendant.

4023 2. All evidence ~~presented~~ shall be presented in open court  
4024 with full rights of confrontation, cross-examination, and  
4025 representation by counsel.

4026 3. Each of the findings required as the basis for such  
4027 sentence shall be found to exist by a preponderance of the  
4028 evidence and shall be appealable only as provided in paragraph  
4029 (d).

4030 4. For the purpose of identification, the court shall  
4031 fingerprint the defendant pursuant to s. 921.241.

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4032           ~~5. For an offense committed on or after October 1, 1995, if~~  
4033 ~~the state attorney pursues a violent career criminal sanction~~  
4034 ~~against the defendant and the court, in a separate proceeding~~  
4035 ~~pursuant to this paragraph, determines that the defendant meets~~  
4036 ~~the criteria under subsection (1) for imposing such sanction,~~  
4037 ~~the court must sentence the defendant as a violent career~~  
4038 ~~criminal, subject to imprisonment pursuant to this section~~  
4039 ~~unless the court finds that such sentence is not necessary for~~  
4040 ~~the protection of the public. If the court finds that it is not~~  
4041 ~~necessary for the protection of the public to sentence the~~  
4042 ~~defendant as a violent career criminal, the court shall provide~~  
4043 ~~written reasons; a written transcript of orally stated reasons~~  
4044 ~~is permissible, if filed by the court within 7 days after the~~  
4045 ~~date of sentencing. Each month, the court shall submit to the~~  
4046 ~~Office of Economic and Demographic Research of the Legislature~~  
4047 ~~the written reasons or transcripts in each case in which the~~  
4048 ~~court determines not to sentence a defendant as a violent career~~  
4049 ~~criminal as provided in this subparagraph.~~

4050           Section 163. Subsection (8) of section 790.22, Florida  
4051 Statutes, is amended to read:

4052           790.22 Use of BB guns, air or gas-operated guns, or  
4053 electric weapons or devices by minor under 16; limitation;  
4054 possession of firearms by minor under 18 prohibited; penalties.—

4055           (8) Notwithstanding s. 985.24 or s. 985.25(1), if a minor  
4056 ~~under 18 years of age~~ is charged with an offense that involves  
4057 the use or possession of a firearm, ~~as defined in s. 790.001,~~  
4058 including a violation of subsection (3), or is charged for any  
4059 offense during the commission of which the minor possessed a  
4060 firearm, the minor shall be detained in secure detention, unless

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4061 the state attorney authorizes the release of the minor, and  
4062 shall be given a hearing within 24 hours after being taken into  
4063 custody. At the hearing, the court may order that the minor  
4064 continue to be held in secure detention in accordance with the  
4065 applicable time periods specified in s. 985.26(1)-(5), if the  
4066 court finds that the minor meets the criteria specified in s.  
4067 985.255, or if the court finds by clear and convincing evidence  
4068 that the minor is a clear and present danger to himself or  
4069 herself or the community. The Department of Juvenile Justice  
4070 shall prepare a form for all minors charged under this  
4071 subsection which ~~that~~ states the period of detention and the  
4072 relevant demographic information, including, but not limited to,  
4073 the gender ~~sex~~, age, and race of the minor; whether or not the  
4074 minor was represented by private counsel or a public defender;  
4075 the current offense; and the minor's complete prior record,  
4076 including any pending cases. The form shall be provided to the  
4077 judge for ~~to be considered when~~ determining whether the minor  
4078 should be continued in secure detention under this subsection.  
4079 An order placing a minor in secure detention because the minor  
4080 is a clear and present danger to himself or herself or the  
4081 community must be in writing, must specify the need for  
4082 detention and the benefits derived by the minor or the community  
4083 by placing the minor in secure detention, and must include a  
4084 copy of the form provided by the department. ~~The Department of~~  
4085 ~~Juvenile Justice must send the form, including a copy of any~~  
4086 ~~order, without client identifying information, to the Office of~~  
4087 ~~Economic and Demographic Research.~~

4088 Section 164. Section 943.125, Florida Statutes, is amended  
4089 to read:

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4090 943.125 Law enforcement agency accreditation; intent.-

4091 ~~(1) LEGISLATIVE INTENT.~~

4092 (1) ~~(a)~~ It is the intent of the Legislature that law  
 4093 enforcement agencies in the state be upgraded and strengthened  
 4094 through the adoption of meaningful standards of operation for  
 4095 those agencies.

4096 (2) ~~(b)~~ It is the further intent of the Legislature that law  
 4097 enforcement agencies voluntarily adopt standards designed to  
 4098 promote equal and fair law enforcement, to maximize the  
 4099 capability of law enforcement agencies to prevent and control  
 4100 criminal activities, and to increase interagency cooperation  
 4101 throughout the state.

4102 (3) ~~(c)~~ It is further the intent of the Legislature to  
 4103 encourage the Florida Sheriffs Association and the Florida  
 4104 Police Chiefs Association to develop, either jointly or  
 4105 separately, a law enforcement agency accreditation program. The  
 4106 ~~Such~~ program must ~~shall~~ be independent of any law enforcement  
 4107 agency, the Florida Sheriffs Association, or the Florida Police  
 4108 Chiefs Association. The ~~Any such law enforcement agency~~  
 4109 ~~accreditation~~ program must ~~should~~ address, at a minimum, the  
 4110 following aspects of law enforcement:

4111 (a) ~~1.~~ Vehicle pursuits.

4112 (b) ~~2.~~ Seizure and forfeiture of contraband articles.

4113 (c) ~~3.~~ Recording and processing citizens' complaints.

4114 (d) ~~4.~~ Use of force.

4115 (e) ~~5.~~ Traffic stops.

4116 (f) ~~6.~~ Handling natural and manmade disasters.

4117 (g) ~~7.~~ Special operations.

4118 (h) ~~8.~~ Prisoner transfer.

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- 4119        (i)~~9.~~ Collection and preservation of evidence.
- 4120        (j)~~10.~~ Recruitment and selection.
- 4121        (k)~~11.~~ Officer training.
- 4122        (l)~~12.~~ Performance evaluations.
- 4123        (m)~~13.~~ Law enforcement disciplinary procedures and rights.
- 4124        (n)~~14.~~ Use of criminal investigative funds.

4125        ~~(2) FEASIBILITY AND STATUS REPORT. The Florida Sheriffs~~  
 4126 ~~Association and the Florida Police Chiefs Association, either~~  
 4127 ~~jointly or separately, shall report to the Speaker of the House~~  
 4128 ~~of Representatives and the President of the Senate regarding the~~  
 4129 ~~feasibility of a law enforcement agency accreditation program~~  
 4130 ~~and the status of the efforts of the Florida Sheriffs~~  
 4131 ~~Association and the Florida Police Chiefs Association to develop~~  
 4132 ~~a law enforcement agency accreditation program as provided in~~  
 4133 ~~this section.~~

4134            Section 165. Subsection (9) of section 943.68, Florida  
 4135 Statutes, is amended to read:

4136            943.68 Transportation and protective services.—

4137            (9) The department shall submit a report each July 15 to  
 4138 ~~the President of the Senate, Speaker of the House of~~  
 4139 ~~Representatives, Governor, the Legislature, and members of the~~  
 4140 ~~Cabinet, detailing all transportation and protective services~~  
 4141 ~~provided under subsections (1), (5), and (6) within the~~  
 4142 ~~preceding fiscal year. Each report shall include a detailed~~  
 4143 ~~accounting of the cost of such transportation and protective~~  
 4144 ~~services, including the names of persons provided such services~~  
 4145 ~~and the nature of state business performed.~~

4146            Section 166. Section 944.023, Florida Statutes, is amended  
 4147 to read:

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4148           944.023 Institutional capacity ~~Comprehensive correctional~~  
4149 ~~master plan.~~

4150           (1) As used in this section and s. 944.0231, the term:

4151           (a) "Criminal Justice Estimating Conference" means the  
4152 Criminal Justice Estimating Conference referred to in s. 216.136  
4153 ~~s. 216.136(5)~~.

4154           (b) "Total capacity" of the state correctional system means  
4155 the total design capacity of all institutions and facilities in  
4156 the state correctional system, which may include those  
4157 facilities authorized and funded under chapter 957, increased by  
4158 one-half, with the following exceptions:

4159           1. Medical and mental health beds must remain at design  
4160 capacity.

4161           2. Community-based contracted beds must remain at design  
4162 capacity.

4163           3. The one-inmate-per-cell requirement at the Florida State  
4164 Prison and other maximum security facilities must be maintained  
4165 pursuant to paragraph (3) (a) ~~(7) (a)~~.

4166           4. Community correctional centers and drug treatment  
4167 centers must be increased by one-third.

4168           5. A housing unit may not exceed its maximum capacity  
4169 pursuant to paragraphs (3) (a) ~~(7) (a)~~ and (b).

4170           6. A number of beds equal to 5 percent of total capacity  
4171 shall be deducted for management beds at institutions.

