

By the Committee on Finance and Tax; and Senator Haridopolos

593-04035-09

20092160c1

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2 An act relating to obsolete or outdated agency plans,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; repealing s. 20.316(4)(e),
18 (f), and (g), F.S.; relating to information systems of
19 the Department of Juvenile Justice; amending s. 20.43,
20 F.S.; revising provisions relating to planning by the
21 Department of Health; amending s. 39.4086, F.S.;
22 deleting provisions relating to a report by the State
23 Courts Administrator on a guardian ad litem program
24 for dependent children; transferring certain duties to
25 the Statewide Guardian Ad Litem Office; amending s.
26 98.255, F.S.; deleting provisions relating to a report
27 on the effectiveness of voter education programs;
28 amending s. 110.1227, F.S.; revising provisions
29 relating to a report by the board of directors of the

593-04035-09

20092160c1

30 Florida Long-Term-Care Plan; amending s. 120.542,
31 F.S.; deleting provisions relating to reports of
32 petitions filed for variances to agency rules;
33 amending s. 121.45, F.S.; deleting provisions relating
34 to reports on interstate compacts relating to pension
35 portability; repealing s. 153.952, F.S., relating to
36 legislative findings and intent concerning privately
37 owned wastewater systems and facilities; amending s.
38 161.053, F.S.; deleting a provision relating to a
39 report on the coastal construction control line;
40 amending s. 161.161, F.S.; deleting a provision
41 requiring a report on funding for beach erosion
42 control; repealing s. 163.2526, F.S., relating to the
43 review and evaluation of urban infill; amending s.
44 163.3167, F.S.; deleting provisions relating to local
45 government comprehensive plans; amending s. 163.3177,
46 F.S.; revising requirements for comprehensive plans;
47 amending s. 163.3178, F.S.; deleting a duty of the
48 Coastal Resources Interagency Management Committee to
49 submit certain recommendations; repealing s.
50 163.519(12), F.S., relating to the requirement for a
51 report on neighborhood improvement districts by the
52 Department of Legal Affairs; repealing s. 186.007(9),
53 F.S.; deleting provisions relating to a committee to
54 recommend to the Governor changes in the state
55 comprehensive plan; amending ss. 189.4035 and 189.412,
56 F.S.; revising requirements relating to dissemination
57 of the official list of special districts; amending s.
58 194.034, F.S.; deleting a requirement that the

593-04035-09

20092160c1

59 Department of Revenue be notified of certain decisions
60 of value adjustment boards; amending s. 206.606, F.S.;
61 revising provisions relating to a report on the
62 Florida Boating Improvement Program; amending s.
63 212.054, F.S.; deleting the requirement for a report
64 on costs of administering the discretionary sales
65 surtax; amending s. 212.08, F.S.; deleting a
66 requirement for a report on the sales tax exemption
67 for machinery and equipment used in semiconductor,
68 defense, or space technology production and research
69 and development; repealing s. 213.0452, F.S., relating
70 to a report on the structure of the Department of
71 Revenue; repealing s. 213.054, F.S., relating to
72 monitoring and reporting regarding persons claiming
73 tax exemptions; amending s. 215.70, F.S.; requiring
74 the State Board of Administration to report to the
75 Governor when funds need to be appropriated to honor
76 the full faith and credit of the state; amending s.
77 216.011, F.S.; redefining the term "long-range program
78 plan"; repealing s. 216.181(10)(c), F.S., relating to
79 reports of filled and vacant positions and salaries;
80 amending s. 252.55, F.S.; revising certain reporting
81 requirements relating to the Civil Air Patrol;
82 amending s. 253.7825, F.S.; deleting provisions
83 relating to the plan for the Cross Florida Greenways
84 State Recreation and Conservation Area; repealing s.
85 253.7826, F.S., relating to structures of the Cross
86 Florida Barge Canal; repealing s. 253.7829, F.S.,
87 relating to a management plan for retention or

593-04035-09

20092160c1

88 disposition of lands of the Cross Florida Barge Canal;
89 amending s. 259.037, F.S.; revising provisions
90 relating to a report of the Land Management Uniform
91 Accounting Council; repealing s. 267.074(4), F.S.,
92 relating to a plan for the State Historical Marker
93 Program; repealing s. 284.50(3), F.S., relating to a
94 requirement for a report by the Interagency Advisory
95 Council on Loss Prevention and certain department
96 heads; repealing s. 287.045(11), F.S., relating to a
97 requirement for reports on use of recycled products;
98 amending s. 287.059, F.S.; deleting a requirement for
99 reporting proposed fee schedules for private attorney
100 services for the Attorney General's office; repealing
101 s. 288.108(7), F.S., relating to a requirement for a
102 report by the Office of Tourism, Trade, and Economic
103 Development on high-impact businesses; repealing s.
104 288.1185, F.S., relating to the Recycling Markets
105 Advisory Committee; amending s. 288.1229, F.S.;
106 revising duties of the direct-support organization to
107 support sports-related industries and amateur
108 athletics; repealing s. 288.7015(4), F.S., relating to
109 a requirement for a report by the rules ombudsman in
110 the Executive Office of the Governor; amending s.
111 288.7771, F.S.; revising a reporting requirement of
112 the Florida Export Finance Corporation; repealing s.
113 288.8175(8), (10), and (11), F.S., relating to certain
114 responsibilities of the Department of Education with
115 respect to linkage institutes between postsecondary
116 institutions in this state and foreign countries;

593-04035-09

20092160c1

117 repealing s. 288.853(5), F.S., relating to the
118 requirement for a report on assistance to and commerce
119 with Cuba; amending s. 288.95155, F.S.; revising
120 requirements for a report by Enterprise Florida, Inc.,
121 on the Florida Small Business Technology Growth
122 Program; amending s. 288.9604, F.S.; deleting a
123 requirement for a report by the Florida Development
124 Finance Corporation; amending s. 288.9610, F.S.;
125 revising provisions relating to annual reporting by
126 the corporation; amending s. 292.05, F.S.; revising
127 requirements relating to a report by the Department of
128 Veterans' Affairs; repealing ss. 296.16 and 296.39,
129 F.S., relating to reports by the executive director of
130 the Department of Veterans' Affairs; repealing s.
131 315.03(12)(c), F.S., relating to legislative review of
132 a loan program of the Florida Seaport Transportation
133 and Economic Development Council; amending s. 319.324,
134 F.S.; deleting provisions relating to funding a report
135 on odometer fraud prevention and detection; repealing
136 s. 322.181, F.S., relating to a study by the
137 Department of Highway Safety and Motor Vehicles on
138 driving by the elderly; repealing s. 322.251(7)(c),
139 F.S., relating to a plan to indemnify persons wanted
140 for passing worthless bank checks; amending s.
141 373.0391, F.S.; deleting provisions relating to
142 provision of certain information by water management
143 districts; amending s. 373.046, F.S.; deleting an
144 obsolete provision requiring a report by the Secretary
145 of Environmental Protection; repealing s. 376.121(14),