4172           (c) "State correctional system" means the correctional  
4173 system as defined in s. 944.02.

4174           ~~(2) The department shall develop a comprehensive~~  
4175 ~~correctional master plan. The master plan shall project the~~  
4176 ~~needs for the state correctional system for the coming 5-year~~



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4177 ~~period and shall be updated annually and submitted to the~~  
4178 ~~Governor's office and the Legislature at the same time the~~  
4179 ~~department submits its legislative budget request as provided in~~  
4180 ~~chapter 216.~~

4181 ~~(3) The purposes of the comprehensive correctional master~~  
4182 ~~plan shall be:~~

4183 ~~(a) To ensure that the penalties of the criminal justice~~  
4184 ~~system are completely and effectively administered to the~~  
4185 ~~convicted criminals and, to the maximum extent possible, that~~  
4186 ~~the criminal is provided opportunities for self-improvement and~~  
4187 ~~returned to freedom as a productive member of society.~~

4188 ~~(b) To the extent possible, to protect the public safety~~  
4189 ~~and the law-abiding citizens of this state and to carry out the~~  
4190 ~~laws protecting the rights of the victims of convicted~~  
4191 ~~criminals.~~

4192 ~~(c) To develop and maintain a humane system of punishment~~  
4193 ~~providing prison inmates with proper housing, nourishment, and~~  
4194 ~~medical attention.~~

4195 ~~(d) To provide fair and adequate compensation and benefits~~  
4196 ~~to the employees of the state correctional system.~~

4197 ~~(e) To the extent possible, to maximize the effective and~~  
4198 ~~efficient use of the principles used in private business.~~

4199 ~~(f) To provide that convicted criminals not be incarcerated~~  
4200 ~~for any longer period of time or in any more secure facility~~  
4201 ~~than is necessary to ensure adequate sanctions, rehabilitation~~  
4202 ~~of offenders, and protection of public safety.~~

4203 ~~(4) The comprehensive correctional master plan shall use~~  
4204 ~~the estimates of the Criminal Justice Estimating Conference and~~  
4205 ~~shall include:~~

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4206       ~~(a) A plan for the decentralization of reception and~~  
4207 ~~classification facilities for the implementation of a systemwide~~  
4208 ~~diagnosis and evaluation capability for adult offenders. The~~  
4209 ~~plan shall provide for a system of psychological testing and~~  
4210 ~~evaluation as well as medical screening through department~~  
4211 ~~resources or with other public or private agencies through a~~  
4212 ~~purchase-of-services agreement.~~

4213       ~~(b) A plan developed by the department for the~~  
4214 ~~comprehensive vocational and educational training of, and~~  
4215 ~~treatment programs for, offenders and their evaluation within~~  
4216 ~~each institution, program, or facility of the department, based~~  
4217 ~~upon the identified needs of the offender and the requirements~~  
4218 ~~of the employment market.~~

4219       ~~(c) A plan contracting with local facilities and programs~~  
4220 ~~as short-term confinement resources of the department for~~  
4221 ~~offenders who are sentenced to 3 years or less, or who are~~  
4222 ~~within 3 years or less of their anticipated release date, and~~  
4223 ~~integration of detention services which have community-based~~  
4224 ~~programs. The plan shall designate such facilities and programs~~  
4225 ~~by region of the state and identify, by county, the capability~~  
4226 ~~for local incarceration.~~

4227       ~~(d) A detailed analysis of methods to implement diversified~~  
4228 ~~alternatives to institutionalization when such alternatives can~~  
4229 ~~be safely employed. The analysis shall include an assessment of~~  
4230 ~~current pretrial intervention, probation, and community control~~  
4231 ~~alternatives and their cost-effectiveness with regard to~~  
4232 ~~restitution to victims, reimbursements for cost of supervision,~~  
4233 ~~and subsequent violations resulting in commitments to the~~  
4234 ~~department. Such analysis shall also include an assessment of~~

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4235 ~~current use of electronic surveillance of offenders and~~  
4236 ~~projected potential for diverting additional categories of~~  
4237 ~~offenders from incarceration within the department.~~

4238 ~~(e) A detailed analysis of current incarceration rates of~~  
4239 ~~both the state and county correctional systems with the~~  
4240 ~~calculation by the department of the current and projected~~  
4241 ~~ratios of inmates in the correctional system, as defined in s.~~  
4242 ~~945.01, to the general population of the state which will serve~~  
4243 ~~as a basis for projecting construction needs.~~

4244 ~~(f) A plan for community-based facilities and programs for~~  
4245 ~~the reintegration of offenders into society whereby inmates who~~  
4246 ~~are being released shall receive assistance. Such assistance may~~  
4247 ~~be through work-release, transition assistance, release~~  
4248 ~~assistance stipend, contract release, postrelease special~~  
4249 ~~services, temporary housing, or job placement programs.~~

4250 ~~(g) A plan reflecting parity of pay or comparable economic~~  
4251 ~~benefits for correctional officers with that of law enforcement~~  
4252 ~~officers in this state, and an assessment of projected impacts~~  
4253 ~~on turnover rates within the department.~~

4254 ~~(h) A plan containing habitability criteria which defines~~  
4255 ~~when beds are available and functional for use by inmates, and~~  
4256 ~~containing factors which define when institutions and facilities~~  
4257 ~~may be added to the inventory of the state correctional system.~~

4258 ~~(5) The comprehensive correctional master plan shall~~  
4259 ~~project by year the total operating and capital outlay costs~~  
4260 ~~necessary for constructing a sufficient number of prison beds to~~  
4261 ~~avoid a deficiency in prison beds. Included in the master plan~~  
4262 ~~which projects operating and capital outlay costs shall be a~~  
4263 ~~siting plan which shall assess, rank, and designate appropriate~~

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4264 ~~sites pursuant to s. 944.095(2)(a)-(k). The master plan shall~~  
4265 ~~include an assessment of the department's current capability for~~  
4266 ~~providing the degree of security necessary to ensure public~~  
4267 ~~safety and should reflect the levels of security needed for the~~  
4268 ~~forecasted admissions of various types of offenders based upon~~  
4269 ~~sentence lengths and severity of offenses. The plan shall also~~  
4270 ~~provide construction options for targeting violent and habitual~~  
4271 ~~offenders for incarceration while providing specific~~  
4272 ~~alternatives for the various categories of lesser offenders.~~

4273 (2)~~(6)~~ Institutions within the state correctional system  
4274 shall have the following design capacity factors:

4275 (a) Rooms and prison cells between 40 square feet and 90  
4276 square feet, inclusive: one inmate per room or prison cell.

4277 (b) Dormitory-style rooms and other rooms exceeding 90  
4278 square feet: one inmate per 55 square feet.

4279 (c) At institutions with rooms or cells, except to the  
4280 extent that separate confinement cells have been constructed, a  
4281 number of rooms or prison cells equal to 3 percent of total  
4282 design capacity must be deducted from design capacity and set  
4283 aside for confinement purposes.

4284 (d) Bed count calculations used to determine design  
4285 capacity shall only include beds that ~~which~~ are functional and  
4286 available for use by inmates.

4287 (3)~~(7)~~ Institutions within the state correctional system  
4288 shall have the following maximum capacity factors:

4289 (a) Rooms and prison cells between 40 square feet and 60  
4290 square feet, inclusive: one inmate per room or cell. If the room  
4291 or prison cell is between 60 square feet and 90 square feet,  
4292 inclusive, two inmates are allowed in each room, except that one

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4293 inmate per room or prison cell is allowed at the Florida State  
4294 Prison or any other maximum security institution or facility  
4295 that ~~which~~ may be constructed.

4296 (b) Dormitory-style rooms and other rooms exceeding 90  
4297 square feet: one inmate per 37.5 square feet. Double-bunking is  
4298 generally allowed only along the outer walls of a dormitory.

4299 (c) At institutions with rooms or cells, except to the  
4300 extent that separate confinement cells have been constructed, a  
4301 number of rooms or prison cells equal to 3 percent of total  
4302 maximum capacity are not available for maximum capacity, and  
4303 must be set aside for confinement purposes, thereby reducing  
4304 maximum capacity by 6 percent since these rooms would otherwise  
4305 house two inmates.

4306 (d) A number of beds equal to 5 percent of total maximum  
4307 capacity must be deducted for management at institutions.

4308 Section 167. Paragraph (f) of subsection (3) of section  
4309 944.801, Florida Statutes, is amended to read:

4310 944.801 Education for state prisoners.-

4311 (3) The responsibilities of the Correctional Education  
4312 Program shall be to:

4313 (f) Report annual activities to the Secretary of  
4314 Corrections, ~~the Commissioner of Education, the Governor, and~~  
4315 ~~the Legislature.~~

4316 Section 168. Subsection (10) of section 945.35, Florida  
4317 Statutes, is repealed.

4318 Section 169. Subsection (9) of section 958.045, Florida  
4319 Statutes, is repealed.

4320 Section 170. Paragraph (c) of subsection (1) of section  
4321 960.045, Florida Statutes, is amended to read:

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4322           960.045 Department of Legal Affairs; powers and duties.—It  
4323 shall be the duty of the department to assist persons who are  
4324 victims of crime.

4325           (1) The department shall:

4326           (c) Prepare an annual ~~Render, prior to January 1 of each~~  
4327 ~~year, to the presiding officers of the Senate and House of~~  
4328 ~~Representatives~~ a written report of the activities of the Crime  
4329 Victims' Services Office, which shall be available on the  
4330 department's Internet website.

4331           Section 171. Paragraph (c) of subsection (8) of section  
4332 985.02, Florida Statutes, is repealed.

4333           Section 172. Subsections (3), (4), and (5) of section  
4334 985.047, Florida Statutes, are amended to read:

4335           985.047 Information systems.—

4336           ~~(3) In order to assist in the integration of the~~  
4337 ~~information to be shared, the sharing of information obtained,~~  
4338 ~~the joint planning on diversion and early intervention~~  
4339 ~~strategies for juveniles at risk of becoming serious habitual~~  
4340 ~~juvenile offenders, and the intervention strategies for serious~~  
4341 ~~habitual juvenile offenders, a multiagency task force should be~~  
4342 ~~organized and utilized by the law enforcement agency or county~~  
4343 ~~in conjunction with the initiation of the information system~~  
4344 ~~described in subsections (1) and (2). The multiagency task force~~  
4345 ~~shall be composed of representatives of those agencies and~~  
4346 ~~persons providing information for the central identification~~  
4347 ~~file and the multiagency information sheet.~~

4348           ~~(4) This multiagency task force shall develop a plan for~~  
4349 ~~the information system that includes measures which identify and~~  
4350 ~~address any disproportionate representation of ethnic or racial~~

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4351 ~~minorities in the information systems and shall develop~~  
 4352 ~~strategies that address the protection of individual~~  
 4353 ~~constitutional rights.~~

4354 (3)~~(5)~~ A Any law enforcement agency, or county that ~~which~~  
 4355 implements a juvenile offender information system ~~and the~~  
 4356 ~~multiagency task force which maintain the information system~~  
 4357 must annually provide ~~any~~ information gathered during the  
 4358 previous year to the delinquency and gang prevention council of  
 4359 the judicial circuit in which the county is located. This  
 4360 information must ~~shall~~ include the number, types, and patterns  
 4361 of delinquency tracked by the juvenile offender information  
 4362 system.

4363 Section 173. Paragraph (a) of subsection (8) of section  
 4364 985.47, Florida Statutes, is amended to read:

4365 985.47 Serious or habitual juvenile offender.—

4366 (8) ASSESSMENT AND TREATMENT SERVICES.—Pursuant to this  
 4367 chapter and the establishment of appropriate program guidelines  
 4368 and standards, contractual instruments, which shall include  
 4369 safeguards of all constitutional rights, shall be developed as  
 4370 follows:

4371 (a) The department shall provide for:

4372 1. ~~The~~ Oversight of the implementation of assessment and  
 4373 treatment approaches.

4374 2. ~~The~~ Identification and prequalification of appropriate  
 4375 individuals or not-for-profit organizations, including minority  
 4376 individuals or organizations when possible, to provide  
 4377 assessment and treatment services to serious or habitual  
 4378 delinquent children.

4379 3. ~~The~~ Monitoring and evaluation of assessment and

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4380 treatment services for compliance with this chapter and all  
4381 applicable rules and guidelines pursuant thereto.

4382 ~~4. The development of an annual report on the performance~~  
4383 ~~of assessment and treatment to be presented to the Governor, the~~  
4384 ~~Attorney General, the President of the Senate, the Speaker of~~  
4385 ~~the House of Representatives, and the Auditor General no later~~  
4386 ~~than January 1 of each year.~~

4387 Section 174. Paragraph (a) of subsection (8) of section  
4388 985.483, Florida Statutes, is amended to read:

4389 985.483 Intensive residential treatment program for  
4390 offenders less than 13 years of age.—

4391 (8) ASSESSMENT AND TREATMENT SERVICES.—Pursuant to this  
4392 chapter and the establishment of appropriate program guidelines  
4393 and standards, contractual instruments, which shall include  
4394 safeguards of all constitutional rights, shall be developed for  
4395 intensive residential treatment programs for offenders less than  
4396 13 years of age as follows:

4397 (a) The department shall provide for:

4398 1. ~~The~~ Oversight of the implementation of assessment and  
4399 treatment approaches.

4400 2. ~~The~~ Identification and prequalification of appropriate  
4401 individuals or not-for-profit organizations, including minority  
4402 individuals or organizations when possible, to provide  
4403 assessment and treatment services to intensive offenders less  
4404 than 13 years of age.

4405 3. ~~The~~ Monitoring and evaluation of assessment and  
4406 treatment services for compliance with this chapter and all  
4407 applicable rules and guidelines pursuant thereto.

4408 ~~4. The development of an annual report on the performance~~



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4409 ~~of assessment and treatment to be presented to the Governor, the~~  
4410 ~~Attorney General, the President of the Senate, the Speaker of~~  
4411 ~~the House of Representatives, the Auditor General, and the~~  
4412 ~~Office of Program Policy Analysis and Government Accountability~~  
4413 ~~no later than January 1 of each year.~~

4414       Section 175. Subsection (5) of section 985.61, Florida  
4415 Statutes, is repealed.

4416       Section 176. Subsection (1) of section 985.622, Florida  
4417 Statutes, is amended to read:

4418       985.622 Multiagency plan for vocational education.—

4419       (1) The Department of Juvenile Justice and the Department  
4420 of Education shall, in consultation with the statewide Workforce  
4421 Development Youth Council, school districts, providers, and  
4422 others, jointly develop a multiagency plan for vocational  
4423 education which ~~that~~ establishes the curriculum, goals, and  
4424 outcome measures for vocational programs in juvenile commitment  
4425 facilities. The plan must include:

4426       (a) Provisions for maximizing appropriate state and federal  
4427 funding sources, including funds under the Workforce Investment  
4428 Act and the Perkins Act;

4429       (b) The responsibilities of both departments and all other  
4430 appropriate entities; and

4431       (c) A detailed implementation schedule.

4432

4433 ~~The plan must be submitted to the Governor, the President of the~~  
4434 ~~Senate, and the Speaker of the House of Representatives by May~~  
4435 ~~1, 2001.~~

4436       Section 177. Subsection (7) of section 985.632, Florida  
4437 Statutes, is repealed.

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4438 Section 178. Subsection (19) of section 1002.34, Florida  
4439 Statutes, is repealed.

4440 Section 179. Subsection (4) of section 1003.61, Florida  
4441 Statutes, is repealed.

4442 Section 180. Subsections (5) through (13) of section  
4443 1004.22, Florida Statutes, are amended to read:

4444 1004.22 Divisions of sponsored research at state  
4445 universities.—

4446 (5) Moneys deposited in the permanent sponsored research  
4447 development fund of a university shall be disbursed in  
4448 accordance with the terms of the contract, grant, or donation  
4449 under which they are received. Moneys received for overhead or  
4450 indirect costs and other moneys not required for the payment of  
4451 direct costs shall be applied to the cost of operating the  
4452 division of sponsored research. Any surplus moneys shall be used  
4453 to support other research or sponsored training programs in any  
4454 area of the university. Transportation and per diem expense  
4455 allowances are ~~shall be~~ the same as those provided ~~by law~~ in s.  
4456 112.061, except that personnel performing travel under a  
4457 sponsored research subcontract may be reimbursed for travel  
4458 expenses in accordance with ~~the provisions of~~ the applicable  
4459 prime contract or grant and the travel allowances established by  
4460 the subcontractor, subject to the requirements of subsection (6)  
4461 ~~(7)~~, or except as provided in subsection (10) ~~(11)~~.