593-04035-09

20092160c1

146 F.S., relating to a report by the Department of
147 Environmental Protection on damage to natural
148 resources; repealing s. 376.17, F.S., relating to
149 reports of the department to the Legislature;
150 repealing s. 376.30713(5), F.S., relating to a report
151 on preapproved advanced cleanup; amending s. 379.2211,
152 F.S.; revising provisions relating to a report by the
153 Fish and Wildlife Conservation Commission on waterfowl
154 permit revenues; amending s. 379.2212, F.S.; revising
155 provisions relating to a report by the commission on
156 wild turkey permit revenues; repealing s. 379.2523(8),
157 F.S., relating to duties of the Fish and Wildlife
158 Conservation Commission concerning an aquaculture
159 plan; amending s. 380.06, F.S.; deleting provisions on
160 transmission of revisions relating to statewide
161 guidelines and standards for developments of regional
162 impact; repealing s. 380.0677(3), F.S., relating to
163 powers of the Green Swamp Land Authority; repealing s.
164 381.0011(3), F.S., relating to an inclusion in the
165 Department of Health's strategic plan; repealing s.
166 381.0036, F.S., relating to planning for
167 implementation of educational requirements concerning
168 HIV and AIDS; repealing s. 381.731, F.S., relating to
169 strategic planning of the Department of Health;
170 amending s. 381.795, F.S.; deleting provisions
171 relating to studies by the Department of Health on
172 long-term, community-based supports; amending s.
173 381.931, F.S.; deleting provisions relating to the
174 duty of the Department of Health to develop a report

593-04035-09

20092160c1

175 on Medicaid expenditures; amending s. 383.19, F.S.;

176 revising provisions relating to reports by hospitals

177 contracting to provide perinatal intensive care

178 services; repealing s. 383.21, F.S., relating to

179 reviews of perinatal intensive care service programs;

180 amending s. 383.2161, F.S.; revising requirements

181 relating to a report by the Department of Health on

182 maternal and child health; repealing s. 394.4573(4),

183 F.S., relating to the requirement for a report by the

184 Department of Children and Family Services on staffing

185 state mental health facilities; amending s. 394.4985,

186 F.S.; deleting provisions relating to plans by

187 department districts; repealing s. 394.82, F.S.,

188 relating to the funding of expanded community mental

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

190 relating to reports on contracting with behavioral

191 health management entities; repealing s. 394.9083,

192 F.S., relating to the Behavioral Health Services

193 Integration Workgroup; repealing s. 395.807(2)(c),

194 F.S., relating to requirements for a report on the

195 retention of family practice residents; repealing s.

196 397.332(3), F.S., relating to the requirement for a

197 report by the director of the Office of Drug Control;

198 amending s. 397.333, F.S.; deleting the requirement

199 for a report by the Statewide Drug Policy Advisory

200 Council; repealing s. 397.94(1), F.S., relating to

201 children's substance abuse services plans by service

202 districts of the Department of Children and Family

203 Services; repealing s. 400.148(2), F.S., relating to a

593-04035-09

20092160c1

204 pilot program of the Agency for Health Care
205 Administration for a quality-of-care contract
206 management program; amending s. 400.967, F.S.;
207 deleting provisions relating to a report by the Agency
208 for Health Care Administration on intermediate care
209 facilities for developmentally disabled persons;
210 repealing s. 402.3016(3), F.S., relating to the
211 requirement for a report by the agency on Early Head
212 Start collaboration grants; repealing s. 402.40(9),
213 F.S., relating to submission to the Legislature of
214 certain information related to child welfare training;
215 amending s. 403.4131, F.S.; deleting provisions
216 relating to a report on the adopt-a-highway program;
217 repealing s. 406.02(4)(a), F.S., relating to the
218 requirement for a report by the Medical Examiners
219 Commission; amending s. 408.033, F.S.; revising
220 provisions relating to reports by local health
221 councils; repealing s. 408.914(4), F.S., relating to
222 the requirement of the Agency for Health Care
223 Administration to submit to the Governor a plan on the
224 comprehensive health and human services eligibility
225 access system; repealing s. 408.915(3)(i), F.S.,
226 relating to the requirement for periodic reports on
227 the pilot program for such access; repealing s.
228 408.917, F.S., relating to an evaluation of the pilot
229 project; amending s. 409.1451, F.S.; revising
230 requirements relating to reports on independent living
231 transition services; repealing s. 409.152, F.S.,
232 relating to service integration and family

593-04035-09

20092160c1

233 preservation; repealing s. 409.1679(1) and (2), F.S.,
234 relating to reports concerning residential group care
235 services; amending s. 409.1685, F.S.; revising
236 provisions relating to reports by the Department of
237 Children and Family Services on children in foster
238 care; repealing s. 409.221(4)(k), F.S., relating to
239 reports on consumer-directed care; amending s.
240 409.25575, F.S.; deleting provisions relating to a
241 report by the Department of Revenue regarding a
242 quality assurance program for privatization of
243 services; amending s. 409.2558, F.S.; deleting
244 provisions relating to the Department of Revenue's
245 solicitation of recommendations related to a rule on
246 undistributable collections; repealing s. 409.441(3),
247 F.S., relating to the state plan for the handling of
248 runaway youths; amending s. 409.906, F.S.; deleting a
249 requirement for reports of child-welfare-targeted case
250 management projects; amending s. 409.912, F.S.;
251 revising provisions relating to duties of the agency
252 with respect to cost-effective purchasing of health
253 care; repealing s. 410.0245, F.S., relating to a study
254 of service needs of the disabled adult population;
255 repealing s. 410.604(10), F.S., relating to a
256 requirement for the Department of Children and Family
257 Services to evaluate the community care for disabled
258 adults program; amending s. 411.0102, F.S.; deleting
259 provisions relating to use of child care purchasing
260 pool funds; repealing s. 411.221, F.S., relating to
261 prevention and early assistance; repealing s. 411.242,