4462 ~~(6) (a) Each university shall submit to the Board of~~  
4463 ~~Governors a report of the activities of each division of~~  
4464 ~~sponsored research together with an estimated budget for the~~  
4465 ~~next fiscal year.~~

4466 ~~(b) Not less than 90 days prior to the convening of each~~

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4467 ~~regular session of the Legislature in which an appropriation~~  
4468 ~~shall be made, the Board of Governors shall submit to the chair~~  
4469 ~~of the appropriations committee of each house of the Legislature~~  
4470 ~~a compiled report, together with a compiled estimated budget for~~  
4471 ~~the next fiscal year. A copy of such report and estimated budget~~  
4472 ~~shall be furnished to the Governor, as the chief budget officer~~  
4473 ~~of the state.~~

4474 (6)~~(7)~~ All purchases of a division of sponsored research  
4475 shall be made in accordance with the policies and procedures of  
4476 the university pursuant to guidelines of the Board of Governors;  
4477 however, upon certification addressed to the university  
4478 president that it is necessary for the efficient or expeditious  
4479 prosecution of a research project, the president may exempt the  
4480 purchase of material, supplies, equipment, or services for  
4481 research purposes from the general purchasing requirement of  
4482 state law ~~the Florida Statutes.~~

4483 (7)~~(8)~~ The university may authorize the construction,  
4484 alteration, or remodeling of buildings if ~~when~~ the funds used  
4485 are derived entirely from the sponsored research development  
4486 fund of a university or from that fund in combination with other  
4487 nonstate sources and if, ~~provided that~~ such construction,  
4488 alteration, or remodeling is for use exclusively in the area of  
4489 research. The university may; ~~it also may~~ authorize the  
4490 acquisition of real property if ~~when~~ the cost is entirely from  
4491 the said funds. Title to all real property purchased before  
4492 ~~prior to~~ January 7, 2003, or with funds appropriated by the  
4493 Legislature shall vest in the Board of Trustees of the Internal  
4494 Improvement Trust Fund and may ~~shall only~~ be transferred or  
4495 conveyed only by it.

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4496        (8)~~(9)~~ The sponsored research programs of the Institute of  
4497 Food and Agricultural Sciences, the University of Florida Health  
4498 Science Center, and the engineering and industrial experiment  
4499 station shall continue to be centered at the University of  
4500 Florida as ~~heretofore~~ provided by law. Indirect cost  
4501 reimbursements of all grants deposited in the Division of  
4502 Sponsored Research shall be distributed directly to the above  
4503 units in direct proportion to the amounts earned by each unit.

4504        (9)~~(10)~~ The operation of the divisions of sponsored  
4505 research and the conduct of the sponsored research program are  
4506 exempt ~~expressly exempted~~ from the ~~provisions of any law other~~  
4507 ~~laws or portions of laws~~ in conflict with this subsection  
4508 ~~herewith~~ and are, subject to the requirements of subsection (6)  
4509 ~~(7)~~, exempt ~~exempted~~ from the provisions of chapters 215, 216,  
4510 and 283.

4511        (10)~~(11)~~ The divisions of sponsored research may pay, by  
4512 advancement or reimbursement, or a combination thereof, the  
4513 costs of per diem of university employees and of other  
4514 authorized persons, as defined in s. 112.061(2)(e), for foreign  
4515 travel up to the current rates as stated in the grant and  
4516 contract ~~terms~~ and may also pay incidental expenses as  
4517 authorized by s. 112.061(8). This subsection applies to any  
4518 university employee traveling in foreign countries for sponsored  
4519 programs of the university, if such travel expenses are approved  
4520 in ~~the terms of~~ the contract or grant. The provisions of s.  
4521 112.061, other than those relating to per diem, apply to the  
4522 travel described in this subsection. As used in this subsection,  
4523 the term "foreign travel" means any travel outside the United  
4524 States and its territories and possessions and Canada. Persons

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4525 traveling in foreign countries pursuant to this section are  
 4526 ~~shall not be~~ entitled to reimbursements or advancements pursuant  
 4527 to s. 112.061(6)(a)2. for such travel.

4528 ~~(11)(12)~~ Each division of sponsored research may is  
 4529 ~~authorized to~~ advance funds to any principal investigator who,  
 4530 under the contract or grant ~~terms~~, will be performing a portion  
 4531 of his or her research at a site that is remote from the  
 4532 university. Funds may ~~shall~~ be advanced only to employees who  
 4533 have executed a proper power of attorney with the university to  
 4534 ensure the proper collection of the ~~such~~ advanced funds if it  
 4535 becomes necessary. As used in this subsection, the term "remote"  
 4536 means so far removed from the university as to render normal  
 4537 purchasing and payroll functions ineffective.

4538 ~~(12)(13)~~ Each university board of trustees may is  
 4539 ~~authorized to~~ adopt rules, as necessary, to administer this  
 4540 section.

4541 Section 181. Subsection (6) of section 1004.50, Florida  
 4542 Statutes, is repealed.

4543 Section 182. Subsections (2) and (4) of section 1004.94,  
 4544 Florida Statutes, are repealed.

4545 Section 183. Subsection (4) of section 1004.95, Florida  
 4546 Statutes, is amended to read:

4547 1004.95 Adult literacy centers.—

4548 (4) The State Board of Education shall develop rules for  
 4549 implementing this section, ~~including criteria for evaluating the~~  
 4550 ~~performance of the centers, and shall submit an evaluation~~  
 4551 ~~report of the centers to the Legislature on or before February 1~~  
 4552 ~~of each year.~~

4553 Section 184. Section 1006.0605, Florida Statutes, is

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4554 repealed.

4555 Section 185. Section 1006.67, Florida Statutes, is  
4556 repealed.

4557 Section 186. Subsection (8) of section 1009.70, Florida  
4558 Statutes, is amended to read:

4559 1009.70 Florida Education Fund.—

4560 (8) There is created a legal education component of the  
4561 Florida Education Fund to provide the opportunity for minorities  
4562 to attain representation within the legal profession  
4563 proportionate to their representation within the general  
4564 population. The legal education component of the Florida  
4565 Education Fund includes a law school program and a pre-law  
4566 program.

4567 (a) The law school scholarship program of the Florida  
4568 Education Fund is to be administered by the Board of Directors  
4569 of the Florida Education Fund for the purpose of increasing ~~by~~  
4570 ~~200~~ the number of minority students enrolled in law schools in  
4571 this state by 200. Implementation of this program is to be  
4572 phased in over a 3-year period.

4573 1. The board of directors shall provide financial,  
4574 academic, and other support to students selected for  
4575 participation in this program from funds appropriated by the  
4576 Legislature.

4577 2. Student selection must be made in accordance with rules  
4578 adopted by the board of directors for that purpose and must be  
4579 based, at least in part, on an assessment of potential for  
4580 success, merit, and financial need.

4581 3. Support must be made available to students who enroll in  
4582 private, as well as public, law schools in this state which are

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4583 accredited by the American Bar Association.

4584 4. Scholarships must be paid directly to the participating  
4585 students.

4586 5. Students who participate in this program must agree in  
4587 writing to sit for The Florida Bar examination and, upon  
4588 successful admission to The Florida Bar, to ~~either~~ practice law  
4589 in the state for a period ~~of time~~ equal to the amount of time  
4590 for which the student received aid, up to 3 years, or repay the  
4591 amount of aid received.

4592 ~~6. Annually, the board of directors shall compile a report~~  
4593 ~~that includes a description of the selection process, an~~  
4594 ~~analysis of the academic progress of all scholarship recipients,~~  
4595 ~~and an analysis of expenditures. This report must be submitted~~  
4596 ~~to the President of the Senate, the Speaker of the House of~~  
4597 ~~Representatives, and the Governor.~~

4598 (b) The minority pre-law scholarship loan program of the  
4599 Florida Education Fund is to be administered by the Board of  
4600 Directors of the Florida Education Fund for the purpose of  
4601 increasing the opportunity of minority students to prepare for  
4602 law school.

4603 1. From funds appropriated by the Legislature, the board of  
4604 directors shall provide for student fees, room, board, books,  
4605 supplies, and academic and other support to selected minority  
4606 undergraduate students matriculating at eligible public and  
4607 independent colleges and universities in Florida.

4608 2. Student selection must be made in accordance with rules  
4609 adopted by the board of directors for that purpose and must be  
4610 based, at least in part, on an assessment of potential for  
4611 success, merit, and financial need.

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4612 3. To be eligible, a student must make a written agreement  
4613 to enter or be accepted to enter a law school in this state  
4614 within 2 years after graduation or repay the scholarship loan  
4615 amount plus interest at the prevailing rate.

4616 4. Recipients who fail to gain admission to a law school  
4617 within the specified period ~~of time~~, may, upon admission to law  
4618 school, be eligible to have their loans canceled.

4619 5. Minority pre-law scholarship loans shall be provided to  
4620 34 minority students per year for up to 4 years each, for a  
4621 total of 136 scholarship loans. To continue receiving ~~receipt of~~  
4622 scholarship loans, recipients must maintain a 2.75 grade point  
4623 average for the freshman year and a 3.25 grade point average  
4624 thereafter. Participants must also take specialized courses to  
4625 enhance competencies in English and logic.

4626 6. The board of directors shall maintain records on all  
4627 scholarship loan recipients. Participating institutions shall  
4628 submit academic progress reports to the board of directors  
4629 following each academic term. ~~Annually, the board of directors  
4630 shall compile a report that includes a description of the  
4631 selection process, an analysis of the academic progress of all  
4632 scholarship loan recipients, and an analysis of expenditures.  
4633 This report must be submitted to the President of the Senate,  
4634 the Speaker of the House of Representatives, and the Governor.~~

4635 Section 187. Subsection (8) of section 1011.32, Florida  
4636 Statutes, is amended to read:

4637 1011.32 Community College Facility Enhancement Challenge  
4638 Grant Program.—

4639 (8) By September 1 of each year, the State Board of  
4640 Education shall transmit to the Governor and the Legislature a



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4641 list of projects that ~~which~~ meet all eligibility requirements to  
4642 participate in the Community College Facility Enhancement  
4643 Challenge Grant Program and a budget request that ~~which~~ includes  
4644 the recommended schedule necessary to complete each project.