593-04035-09

20092160c1

262 F.S., relating to the Florida Education Now and Babies
263 Later program; amending s. 414.14, F.S.; deleting a
264 provision relating to a report by the Secretary of
265 Children and Family Services on public assistance
266 policy simplification; repealing s. 414.36(1), F.S.,
267 relating to a plan for privatization of recovery of
268 public assistance overpayment claims; repealing s.
269 414.391(3), F.S., relating to a plan for automated
270 fingerprint imaging; amending s. 415.1045, F.S.;
271 deleting a requirement for a study by the Office of
272 Program Policy Analysis and Government Accountability
273 on documentation of exploitation, abuse, or neglect;
274 amending s. 420.622, F.S.; revising requirements
275 relating to a report by the State Council on
276 Homelessness; repealing s. 420.623(4), F.S., relating
277 to the requirement of a report by the Department of
278 Community Affairs on homelessness; amending s.
279 427.704, F.S.; revising requirements relating to a
280 report by the Public Service Commission on a
281 telecommunications access system; amending s. 427.706,
282 F.S.; revising requirements relating to a report by
283 the advisory committee on telecommunications access;
284 amending s. 429.07, F.S.; deleting provisions relating
285 to a report by the Department of Elderly Affairs on
286 extended congregate care facilities; repealing s.
287 429.08(2), F.S., relating to local workgroups of field
288 offices of the Agency for Health Care Administration;
289 amending s. 429.41, F.S.; deleting provisions relating
290 to a report concerning standards for assisted living

593-04035-09

20092160c1

291 facilities; amending s. 430.04, F.S.; revising duties
292 of the Department of Elderly Affairs with respect to
293 certain reports and recommendations; amending s.
294 430.502, F.S.; revising requirements with respect to
295 reports by the Alzheimer's Disease Advisory Committee;
296 amending s. 445.006, F.S.; deleting provisions
297 relating to a strategic plan for workforce
298 development; repealing s. 455.204, F.S., relating to
299 long-range policy planning in the Department of
300 Business and Professional Regulation; repealing s.
301 455.2226(8), F.S., relating to the requirement of a
302 report by the Board of Funeral Directors and
303 Embalmers; repealing s. 455.2228(6), F.S., relating to
304 the requirement of reports by the Barbers' Board and
305 the Board of Cosmetology; amending s. 456.005, F.S.;
306 revising requirements relating to long-range planning
307 by professional boards; amending s. 456.025, F.S.;
308 revising requirements relating to a report to
309 professional boards by the Department of Health;
310 repealing s. 456.034(6), F.S., relating to reports by
311 professional boards about HIV and AIDS; amending s.
312 517.302, F.S.; deleting a requirement for a report by
313 the Office of Financial Regulation on deposits into
314 the Anti-Fraud Trust Fund; repealing s. 531.415(3),
315 F.S., relating to the requirement of a report by the
316 Department of Agriculture and Consumer Services on
317 fees; repealing s. 570.0705(3), F.S., relating to the
318 requirement of a report by the Commissioner of
319 Agriculture concerning advisory committees; repealing

593-04035-09

20092160c1

320 s. 570.0725(5), F.S., relating to a report by the
321 Department of Agriculture and Consumer Services
322 concerning support for food recovery programs;
323 repealing s. 570.543(3), F.S., relating to legislative
324 recommendations of the Florida Consumers' Council;
325 amending s. 603.204, F.S.; revising requirements
326 relating to the South Florida Tropical Fruit Plan;
327 amending s. 627.64872, F.S.; deleting provisions
328 relating to an interim report by the board of
329 directors of the Florida Health Insurance Plan;
330 prohibiting the board from acting to implement the
331 plan until certain funds are appropriated; amending s.
332 744.708, F.S.; revising provisions relating to audits
333 of public guardian offices and to reports concerning
334 those offices; amending s. 768.295, F.S.; revising
335 duties of the Attorney General relating to reports
336 concerning "SLAPP" lawsuits; amending s. 775.084,
337 F.S.; deleting provisions relating to sentencing of
338 violent career criminals and to reports of judicial
339 actions with respect thereto; amending s. 790.22,
340 F.S.; deleting provisions relating to reports by the
341 Department of Juvenile Justice concerning certain
342 juvenile offenses that involve weapons; amending s.
343 943.125, F.S.; deleting provisions relating to reports
344 by the Florida Sheriffs Association and the Florida
345 Police Chiefs Association concerning law enforcement
346 agency accreditation; amending s. 943.68, F.S.;
347 revising requirements relating to reports by the
348 Department of Law Enforcement concerning

593-04035-09

20092160c1

349 transportation and protective services; amending s.
350 944.023, F.S.; adding a cross reference; amending s.
351 944.801, F.S.; deleting a requirement to deliver to
352 specified officials copies of certain reports
353 concerning education of state prisoners; repealing s.
354 945.35(10), F.S., relating to the requirement of a
355 report by the Department of Corrections concerning HIV
356 and AIDS education; repealing s. 958.045(9), F.S.,
357 relating to a report by the department concerning
358 youthful offenders; amending s. 960.045, F.S.;
359 revising requirements relating to reports by the
360 Department of Legal Affairs with respect to victims of
361 crimes; repealing s. 985.02(8)(c), F.S., relating to
362 the requirement of a study by the Office of Program
363 Policy Analysis and Government Accountability on
364 programs for young females within the Department of
365 Juvenile Justice; amending s. 985.047, F.S.; deleting
366 provisions relating to a plan by a multiagency task
367 force on information systems related to delinquency;
368 amending s. 985.47, F.S.; deleting provisions relating
369 to a report on serious or habitual juvenile offenders;
370 amending s. 985.483, F.S.; deleting provisions
371 relating to a report on intensive residential
372 treatment for offenders younger than 13 years of age;
373 repealing s. 985.61(5), F.S., relating to a report by
374 the Department of Juvenile Justice on early
375 delinquency intervention; amending s. 985.622, F.S.;
376 deleting provisions relating to submission of the
377 multiagency plan for vocational education; repealing

593-04035-09

20092160c1

378 s. 985.632(7), F.S., relating to a report by the
379 Department of Juvenile Justice on funding incentives
380 and disincentives; repealing s. 1002.34(19), F.S.,
381 relating to an evaluation and report by the
382 Commissioner of Education concerning charter technical
383 career centers; repealing s. 1003.61(4), F.S.,
384 relating to evaluation of a pilot attendance project
385 in Manatee County; amending s. 1004.22, F.S.; deleting
386 provisions relating to university reports concerning
387 sponsored research; repealing s. 1004.50(6), F.S.,
388 relating to the requirement of a report by the
389 Governor concerning unmet needs in urban communities;
390 repealing s. 1004.94(2) and (4), F.S., relating to
391 guidelines for and a report on plans for a state adult
392 literacy program; amending s. 1004.95, F.S.; revising
393 requirements relating to implementing provisions for
394 adult literacy centers; repealing s. 1006.0605, F.S.,
395 relating to students' summer nutrition; repealing s.
396 1006.67, F.S., relating to a report of campus crime
397 statistics; amending s. 1009.70, F.S.; deleting
398 provisions relating to a report on a minority law
399 school scholarship program; amending s. 1011.32, F.S.;
400 requiring the Governor to be given a copy of a report
401 related to the Community College Facility Enhancement
402 Challenge Grant Program; amending s. 1011.62, F.S.;
403 deleting provisions relating to recommendations for
404 implementing the extended-school-year program;
405 repealing s. 1012.05(2)(1), F.S., relating to a plan
406 concerning teacher recruitment and retention; amending

593-04035-09

20092160c1

407 s. 1012.42, F.S.; deleting provisions relating to a
408 plan of assistance for teachers teaching out-of-field;
409 amending s. 1013.11, F.S.; deleting provisions
410 relating to transmittal of a report on physical plant
411 safety; amending ss. 161.142, 163.065, 163.2511,
412 163.2514, 163.3202, 259.041, 259.101, 369.305,
413 379.2431, 381.732, 381.733, 411.01, 411.232, and
414 445.006, F.S., conforming cross-references to changes
415 made by the act; providing an effective date.

416

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

418

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

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

421 Statutes, is amended to read:

422 14.26 Citizen's Assistance Office.—

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

425 (a) The number of complaints and investigations ~~and~~
426 ~~complaints made during the preceding quarter~~ and the disposition
427 of such investigations.

428 ~~(b) Recommendations in the form of suggested legislation or~~
429 ~~suggested procedures for the alleviation of problems disclosed~~
430 ~~by investigations.~~

431 (b)(c) A report including statistics which reflect The
432 types of complaints made and an assessment as to the cause of
433 the complaints.

434 (c) Recommendations for the alleviation of the cause of
435 complaints disclosed by investigations.

593-04035-09

20092160c1

436 (d) ~~Such~~ Other information as the Executive Office of the
437 Governor shall require.

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

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

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

442 17.32 Annual report of trust funds; duties of Chief
443 Financial Officer.—

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

450 (a) The fund code.

451 (b) The title.

452 (c) The fund type according to generally accepted
453 accounting principles.

454 (d) The statutory authority.

455 (e) The beginning cash balance.

456 (f) Direct revenues.

457 (g) Nonoperating revenues.

458 (h) Operating disbursements.

459 (i) Nonoperating disbursements.

460 (j) The ending cash balance.

461 (k) The department and budget entity in which the fund is
462 located.

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

593-04035-09

20092160c1

465 17.325 Governmental efficiency hotline; duties of Chief
466 Financial Officer.-

467 (1) The Chief Financial Officer shall establish and operate
468 a statewide toll-free telephone hotline to receive information
469 or suggestions from the residents ~~citizens~~ of this state on how
470 to improve the operation of government, increase governmental
471 efficiency, and eliminate waste in government. ~~The Chief
472 Financial Officer shall report each month to the appropriations
473 committee of the House of Representatives and of the Senate the
474 information or suggestions received through the hotline and the
475 evaluations and determinations made by the affected agency, as
476 provided in subsection (3), with respect to such information or
477 suggestions.~~

478 Section 7. Section 20.057, Florida Statutes, is amended to
479 read:

480 20.057 Interagency agreements to delete duplication of
481 inspections.-

482 (1) The Governor shall direct any department, the head of
483 which is an officer or board appointed by and serving at the
484 pleasure of the Governor, to enter into an interagency agreement
485 to that will eliminate duplication of inspections among ~~the~~
486 departments that inspect the same type of facility or structure.
487 Parties to the agreement may include departments ~~which are~~
488 headed by a Cabinet officer, the Governor and Cabinet, or a
489 collegial body. The agreement shall:

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

492 (b) Specify that agents of the department conducting the
493 inspection have all powers relative to the inspection as the

593-04035-09

20092160c1

494 agents of the department on whose behalf the inspection is being
495 conducted.

496 (c) Require that agents of the department conducting the
497 inspection have sufficient knowledge of statutory and
498 administrative inspection requirements to conduct a proper
499 inspection.

500 (d) Specify that the departments entering ~~which have~~
501 ~~entered~~ into the agreement may not ~~neither~~ charge or ~~nor~~ accept
502 ~~any~~ funds with respect to duties performed under the agreement
503 which are in excess of the direct costs of conducting the ~~such~~
504 inspections.

505 (2) Before taking effect, an agreement entered into under
506 this section must be approved by the Governor. Inspections
507 conducted under an agreement are ~~shall be deemed~~ sufficient for
508 enforcement purposes pursuant to the agreement or as otherwise
509 provided by law.

510 ~~(2) No later than 60 days prior to the beginning of the~~
511 ~~regular session, the Governor shall make an annual report to the~~
512 ~~President of the Senate and the Speaker of the House of~~
513 ~~Representatives regarding interagency agreements. The report~~
514 ~~shall identify each interagency agreement entered into under~~
515 ~~this section, and, for each agreement, shall describe the~~
516 ~~duplication eliminated, provide data that measures the~~
517 ~~effectiveness of inspections conducted under the interagency~~
518 ~~agreement, and estimate the cost savings that have resulted from~~
519 ~~the agreement. The report shall also describe obstacles~~
520 ~~encountered by any department in attempting to develop an~~
521 ~~interagency agreement and in performing duties resulting from an~~
522 ~~interagency agreement and shall recommend appropriate remedial~~

593-04035-09

20092160c1

523 ~~legislative action.~~

524 Section 8. Paragraphs (e), (f), and (g) of subsection (4)
525 of section 20.316, Florida Statutes, are repealed.

526 Section 9. Paragraph (l) of subsection (1) of section
527 20.43, Florida Statutes, is amended to read:

528 20.43 Department of Health.—There is created a Department
529 of Health.