4645 Section 188. Paragraph (r) of subsection (1) of section  
4646 1011.62, Florida Statutes, is amended to read:

4647 1011.62 Funds for operation of schools.—If the annual  
4648 allocation from the Florida Education Finance Program to each  
4649 district for operation of schools is not determined in the  
4650 annual appropriations act or the substantive bill implementing  
4651 the annual appropriations act, it shall be determined as  
4652 follows:

4653 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
4654 OPERATION.—The following procedure shall be followed in  
4655 determining the annual allocation to each district for  
4656 operation:

4657 (r) *Extended-school-year program.*—It is the intent of the  
4658 Legislature that students be provided additional instruction by  
4659 extending the school year to 210 days or more. Districts may  
4660 apply to the Commissioner of Education for funds to be used in  
4661 planning and implementing an extended-school-year program. ~~The~~  
4662 ~~Department of Education shall recommend to the Legislature the~~  
4663 ~~policies necessary for full implementation of an extended school~~  
4664 ~~year.~~

4665 Section 189. Paragraph (1) of subsection (2) of section  
4666 1012.05, Florida Statutes, is repealed.

4667 Section 190. Subsection (1) of section 1012.42, Florida  
4668 Statutes, is amended to read:

4669 1012.42 Teacher teaching out-of-field.—

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4670 (1) ASSISTANCE.—Each district school board shall adopt and  
4671 implement a plan to assist any teacher teaching out-of-field,  
4672 and priority consideration in professional development  
4673 activities shall be given to a teacher ~~teachers~~ who is ~~are~~  
4674 teaching out-of-field. The district school board shall require  
4675 that the teacher ~~such teachers~~ participate in a certification or  
4676 staff development program designed to provide the teacher with  
4677 the competencies required for the assigned duties. The board-  
4678 approved assistance plan must include duties of administrative  
4679 personnel and other instructional personnel to provide students  
4680 with instructional services. ~~Each district school board shall~~  
4681 ~~contact its regional workforce board, created pursuant to s.~~  
4682 ~~445.007, to identify resources that may assist teachers who are~~  
4683 ~~teaching out-of-field and who are pursuing certification.~~

4684 Section 191. Section 1013.11, Florida Statutes, is amended  
4685 to read:

4686 1013.11 Postsecondary institutions assessment of physical  
4687 plant safety.—The president of each postsecondary institution  
4688 shall conduct or cause to be conducted an annual assessment of  
4689 physical plant safety. An annual report shall incorporate the  
4690 assessment findings ~~obtained through such assessment~~ and  
4691 recommendations for the improvement of safety on each campus.  
4692 The annual report shall be submitted to the respective governing  
4693 or licensing board of jurisdiction no later than January 1 of  
4694 each year. Each board shall compile the individual institutional  
4695 reports and convey the aggregate institutional reports to the  
4696 Commissioner of Education or the Chancellor of the State  
4697 University System, as appropriate. ~~The Commissioner of Education~~  
4698 ~~and the Chancellor of the State University System shall convey~~

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4699 ~~these reports and the reports required in s. 1006.67 to the~~  
4700 ~~President of the Senate and the Speaker of the House of~~  
4701 ~~Representatives no later than March 1 of each year.~~

4702 Section 192. Subsection (3) of section 161.142, Florida  
4703 Statutes, is amended to read:

4704 161.142 Declaration of public policy relating to improved  
4705 navigation inlets.—The Legislature recognizes the need for  
4706 maintaining navigation inlets to promote commercial and  
4707 recreational uses of our coastal waters and their resources. The  
4708 Legislature further recognizes that inlets interrupt or alter  
4709 the natural drift of beach-quality sand resources, which often  
4710 results in these sand resources being deposited in nearshore  
4711 areas or in the inlet channel, or in the inland waterway  
4712 adjacent to the inlet, instead of providing natural nourishment  
4713 to the adjacent eroding beaches. Accordingly, the Legislature  
4714 finds it is in the public interest to replicate the natural  
4715 drift of sand which is interrupted or altered by inlets to be  
4716 replaced and for each level of government to undertake all  
4717 reasonable efforts to maximize inlet sand bypassing to ensure  
4718 that beach-quality sand is placed on adjacent eroding beaches.  
4719 Such activities cannot make up for the historical sand deficits  
4720 caused by inlets but shall be designed to balance the sediment  
4721 budget of the inlet and adjacent beaches and extend the life of  
4722 proximate beach-restoration projects so that periodic  
4723 nourishment is needed less frequently. Therefore, in furtherance  
4724 of this declaration of public policy and the Legislature's  
4725 intent to redirect and recommit the state's comprehensive beach  
4726 management efforts to address the beach erosion caused by  
4727 inlets, the department shall ensure that:

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4728 (3) Construction waterward of the coastal construction  
4729 control line on downdrift coastal areas, on islands  
4730 substantially created by the deposit of spoil, located within 1  
4731 mile of the centerline of navigation channels or inlets,  
4732 providing access to ports listed in s. 403.021(9)(b), which  
4733 suffers or has suffered erosion caused by such navigation  
4734 channel maintenance or construction shall be exempt from the  
4735 permitting requirements and prohibitions of s. 161.053(4)~~(5)~~ or  
4736 (5)~~(6)~~; however, such construction shall comply with the  
4737 applicable Florida Building Code adopted pursuant to s. 553.73.  
4738 The timing and sequence of any construction activities  
4739 associated with inlet management projects shall provide  
4740 protection to nesting sea turtles and their hatchlings and  
4741 habitats, to nesting shorebirds, and to native salt-resistant  
4742 vegetation and endangered plant communities. Beach-quality sand  
4743 placed on the beach as part of an inlet management project must  
4744 be suitable for marine turtle nesting.

4745 Section 193. Paragraph (a) of subsection (4) of section  
4746 163.065, Florida Statutes, is amended to read:

4747 163.065 Miami River Improvement Act.—

4748 (4) PLAN.—The Miami River Commission, working with the City  
4749 of Miami and Miami-Dade County, shall consider the merits of the  
4750 following:

4751 (a) Development and adoption of an urban infill and  
4752 redevelopment plan, under ss. 163.2511-163.2523 ~~ss. 163.2511-~~  
4753 ~~163.2526~~, which ~~and~~ participating state and regional agencies  
4754 shall review ~~the proposed plan~~ for the purposes of determining  
4755 consistency with applicable law.

4756 Section 194. Subsection (1) of section 163.2511, Florida

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4757 Statutes, is amended to read:

4758 163.2511 Urban infill and redevelopment.—

4759 (1) Sections 163.2511-163.2523 ~~163.2511-163.2526~~ may be  
4760 cited as the "Growth Policy Act."

4761 Section 195. Section 163.2514, Florida Statutes, is amended  
4762 to read:

4763 163.2514 Growth Policy Act; definitions.—As used in ss.  
4764 163.2511-163.2523, the term ~~ss. 163.2511-163.2526~~:

4765 (1) "Local government" means any county or municipality.

4766 (2) "Urban infill and redevelopment area" means an area or  
4767 areas designated by a local government where:

4768 (a) Public services such as water and wastewater,  
4769 transportation, schools, and recreation are already available or  
4770 are scheduled to be provided in an adopted 5-year schedule of  
4771 capital improvements;

4772 (b) The area, or one or more neighborhoods within the area,  
4773 suffers from pervasive poverty, unemployment, and general  
4774 distress as defined by s. 290.0058;

4775 (c) The area exhibits a proportion of properties that are  
4776 substandard, overcrowded, dilapidated, vacant or abandoned, or  
4777 functionally obsolete which is higher than the average for the  
4778 local government;

4779 (d) More than 50 percent of the area is within 1/4 mile of  
4780 a transit stop, or a sufficient number of ~~such~~ transit stops  
4781 will be made available concurrent with the designation; and

4782 (e) The area includes or is adjacent to community  
4783 redevelopment areas, brownfields, enterprise zones, or Main  
4784 Street programs; ~~7~~ or has been designated by the state or Federal  
4785 Government as an urban redevelopment, revitalization, or infill

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4786 area under empowerment zone, enterprise community, or brownfield  
 4787 showcase community programs or similar programs.