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

534 (1) Include in its long-range program ~~the department's~~
535 ~~strategie~~ plan developed under s. 186.021 an assessment of
536 current health programs, systems, and costs; projections of
537 future problems and opportunities; and recommended changes that
538 are needed in the health care system to improve the public
539 health.

540 Section 10. Paragraph (h) of subsection (2) of section
541 39.4086, Florida Statutes, is amended to read:

542 39.4086 Pilot program for attorneys ad litem for dependent
543 children.—

544 (2) RESPONSIBILITIES.—

545 (h) The Statewide Guardian Ad Litem Office ~~of the State~~
546 ~~Courts Administrator~~ shall conduct research and gather
547 statistical information to evaluate the establishment,
548 operation, and impact of the pilot program in meeting the legal
549 needs of dependent children. In assessing the effects of the
550 pilot program, including achievement of outcomes identified
551 under paragraph (b), the evaluation must include a comparison of

593-04035-09

20092160c1

552 children within the Ninth Judicial Circuit who are appointed an
553 attorney ad litem with those who are not. ~~The office shall~~
554 ~~submit a report to the Legislature and the Governor by October~~
555 ~~1, 2001, and by October 1, 2002, regarding its findings. The~~
556 ~~office shall submit a final report by October 1, 2003, which~~
557 ~~must include an evaluation of the pilot program; findings on the~~
558 ~~feasibility of a statewide program; and recommendations, if any,~~
559 ~~for locating, establishing, and operating a statewide program.~~

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

562 98.255 Voter education programs.—

563 (1) ~~By March 1, 2002,~~ The Department of State shall adopt
564 rules prescribing minimum standards for nonpartisan voter
565 education. ~~In developing the rules, the department shall review~~
566 ~~current voter education programs within each county of the~~
567 ~~state. The standards shall, at a minimum, address, ~~but are not~~~~
568 ~~limited to, the following subjects:~~

- 569 (a) Voter registration;
570 (b) Balloting procedures, absentee and polling place;
571 (c) Voter rights and responsibilities;
572 (d) Distribution of sample ballots; and
573 (e) Public service announcements.

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

579 ~~(b) The Department of State, upon receipt of such~~
580 ~~information, shall prepare a public report on the effectiveness~~

593-04035-09

20092160c1

581 ~~of voter education programs and shall submit the report to the~~
582 ~~Governor, the President of the Senate, and the Speaker of the~~
583 ~~House of Representatives by January 31 of each year following a~~
584 ~~general election.~~

585 ~~(e)~~ The department of ~~State~~ shall reexamine the rules
586 adopted pursuant to subsection (1) and use ~~consider~~ the findings
587 in these reports ~~the report~~ as a basis for modifying the
588 ~~adopting modified~~ rules to that incorporate successful voter
589 education programs and techniques, as necessary.

590 Section 12. Paragraph (a) of subsection (7) of section
591 110.1227, Florida Statutes, is amended to read:

592 110.1227 Florida Employee Long-Term-Care Plan Act.—

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

595 (a) Upon implementation, prepare an annual report of the
596 plan, with the assistance of an actuarial consultant, to be
597 submitted to the ~~Speaker of the House of Representatives, the~~
598 ~~President of the Senate, the Governor,~~ and the Legislature ~~the~~
599 ~~Minority Leaders of the Senate and the House of Representatives.~~

600 Section 13. Subsection (9) of section 120.542, Florida
601 Statutes, is amended to read:

602 120.542 Variances and waivers.—

603 (9) Each agency shall maintain a record of the type and
604 disposition of each petition, including temporary or emergency
605 variances and waivers, filed pursuant to this section. ~~On~~
606 ~~October 1 of each year, each agency shall file a report with the~~
607 ~~Governor, the President of the Senate, and the Speaker of the~~
608 ~~House of Representatives listing the number of petitions filed~~
609 ~~requesting variances to each agency rule, the number of~~

593-04035-09

20092160c1

610 ~~petitions filed requesting waivers to each agency rule, and the~~
611 ~~disposition of all petitions. Temporary or emergency variances~~
612 ~~and waivers, and the reasons for granting or denying temporary~~
613 ~~or emergency variances and waivers, shall be identified~~
614 ~~separately from other waivers and variances.~~

615 Section 14. Subsection (3) of section 121.45, Florida
616 Statutes, is amended to read:

617 121.45 Interstate compacts relating to pension
618 portability.—

619 (3) ESTABLISHMENT OF COMPACTS.—

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

624 (b) If another ~~any such~~ state is interested in pursuing the
625 matter, the department shall confer with the other state, and
626 the consulting actuaries of both states, and ~~shall present its~~
627 ~~findings to the committees having jurisdiction over retirement~~
628 ~~matters in the Legislature, and to~~ representatives of affected
629 certified bargaining units, ~~in order to determine the~~
630 ~~feasibility of developing a portability compact, what groups~~
631 ~~should be covered, and the goals and priorities which should~~
632 ~~guide such development.~~

633 (c) Upon a determination that ~~such~~ a compact is feasible
634 ~~and upon request of the Legislature,~~ the department, together
635 with its consulting actuaries, shall, ~~in accordance with said~~
636 ~~goals and priorities,~~ develop a proposal under which retirement
637 credit may be transferred to or from Florida in an actuarially
638 sound manner and shall present the proposal to the Governor and

593-04035-09

20092160c1

639 the Legislature for consideration.

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

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

650 Section 15. Section 153.952, Florida Statutes, is repealed.

651 Section 16. Subsections (3) through (22) of section
652 161.053, Florida Statutes, are amended to read:

653 161.053 Coastal construction and excavation; regulation on
654 county basis.—

655 ~~(3) It is the intent of the Legislature that any coastal~~
656 ~~construction control line that has not been updated since June~~
657 ~~30, 1980, shall be considered a critical priority for~~
658 ~~reestablishment by the department. In keeping with this intent,~~
659 ~~the department shall notify the Legislature if all such lines~~
660 ~~cannot be reestablished by December 31, 1997, so that the~~
661 ~~Legislature may subsequently consider interim lines of~~
662 ~~jurisdiction for the remaining counties.~~

663 (3)(4) A Any coastal county or coastal municipality may
664 establish coastal construction zoning and building codes in lieu
665 of the provisions of this section if, provided such zones and
666 codes are approved by the department as being adequate to
667 preserve and protect the beaches and coastal barrier dunes

593-04035-09

20092160c1

668 adjacent to such beaches, which are under the jurisdiction of
669 the department, from imprudent construction that will jeopardize
670 the stability of the beach-dune system, accelerate erosion,
671 provide inadequate protection to upland structures, endanger
672 adjacent properties, or interfere with public beach access.
673 Exceptions to locally established coastal construction zoning
674 and building codes may ~~shall~~ not be granted unless previously
675 approved by the department. ~~It is~~ The intent of this subsection
676 is to provide for the local administration of established
677 coastal construction control lines through approved zoning and
678 building codes if ~~where~~ desired by local interests and where
679 such local interests have, in the judgment of the department,
680 sufficient funds and personnel to adequately administer the
681 program. Should the department determine at any time that the
682 program is inadequately administered, the department may ~~shall~~
683 ~~have authority to~~ revoke the authority granted to the county or
684 municipality.

685 (4) ~~(5)~~ Except in those areas where local zoning and
686 building codes have been established pursuant to subsection (3)
687 ~~(4)~~, a permit to alter, excavate, or construct on property
688 seaward of established coastal construction control lines may be
689 granted by the department as follows:

690 (a) The department may authorize an excavation or erection
691 of a structure at any coastal location as described in
692 subsection (1) upon receipt of an application from a property or
693 ~~and/or~~ riparian owner and upon the consideration of facts and
694 circumstances, including:

695 1. Adequate engineering data concerning shoreline stability
696 and storm tides related to shoreline topography;

593-04035-09

20092160c1

697 2. Design features of the proposed structures or
698 activities; and

699 3. Potential effects ~~impacts~~ of the location of the ~~such~~
700 structures or activities, including potential cumulative effects
701 of ~~any~~ proposed structures or activities upon the ~~such~~ beach-
702 dune system, which, in the opinion of the department, clearly
703 justify ~~such~~ a permit.

704 (b) If in the immediate contiguous or adjacent area a
705 number of existing structures have established a reasonably
706 continuous and uniform construction line closer to the line of
707 mean high water than the foregoing, and if the existing
708 structures have not been unduly affected by erosion, a proposed
709 structure may, ~~at the discretion of the department,~~ be permitted
710 along such line on written authorization from the department if
711 the ~~such~~ structure is also approved by the department. However,
712 the department may ~~shall~~ not contravene setback requirements or
713 zoning or building codes established by a county or municipality
714 which are equal to, or more strict than, the ~~those~~ requirements
715 provided in this subsection ~~herein~~. This paragraph does not
716 prohibit the department from requiring structures to meet design
717 and siting criteria established in paragraph (a) or in
718 subsection (1) or subsection (2).

719 (c) The department may condition the nature, timing, and
720 sequence of construction of permitted activities to provide
721 protection to nesting sea turtles and hatchlings and their
722 habitat, pursuant to s. 379.2431, and to native salt-resistant
723 vegetation and endangered plant communities.

724 (d) The department may require ~~such~~ engineer certifications
725 as necessary to ensure ~~assure~~ the adequacy of the design and

593-04035-09

20092160c1

726 construction of permitted projects.

727 (e) The department shall limit the construction of
728 structures that ~~which~~ interfere with public access along the
729 beach. However, the department may require, as a condition of ~~to~~
730 granting permits, the provision of alternative access if ~~when~~
731 interference with public access along the beach is unavoidable.
732 The width of the ~~such~~ alternate access may not be required to
733 exceed the width of the access that will be obstructed ~~as a~~
734 ~~result of the permit being granted.~~

735 (f) The department may, as a condition of ~~to the~~ granting
736 ~~of~~ a permit ~~under this section~~, require mitigation, financial,
737 or other assurances acceptable to the department ~~as may be~~
738 ~~necessary~~ to ensure ~~assure~~ performance of conditions of a permit
739 or enter into contractual agreements to best assure compliance
740 with any permit conditions. The department may also require
741 notice of the permit conditions required and the contractual
742 agreements entered into ~~pursuant to the provisions of this~~
743 ~~subsection~~ to be filed in the public records of the county in
744 which the permitted activity is located.

745 ~~(5)-(6)~~ (a) As used in this subsection, the term:

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

750 2. "Seasonal high-water line" means the line formed by the
751 intersection of the rising shore and the elevation of 150
752 percent of the local mean tidal range above local mean high
753 water.

754 (b) After October 1, 1985, and Notwithstanding any other

593-04035-09

20092160c1

755 provision of this part, the department, or a local government to
756 which the department has delegated permitting authority pursuant
757 to subsections (3) ~~(4)~~ and (15) ~~(16)~~, may ~~shall~~ not issue a any
758 permit for any structure, other than a coastal or shore
759 protection structure, minor structure, or pier, meeting the
760 requirements of this part, or other than intake and discharge
761 structures for a facility sited pursuant to part II of chapter
762 403, which is proposed for a location that ~~which~~, based on the
763 department's projections of erosion in the area, will be seaward
764 of the seasonal high-water line within 30 years after the date
765 of application for the ~~such~~ permit. The procedures for
766 determining such erosion shall be established by rule. In
767 determining the area that ~~which~~ will be seaward of the seasonal
768 high-water line in 30 years, the department may ~~shall~~ not
769 include any areas landward of a coastal construction control
770 line.

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

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

778 2. The owner of the parcel ~~for which the single-family~~
779 ~~dwelling is proposed~~ does not own another parcel immediately
780 adjacent to and landward of the parcel for which the dwelling is
781 proposed;

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

593-04035-09

20092160c1

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

787 (d) In determining the land areas that ~~which~~ will be below
788 the seasonal high-water line within 30 years after the permit
789 application date, the department shall consider the effect
790 ~~impact~~ on the erosion rates of an existing beach nourishment or
791 restoration project or of a beach nourishment or restoration
792 project for which all funding arrangements have been made and
793 all permits have been issued at the time the application is
794 submitted. The department shall consider each year there is sand
795 seaward of the erosion control line whether ~~that no~~ erosion took
796 place that year. However, the seaward extent of the beach
797 nourishment or restoration project beyond the erosion control
798 line may ~~shall~~ not be considered in determining the applicable
799 erosion rates. ~~Nothing in~~ This subsection does not ~~shall~~
800 prohibit the department from requiring structures to meet the
801 criteria established in subsection (1), subsection (2), or
802 subsection (4) ~~(5)~~ or to be further landward than required by
803 this subsection based on the criteria established in subsection
804 (1), subsection (2), or subsection (4) ~~(5)~~.