4788 Section 196. Subsection (2) of section 163.3202, Florida  
 4789 Statutes, is amended to read:

4790 163.3202 Land development regulations.—

4791 (2) Local land development regulations shall contain  
 4792 specific and detailed provisions necessary or desirable to  
 4793 implement the adopted comprehensive plan and shall at ~~as~~ a  
 4794 minimum:

4795 (a) Regulate the subdivision of land.†

4796 (b) Regulate the use of land and water for those land use  
 4797 categories included in the land use element and ensure the  
 4798 compatibility of adjacent uses and provide for open space.†

4799 (c) Provide for protection of potable water wellfields.†

4800 (d) Regulate areas subject to seasonal and periodic  
 4801 flooding and provide for drainage and stormwater management.†

4802 (e) Ensure the protection of environmentally sensitive  
 4803 lands designated in the comprehensive plan.†

4804 (f) Regulate signage.†

4805 (g) Provide that public facilities and services meet or  
 4806 exceed the standards established in the capital improvements  
 4807 element required by s. 163.3177 and are available when needed  
 4808 for the development, or that development orders and permits are  
 4809 conditioned on the availability of these public facilities and  
 4810 services necessary to serve the proposed development. ~~Not later~~  
 4811 ~~than 1 year after its due date established by the state land~~  
 4812 ~~planning agency's rule for submission of local comprehensive~~  
 4813 ~~plans pursuant to s. 163.3167(2),~~ A local government may ~~shall~~  
 4814 not issue a development order or permit that ~~which~~ results in a

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4815 reduction in the level of services for the affected public  
 4816 facilities below the level of services provided in the local  
 4817 government's comprehensive plan ~~of the local government~~.

4818 (h) Ensure safe and convenient onsite traffic flow,  
 4819 considering needed vehicle parking.

4820 Section 197. Paragraph (b) of subsection (11) of section  
 4821 259.041, Florida Statutes, is amended to read:

4822 259.041 Acquisition of state-owned lands for preservation,  
 4823 conservation, and recreation purposes.—

4824 (11)

4825 (b) All project applications shall identify, within their  
 4826 acquisition plans, ~~those~~ projects that ~~which~~ require a full fee  
 4827 simple interest to achieve the public policy goals, together  
 4828 with the reasons full title is determined to be necessary. The  
 4829 state agencies and the water management districts may use  
 4830 alternatives to fee simple acquisition to bring the remaining  
 4831 projects in their acquisition plans under public protection. For  
 4832 the purposes of this subsection, the term "alternatives to fee  
 4833 simple acquisition" includes, but is not limited to: purchase of  
 4834 development rights; obtaining conservation easements; obtaining  
 4835 flowage easements; purchase of timber rights, mineral rights, or  
 4836 hunting rights; purchase of agricultural interests or  
 4837 silvicultural interests; entering into land protection  
 4838 agreements as defined in s. 380.0677(3) ~~s. 380.0677(4)~~; fee  
 4839 simple acquisitions with reservations; creating life estates; or  
 4840 any other acquisition technique that ~~which~~ achieves the public  
 4841 policy goals listed in paragraph (a). It is presumed that a  
 4842 private landowner retains the full range of uses for all the  
 4843 rights or interests in the landowner's land which are not

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4844 specifically acquired by the public agency. The lands upon which  
4845 hunting rights are specifically acquired pursuant to this  
4846 paragraph shall be available for hunting in accordance with the  
4847 management plan or hunting regulations adopted by the Florida  
4848 Fish and Wildlife Conservation Commission, unless the hunting  
4849 rights are purchased specifically to protect activities on  
4850 adjacent lands.

4851 Section 198. Paragraph (c) of subsection (3) of section  
4852 259.101, Florida Statutes, is amended to read:

4853 259.101 Florida Preservation 2000 Act.—

4854 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.—Less the costs  
4855 of issuance, the costs of funding reserve accounts, and other  
4856 costs with respect to the bonds, the proceeds of bonds issued  
4857 pursuant to this act shall be deposited into the Florida  
4858 Preservation 2000 Trust Fund created by s. 375.045. In fiscal  
4859 year 2000-2001, for each Florida Preservation 2000 program  
4860 described in paragraphs (a)-(g), that portion of each program's  
4861 total remaining cash balance which, as of June 30, 2000, is in  
4862 excess of that program's total remaining appropriation balances  
4863 shall be redistributed by the department and deposited into the  
4864 Save Our Everglades Trust Fund for land acquisition. For  
4865 purposes of calculating the total remaining cash balances for  
4866 this redistribution, the Florida Preservation 2000 Series 2000  
4867 bond proceeds, including interest thereon, and the fiscal year  
4868 1999-2000 General Appropriations Act amounts shall be deducted  
4869 from the remaining cash and appropriation balances,  
4870 respectively. The remaining proceeds shall be distributed by the  
4871 Department of Environmental Protection in the following manner:

4872 (c) Ten percent to the Department of Community Affairs to



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4873 provide land acquisition grants and loans to local governments  
4874 through the Florida Communities Trust pursuant to part III of  
4875 chapter 380. From funds allocated to the trust, \$3 million  
4876 annually shall be used by the Division of State Lands within the  
4877 Department of Environmental Protection to implement the Green  
4878 Swamp Land Protection Initiative specifically for the purchase  
4879 of conservation easements, as defined in s. 380.0677(3) ~~s.~~  
4880 ~~380.0677(4)~~, of lands, or severable interests or rights in  
4881 lands, in the Green Swamp Area of Critical State Concern. From  
4882 funds allocated to the trust, \$3 million annually shall be used  
4883 by the Monroe County Comprehensive Plan Land Authority  
4884 specifically for the purchase of a ~~any~~ real property interest in  
4885 ~~either~~ those lands subject to the Rate of Growth Ordinances  
4886 adopted by local governments in Monroe County or those lands  
4887 within the boundary of an approved Conservation and Recreation  
4888 Lands project located within the Florida Keys or Key West Areas  
4889 of Critical State Concern; however, title to lands acquired  
4890 within the boundary of an approved Conservation and Recreation  
4891 Lands project may, in accordance with an approved joint  
4892 acquisition agreement, vest in the Board of Trustees of the  
4893 Internal Improvement Trust Fund. Of the remaining funds  
4894 ~~allocated to the trust after the above transfers occur~~, one-half  
4895 shall be matched by local governments on a dollar-for-dollar  
4896 basis. To the extent allowed by federal requirements for the use  
4897 of bond proceeds, the trust shall expend Preservation 2000 funds  
4898 to carry out the purposes of part III of chapter 380.  
4899  
4900 Local governments may use federal grants or loans, private  
4901 donations, or environmental mitigation funds, including

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4902 environmental mitigation funds required pursuant to s. 338.250,  
 4903 for any part or all of any local match required for the purposes  
 4904 described in this subsection. Bond proceeds allocated pursuant  
 4905 to paragraph (c) may be used to purchase lands on the priority  
 4906 lists developed pursuant to s. 259.035. Title to lands purchased  
 4907 pursuant to paragraphs (a), (d), (e), (f), and (g) shall be  
 4908 vested in the Board of Trustees of the Internal Improvement  
 4909 Trust Fund. Title to lands purchased pursuant to paragraph (c)  
 4910 may be vested in the Board of Trustees of the Internal  
 4911 Improvement Trust Fund. The board of trustees shall hold title  
 4912 to land protection agreements and conservation easements that  
 4913 were or will be acquired pursuant to s. 380.0677, and the  
 4914 Southwest Florida Water Management District and the St. Johns  
 4915 River Water Management District shall monitor such agreements  
 4916 and easements within their respective districts until the state  
 4917 assumes this responsibility.

4918 Section 199. Subsections (1) and (5) of section 369.305,  
 4919 Florida Statutes, are amended to read:

4920 369.305 Review of local comprehensive plans, land  
 4921 development regulations, Wekiva River development permits, and  
 4922 amendments.—

4923 ~~(1) It is the intent of the Legislature that comprehensive~~  
 4924 ~~plans and land development regulations of Orange, Lake, and~~  
 4925 ~~Seminole Counties be revised to protect the Wekiva River~~  
 4926 ~~Protection Area prior to the due dates established in ss.~~  
 4927 ~~163.3167(2) and 163.3202 and chapter 9J-12, Florida~~  
 4928 ~~Administrative Code. It is also the intent of the Legislature~~  
 4929 that Orange, Lake, and Seminole ~~the~~ Counties emphasize the  
 4930 Wekiva River Protection Area ~~this important state resource in~~

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4931 their planning and regulation efforts. Therefore, each county's  
4932 ~~county shall, by April 1, 1989, review and amend those portions~~  
4933 ~~of its~~ local comprehensive plan and ~~its~~ land development  
4934 regulations applicable to the Wekiva River Protection Area must,  
4935 ~~and, if necessary, adopt additional land development regulations~~  
4936 ~~which are applicable to the Wekiva River Protection Area to meet~~  
4937 the following criteria:

4938 (a) Each county's local comprehensive plan must ~~shall~~  
4939 contain goals, policies, and objectives that ~~which~~ result in the  
4940 protection of the:

4941 1. Water quantity, water quality, and hydrology of the  
4942 Wekiva River System;

4943 2. Wetlands associated with the Wekiva River System;

4944 3. Aquatic and wetland-dependent wildlife species  
4945 associated with the Wekiva River System;

4946 4. Habitat within the Wekiva River Protection Area of  
4947 species designated pursuant to rules 39-27.003, 39-27.004, and  
4948 39-27.005, Florida Administrative Code; and

4949 5. Native vegetation within the Wekiva River Protection  
4950 Area.

4951 (b) The various land uses and densities and intensities of  
4952 development permitted by the local comprehensive plan shall  
4953 protect the resources enumerated in paragraph (a) and the rural  
4954 character of the Wekiva River Protection Area. The plan must  
4955 ~~shall~~ also include:

4956 1. Provisions that ~~to~~ ensure the preservation of sufficient  
4957 habitat for feeding, nesting, roosting, and resting so as to  
4958 maintain viable populations of species designated pursuant to  
4959 rules 39-27.003, 39-27.004, and 39-27.005, Florida

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4960 Administrative Code, within the Wekiva River Protection Area.

4961 2. Restrictions on the clearing of native vegetation within  
4962 the 100-year flood plain.

4963 3. Prohibition of development that is not low-density  
4964 residential in nature, unless the ~~that~~ development has less  
4965 effect ~~impacts~~ on natural resources than low-density residential  
4966 development.

4967 4. Provisions for setbacks along the Wekiva River for areas  
4968 that do not fall within the protection zones established  
4969 pursuant to s. 373.415.

4970 5. Restrictions on intensity of development adjacent to  
4971 publicly owned lands to prevent adverse impacts to such lands.

4972 6. Restrictions on filling and alteration of wetlands in  
4973 the Wekiva River Protection Area.

4974 7. Provisions encouraging clustering of residential  
4975 development if ~~when~~ it promotes protection of environmentally  
4976 sensitive areas, and ensures ~~ensuring~~ that residential  
4977 development in the aggregate are ~~shall be of a rural~~ in density  
4978 and character.

4979 (c) The local comprehensive plan must ~~shall~~ require that  
4980 the density or intensity of development permitted on parcels of  
4981 property adjacent to the Wekiva River System be concentrated on  
4982 those portions of the parcels which are the farthest from the  
4983 surface waters and wetlands of the Wekiva River System.

4984 (d) The local comprehensive plan must ~~shall~~ require that  
4985 parcels of land adjacent to the surface waters and watercourses  
4986 of the Wekiva River System not be subdivided so as to interfere  
4987 with the implementation of protection zones as established  
4988 pursuant to s. 373.415, any applicable setbacks from the surface

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4989 waters in the Wekiva River System which are established by local  
4990 governments, or the policy established in paragraph (c) of  
4991 concentrating development in the Wekiva River Protection Area as  
4992 far from the surface waters and wetlands of the Wekiva River  
4993 System as practicable.

4994 (e) The local land development regulations must ~~shall~~  
4995 implement the provisions of paragraphs (a), (b), (c), and (d)  
4996 and must ~~shall also~~ include restrictions on the location of  
4997 septic tanks and drainfields in the 100-year flood plain and  
4998 discharges of stormwater to the Wekiva River System.

4999 ~~(5) During the period of time between the effective date of  
5000 this act and the due date of a county's revised local government  
5001 comprehensive plan as established by s. 163.3167(2) and chapter  
5002 9J-12, Florida Administrative Code, any local comprehensive plan  
5003 amendment or amendment to a land development regulation, adopted  
5004 or issued by a county, which applies to the Wekiva River  
5005 Protection Area, or any Wekiva River development permit adopted  
5006 by a county, solely within protection zones established pursuant  
5007 to s. 373.415, shall be sent to the department within 10 days  
5008 after its adoption or issuance by the local governing body but  
5009 shall not become effective until certified by the department as  
5010 being in compliance with purposes described in subsection (1).  
5011 The department shall make its decision on certification within  
5012 60 days after receipt of the amendment or development permit  
5013 solely within protection zones established pursuant to s.  
5014 373.415. The department's decision on certification shall be  
5015 final agency action. This subsection shall not apply to any  
5016 amendments or new land development regulations adopted pursuant  
5017 to subsections (1)-(4) or to any development order approving,~~

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5018 ~~approving with conditions, or denying a development of regional~~  
 5019 ~~impact.~~

5020 Section 200. Paragraph (g) of subsection (1) of section  
 5021 379.2431, Florida Statutes, is amended to read:

5022 379.2431 Marine animals; regulation.—

5023 (1) PROTECTION OF MARINE TURTLES.—

5024 (g) The Department of Environmental Protection may  
 5025 condition the nature, timing, and sequence of construction of  
 5026 permitted activities to provide protection to nesting marine  
 5027 turtles and hatchlings and their habitat pursuant to s.  
 5028 161.053(4) ~~the provisions of s. 161.053(5)~~. If ~~When~~ the  
 5029 department is considering a permit for a beach restoration,  
 5030 beach renourishment, or inlet sand transfer project and the  
 5031 applicant has had an active marine turtle nest relocation  
 5032 program or the applicant has agreed to and has the ability to  
 5033 administer a program, the department may ~~must~~ not restrict the  
 5034 timing of the project. If ~~Where~~ appropriate, the department, in  
 5035 accordance with the applicable rules of the Fish and Wildlife  
 5036 Conservation Commission, shall require as a condition of the  
 5037 permit that the applicant relocate and monitor all turtle nests  
 5038 that would be affected by the beach restoration, beach  
 5039 renourishment, or sand transfer activities. Such relocation and  
 5040 monitoring activities shall be conducted in a manner that  
 5041 ensures successful hatching. This limitation on the department's  
 5042 authority applies only on the Atlantic coast of Florida.

5043 Section 201. Section 381.732, Florida Statutes, is amended  
 5044 to read:

5045 381.732 Short title; Healthy Communities, Healthy People  
 5046 Act.—Sections 381.732-381.734 ~~381.731-381.734~~ may be cited as

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5047 the "Healthy Communities, Healthy People Act."

5048 Section 202. Section 381.733, Florida Statutes, is amended  
5049 to read:

5050 381.733 Definitions relating to Healthy Communities,  
5051 Healthy People Act.—As used in ss. 381.732-381.734 ~~ss. 381.731-~~  
5052 ~~381.734~~, the term:

5053 (1) "Department" means the Department of Health.

5054 (2) "Primary prevention" means interventions directed  
5055 toward healthy populations with a focus on avoiding disease  
5056 before it occurs ~~prior to its occurrence.~~

5057 (3) "Secondary prevention" means interventions designed to  
5058 promote the early detection and treatment of diseases and to  
5059 reduce the risks experienced by at-risk populations.

5060 (4) "Tertiary prevention" means interventions directed at  
5061 rehabilitating and minimizing the effects of disease in a  
5062 chronically ill population.

5063 Section 203. Paragraph (d) of subsection (5) of section  
5064 411.01, Florida Statutes, is amended to read:

5065 411.01 School readiness programs; early learning  
5066 coalitions.—

5067 (5) CREATION OF EARLY LEARNING COALITIONS.—

5068 (d) *Implementation.*—

5069 1. An early learning coalition may not implement the school  
5070 readiness program until ~~the coalition is authorized through~~  
5071 ~~approval of~~ the coalition's school readiness plan is approved by  
5072 the Agency for Workforce Innovation.

5073 2. Each early learning coalition shall develop a plan for  
5074 implementing the school readiness program to meet the  
5075 requirements of this section and the performance standards and

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5076 outcome measures adopted by the Agency for Workforce Innovation.  
5077 The plan must demonstrate how the program will ensure that each  
5078 3-year-old and 4-year-old child in a publicly funded school  
5079 readiness program receives scheduled activities and instruction  
5080 designed to enhance the age-appropriate progress of the children  
5081 in attaining the performance standards adopted by the agency ~~for~~  
5082 ~~Workforce Innovation~~ under subparagraph (4) (d) 8. Before  
5083 implementing the school readiness program, the early learning  
5084 coalition must submit the plan to the agency ~~for Workforce~~  
5085 ~~Innovation~~ for approval. The agency ~~for Workforce Innovation~~ may  
5086 approve the plan, reject the plan, or approve the plan with  
5087 conditions. The agency ~~for Workforce Innovation~~ shall review  
5088 school readiness plans at least annually.

5089 3. If the Agency for Workforce Innovation determines during  
5090 the annual review of school readiness plans, or through  
5091 monitoring and performance evaluations conducted under paragraph  
5092 (4) (1), that an early learning coalition has not substantially  
5093 implemented its plan, has not substantially met the performance  
5094 standards and outcome measures adopted by the agency, or has not  
5095 effectively administered the school readiness program or  
5096 Voluntary Prekindergarten Education Program, the agency ~~for~~  
5097 ~~Workforce Innovation~~ may dissolve the coalition and temporarily  
5098 contract with a qualified entity to continue school readiness  
5099 and prekindergarten services in the coalition's county or  
5100 multicounty region until the coalition is reestablished through  
5101 resubmission of a school readiness plan and approval by the  
5102 agency.