805 (e) The department shall annually report to the Legislature
806 the status of this program, including any changes to the
807 previously adopted procedures for determining erosion
808 projections.

809 (6) ~~(7)~~ Any coastal structure erected, or excavation
810 created, in violation of ~~the provisions of~~ this section is
811 ~~hereby~~ declared to be a public nuisance; and such structure
812 shall be ~~forthwith~~ removed or such excavation shall be ~~forthwith~~

593-04035-09

20092160c1

813 refilled after written notice by the department directing such
814 removal or filling. If ~~In the event~~ the structure is not removed
815 or the excavation refilled within a reasonable time as directed,
816 the department may remove such structure or fill such excavation
817 at its own expense, and the costs thereof shall become a lien on
818 ~~upon~~ the property of the upland owner upon which the ~~such~~
819 unauthorized structure or excavation is located.

820 (7) ~~(8)~~ Any person, firm, corporation, or agent thereof who
821 violates this section commits ~~is guilty of~~ a misdemeanor of the
822 first degree, punishable as provided in s. 775.082 or s.
823 775.083, ~~+~~ except that a person driving a ~~any~~ vehicle on, over,
824 or across a ~~any~~ sand dune and damaging or causing to be damaged
825 such sand dune or the vegetation growing thereon in violation of
826 this section commits ~~is guilty of~~ a misdemeanor of the second
827 degree, punishable as provided in s. 775.082 or s. 775.083. A
828 person, firm, corporation, or agent thereof commits ~~shall be~~
829 ~~deemed guilty of~~ a separate offense for each day during any
830 portion of which a ~~any~~ violation of this section is committed or
831 continued.

832 (8) ~~(9)~~ ~~The provisions of~~ This section does ~~de~~ not apply to
833 structures intended for shore protection purposes which are
834 regulated by s. 161.041 or to structures existing or under
835 construction before ~~prior to~~ the establishment of the coastal
836 construction control line if the ~~as provided herein, provided~~
837 ~~such~~ structures are ~~may not be~~ materially altered except as
838 provided in subsection (4) ~~(5)~~. Except for structures that have
839 been materially altered, structures ~~determined to be~~ under
840 construction at the time of the establishment or reestablishment
841 of the coastal construction control line are ~~shall be~~ exempt

593-04035-09

20092160c1

842 from the provisions of this section. However, unless such an
843 exemption has been judicially confirmed to exist before ~~prior to~~
844 April 10, 1992, the exemption shall last only for a period of 3
845 years from ~~either~~ the date of the determination of the exemption
846 or April 10, 1992, whichever occurs later. The department may
847 extend the exemption period for structures that require longer
848 periods for completion if ~~of their construction, provided that~~
849 construction during the initial exemption period is ~~has been~~
850 continuous. For purposes of this subsection, the term
851 "continuous" means following a reasonable sequence of
852 construction without significant or unreasonable periods of work
853 stoppage.

854 (9) ~~(10)~~ The department may ~~by regulation~~ exempt
855 specifically described portions of the coastline from the
856 provisions of this section if, when in its judgment, such
857 portions of coastline because of their nature are not subject to
858 erosion of a substantially damaging effect to the public.

859 (10) ~~(11)~~ Pending the establishment of coastal construction
860 control lines as provided herein, the provisions of s. 161.052
861 shall remain in force. However, upon the establishment of
862 coastal construction control lines, or the establishment of
863 coastal construction zoning and building codes as provided in
864 subsection (3) ~~(4)~~, ~~the provisions of~~ s. 161.052 shall be
865 superseded by the provisions of this section.

866 (11) ~~(12)~~ (a) The coastal construction control requirements
867 defined in subsection (1) and the requirements of the erosion
868 projections in ~~pursuant to~~ subsection (5) ~~(6)~~ do not apply to
869 any modification, maintenance, or repair of ~~to~~ any existing
870 structure within the limits of the existing foundation which

593-04035-09

20092160c1

871 does not require, involve, or include any additions to, or
872 repair or modification of, the existing foundation of that
873 structure. Specifically excluded from this exemption are
874 seawalls or other rigid coastal or shore protection structures
875 and any additions or enclosures added, constructed, or installed
876 below the first dwelling floor or lowest deck of the existing
877 structure.

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

883 (c) The department may establish exemptions from the
884 requirements of this section for minor activities determined by
885 the department not to have an adverse effect ~~impacts~~ on the
886 coastal system. Examples of such activities include, but are not
887 limited to:

- 888 1. Boat moorings;
- 889 2. Maintenance of existing beach-dune ~~beach/dune~~
890 vegetation;
- 891 3. The burial of seaweed, dead fish, whales, or other
892 marine animals on the unvegetated beach;
- 893 4. The removal of piers or other derelict structures from
894 the unvegetated beach or seaward of mean high water;
- 895 5. Temporary emergency vehicular access, if the affected
896 ~~provided any impacted~~ area is immediately restored;
- 897 6. The removal of any existing structures or debris from
898 the upland, if ~~provided~~ there is no excavation or disturbance to
899 the existing topography or to beach-dune ~~beach/dune~~ vegetation;

593-04035-09

20092160c1

900 7. Construction of a ~~any~~ new roof overhang extending no
901 more than 4 feet beyond the confines of the existing foundation
902 during modification, renovation, or reconstruction of a
903 habitable structure within the confines of the existing
904 foundation of that structure which does not include any
905 additions to or modification of the existing foundation of that
906 structure;

907 8. Minor and temporary excavation for the purpose of
908 repairs to existing subgrade residential service utilities
909 (e.g., water and sewer lines, septic tanks and drainfields,
910 electrical and telephone cables, and gas lines), if provided
911 ~~that~~ there is minimal disturbance and the ~~that~~ grade is restored
912 with fill compatible in both coloration and grain size to the
913 onsite material and any damaged or destroyed vegetation is
914 restored using similar vegetation; and

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

917 (12)-(13)(a) Notwithstanding the coastal construction
918 control requirements defined in subsection (1) or the erosion
919 projection determined pursuant to subsection (5) ~~(6)~~, the
920 department may, ~~at its discretion,~~ issue a permit for the repair
921 or rebuilding within the confines of the original foundation of
922 a major structure pursuant to ~~the provisions of~~ subsection (4)
923 ~~(5)~~. Alternatively, the department may also, ~~at its discretion,~~
924 issue a permit for a more landward relocation or rebuilding of a
925 damaged or existing structure if such relocation or rebuilding
926 would not cause further harm to the beach-dune system, and if,
927 in the case of rebuilding, the ~~such~~ rebuilding complies with ~~the~~
928 ~~provisions of~~ subsection (4) ~~(5)~~, and otherwise complies with

593-04035-09

20092160c1

929 ~~the provisions of~~ this subsection.