5103 4. The Agency for Workforce Innovation shall adopt criteria  
5104 for the approval of school readiness plans. The criteria must be



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5105 consistent with the performance standards and outcome measures  
5106 adopted by the agency and must require each approved plan to  
5107 include the following minimum standards ~~and provisions:~~

5108       a. A sliding fee scale establishing a copayment for parents  
5109 based upon their ability to pay, which is the same for all  
5110 program providers, to be implemented and reflected in each  
5111 program's budget.

5112       b. A choice of settings and locations in licensed,  
5113 registered, religious-exempt, or school-based programs to be  
5114 provided to parents.

5115       c. Instructional staff who have completed the training  
5116 course as required in s. 402.305(2)(d)1., as well as staff who  
5117 have additional training or credentials as required by the  
5118 Agency for Workforce Innovation. The plan must provide a method  
5119 for assuring the qualifications of all personnel in all program  
5120 settings.

5121       d. Specific eligibility priorities for children within the  
5122 early learning coalition's county or multicounty region in  
5123 accordance with subsection (6).

5124       e. Performance standards and outcome measures adopted by  
5125 the agency ~~for Workforce Innovation.~~

5126       f. Payment rates adopted by the early learning coalition  
5127 and approved by the agency ~~for Workforce Innovation.~~ Payment  
5128 rates may not have the effect of limiting parental choice or  
5129 creating standards or levels of services that have not been  
5130 authorized by the Legislature.

5131       g. Systems support services, including a central agency,  
5132 child care resource and referral, eligibility determinations,  
5133 training of providers, and parent support and involvement.

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5134 h. Direct enhancement services to families and children.  
5135 System support and direct enhancement services shall be in  
5136 addition to payments for the placement of children in school  
5137 readiness programs.

5138 i. The business organization of the early learning  
5139 coalition, which must include the coalition's articles of  
5140 incorporation and bylaws if the coalition is organized as a  
5141 corporation. If the coalition is not organized as a corporation  
5142 or other business entity, the plan must include the contract  
5143 with a fiscal agent. An early learning coalition may contract  
5144 with other coalitions to achieve efficiency in multicounty  
5145 services, and these contracts may be part of the coalition's  
5146 school readiness plan.

5147 j. Strategies to meet the needs of unique populations, such  
5148 as migrant workers.

5149  
5150 As part of the school readiness plan, the early learning  
5151 coalition may request the Governor to apply for a waiver to  
5152 allow the coalition to administer the Head Start Program to  
5153 accomplish the purposes of the school readiness program. If a  
5154 school readiness plan demonstrates that specific statutory goals  
5155 can be achieved more effectively by modifying ~~using procedures~~  
5156 ~~that require modification of~~ existing rules, policies, or  
5157 procedures, a request for a waiver to the Agency for Workforce  
5158 Innovation may be submitted as part of the plan. Upon review,  
5159 the agency ~~for Workforce Innovation~~ may grant the proposed  
5160 modification.

5161 5. Persons with an early childhood teaching certificate may  
5162 provide support and supervision to other staff in the school

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5163 readiness program.

5164         6. An early learning coalition may not implement its school  
5165 readiness plan until it submits the plan to and receives  
5166 approval from the Agency for Workforce Innovation. Once the plan  
5167 is approved, the plan and the services provided under the plan  
5168 shall be controlled by the early learning coalition. The plan  
5169 shall be reviewed and revised as necessary, but at least  
5170 biennially. An early learning coalition may not implement the  
5171 revisions until the coalition submits the revised plan to and  
5172 receives approval from the agency ~~for Workforce Innovation~~. If  
5173 the agency ~~for Workforce Innovation~~ rejects a revised plan, the  
5174 coalition must continue to operate under its prior approved  
5175 plan.

5176         7. Sections 125.901(2)(a)3., ~~411.221~~, and 411.232 do not  
5177 apply to an early learning coalition with an approved school  
5178 readiness plan. To facilitate innovative practices and to allow  
5179 the regional establishment of school readiness programs, an  
5180 early learning coalition may apply to the Governor and Cabinet  
5181 for a waiver of, and the Governor and Cabinet may waive, any of  
5182 the provisions of ss. 411.223, 411.232, and 1003.54, if the  
5183 waiver is necessary for implementation of the coalition's school  
5184 readiness plan.

5185         8. Two or more counties may join for purposes of planning  
5186 and implementing a school readiness program.

5187         9. An early learning coalition may, subject to approval by  
5188 the Agency for Workforce Innovation as part of the coalition's  
5189 school readiness plan, receive subsidized child care funds for  
5190 all children eligible for any federal subsidized child care  
5191 program.

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5192 10. An early learning coalition may enter into multiparty  
5193 contracts with multicounty service providers in order to meet  
5194 the needs of unique populations such as migrant workers.

5195 Section 204. Paragraph (a) of subsection (3) of section  
5196 411.232, Florida Statutes, is amended to read:

5197 411.232 Children's Early Investment Program.—

5198 (3) ESSENTIAL ELEMENTS.—

5199 (a) Initially, the program shall be directed to geographic  
5200 areas where at-risk young children and their families are in  
5201 greatest need because of an unfavorable combination of economic,  
5202 social, environmental, and health factors, including, without  
5203 limitation, extensive poverty, high crime rate, great incidence  
5204 of low birthweight babies, high incidence of alcohol and drug  
5205 abuse, and high rates of teenage pregnancy. The selection of a  
5206 geographic site must ~~shall~~ also consider the incidence of young  
5207 children within these at-risk geographic areas who are cocaine  
5208 babies, children of single mothers who receive temporary cash  
5209 assistance, children of teenage parents, low birthweight babies,  
5210 and very young foster children. To receive funding under this  
5211 section, an agency, board, council, or provider must  
5212 demonstrate:

5213 1. Its capacity to administer and coordinate the programs  
5214 and services in a comprehensive manner and provide a flexible  
5215 range of services;

5216 2. Its capacity to identify and serve those children least  
5217 able to access existing programs and case management services;

5218 3. Its capacity to administer and coordinate the programs  
5219 and services in an intensive and continuous manner;

5220 4. The proximity of its facilities to young children,

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5221 parents, and other family members to be served by the program,  
 5222 or its ability to provide offsite services;

5223 5. Its ability to use existing federal, state, and local  
 5224 governmental programs and services in implementing the  
 5225 investment program;

5226 6. Its ability to coordinate activities and services with  
 5227 existing public and private, state and local agencies and  
 5228 programs such as those responsible for health, education, social  
 5229 support, mental health, child care, respite care, housing,  
 5230 transportation, alcohol and drug abuse treatment and prevention,  
 5231 income assistance, employment training and placement, nutrition,  
 5232 and other relevant services, all the foregoing intended to  
 5233 assist children and families at risk;

5234 7. How its plan will involve project participants and  
 5235 community representatives in the planning and operation of the  
 5236 investment program; and

5237 8. Its ability to participate in the evaluation component  
 5238 required in this section. ~~;~~ and

5239 ~~9. Its consistency with the strategic plan pursuant to s.~~  
 5240 ~~411.221.~~

5241 Section 205. Paragraph (a) of subsection (6) of section  
 5242 445.006, Florida Statutes, is amended to read:

5243 445.006 Strategic and operational plans for workforce  
 5244 development.—

5245 (6) (a) The operational plan must include strategies that  
 5246 are designed to prevent or reduce the need for a person to  
 5247 receive public assistance, including. ~~These strategies must~~  
 5248 ~~include:~~

5249 1. A teen pregnancy prevention component that includes, but

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5250 is not limited to, a plan for implementing ~~the Florida Education~~  
5251 ~~Now and Babies Later (ENABL) program under s. 411.242 and the~~  
5252 Teen Pregnancy Prevention Community Initiative within each  
5253 county of the services area in which the teen birth rate is  
5254 higher than the state average;

5255         2. A component that encourages ~~creation of~~ community-based  
5256 welfare prevention and reduction initiatives that increase  
5257 support provided by noncustodial parents to their welfare-  
5258 dependent children and are consistent with program and financial  
5259 guidelines developed by Workforce Florida, Inc., and the  
5260 Commission on Responsible Fatherhood. These initiatives may  
5261 include, but are not limited to, improved paternity  
5262 establishment, work activities for noncustodial parents,  
5263 programs aimed at decreasing out-of-wedlock pregnancies,  
5264 encouraging involvement of fathers with their children including  
5265 court-ordered supervised visitation, and increasing child  
5266 support payments;

5267         3. A component that encourages formation and maintenance of  
5268 two-parent families through, among other things, court-ordered  
5269 supervised visitation;

5270         4. A component that fosters responsible fatherhood in  
5271 families receiving assistance; and

5272         5. A component that fosters provision of services that  
5273 reduce the incidence and effects of domestic violence on women  
5274 and children in families receiving assistance.

5275         Section 206. This act shall take effect upon becoming a  
5276 law.