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

934 (c) In reviewing applications for relocation or rebuilding,
935 the department shall specifically consider changes in shoreline
936 conditions, the availability of other relocation or rebuilding
937 options, and the design adequacy of the project sought to be
938 rebuilt.

939 (d) Permits issued under this subsection are ~~shall~~ not ~~be~~
940 considered precedential as to the issuance of subsequent
941 permits.

942 (13) ~~(14)~~ Concurrent with the establishment of a coastal
943 construction control line and the ongoing administration of this
944 chapter, the secretary of the department shall make
945 recommendations to the Board of Trustees of the Internal
946 Improvement Trust Fund concerning the purchase of the fee or any
947 lesser interest in any lands seaward of the control line
948 pursuant to the state's Save Our Coast, Conservation and
949 Recreation Lands, or Outdoor Recreation Land acquisition
950 programs; and, with respect to those control lines established
951 pursuant to this section before ~~prior to~~ June 14, 1978, the
952 secretary may make such recommendations.

953 (14) ~~(15)~~ A coastal county or municipality fronting on the
954 Gulf of Mexico, the Atlantic Ocean, or the Straits of Florida
955 shall advise the department within 5 days after receipt of any
956 permit application for construction or other activities proposed
957 to be located seaward of the line established by the department

593-04035-09

20092160c1

958 pursuant to ~~the provisions of~~ this section. Within 5 days after
959 receipt of such application, the county or municipality shall
960 notify the applicant of the requirements for state permits.

961 ~~(15)-(16)~~ In keeping with the intent of subsection (3) ~~(4)~~,
962 ~~and at the discretion of the department,~~ authority for
963 permitting certain types of activities that ~~which~~ have been
964 defined by the department may be delegated by the department to
965 a coastal county or coastal municipality. Such partial
966 delegation shall be narrowly construed to those particular
967 activities specifically named in the delegation and agreed to by
968 the affected county or municipality. ~~and~~ The delegation may be
969 revoked by the department at any time if it is determined that
970 the delegation is improperly or inadequately administered.

971 ~~(16)-(17)~~ The department may, at the request of a property
972 owner, contract with the ~~such~~ property owner for an agreement,
973 or modify an existing contractual agreement regulating
974 development activities landward of a coastal construction
975 control line, if ~~provided that nothing within~~ the contractual
976 agreement is consistent ~~shall be inconsistent~~ with the design
977 and siting provisions of this section. ~~In no case shall~~ The
978 contractual agreement may not bind either party for a period
979 longer than 5 years following ~~from~~ its date of execution. Before
980 ~~Prior to~~ beginning a ~~any~~ construction activity covered by the
981 agreement, the property owner must ~~shall~~ obtain the necessary
982 authorization required by the agreement. The agreement may ~~shall~~
983 not authorize construction for:

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

593-04035-09

20092160c1

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

990 ~~(17)-(18)~~ The department may ~~is authorized to~~ grant areawide
991 permits to local governments, other governmental agencies, and
992 utility companies for special classes of activities in areas
993 under their general jurisdiction or responsibility if, ~~so long~~
994 ~~as~~ these activities, due to the type, size, or temporary nature
995 of the activity, will not cause measurable interference with the
996 natural functioning of the beach-dune ~~beach-dune~~ system or with
997 marine turtles or their nesting sites. Such activities ~~shall~~
998 include, but are not ~~be~~ limited to: road repairs, not including
999 new construction; utility repairs and replacements, or other
1000 minor activities necessary to provide utility services; beach
1001 cleaning; and emergency response. The department may adopt rules
1002 to establish criteria and guidelines for ~~use by~~ permit
1003 applicants. The department must ~~shall~~ require notice provisions
1004 appropriate to the type and nature of the activities for which
1005 the areawide permits are sought.

1006 ~~(18)-(19)~~ The department may ~~is authorized to~~ grant general
1007 permits for projects, including dune walkovers, decks, fences,
1008 landscaping, sidewalks, driveways, pool resurfacing, minor pool
1009 repairs, and other nonhabitable structures, if the ~~so long as~~
1010 ~~these~~ projects, due to their ~~the~~ type, size, or temporary nature
1011 ~~of the project~~, will not cause a measurable interference with
1012 the natural functioning of the beach-dune ~~beach-dune~~ system or
1013 with marine turtles or their nesting sites. ~~In no event shall~~
1014 Multifamily habitable structures do not qualify for general
1015 permits. However, single-family habitable structures that ~~which~~

593-04035-09

20092160c1

1016 do not advance the line of existing construction and satisfy all
1017 siting and design requirements of this section may be eligible
1018 for a general permit ~~pursuant to this subsection~~. The department
1019 may adopt rules to establish criteria and guidelines for ~~use by~~
1020 permit applicants.

1021 (a) Persons wishing to use the general permits must ~~set~~
1022 ~~forth in this subsection shall~~, at least 30 days before
1023 beginning any work, notify the department in writing on forms
1024 adopted by the department. The notice must ~~shall~~ include a
1025 description of the proposed project and supporting documents
1026 depicting the proposed project, its location, and other
1027 pertinent information as required by rule, to demonstrate that
1028 the proposed project qualifies for the requested general permit.
1029 Persons who undertake projects without proof of notice to the
1030 department, but whose projects would otherwise qualify for
1031 general permits, shall be considered to have ~~as being~~ undertaken
1032 a project without a permit and are ~~shall be~~ subject to
1033 enforcement pursuant to s. 161.121.

1034 (b) Persons wishing to use a general permit must provide
1035 notice as required by the applicable local building code where
1036 the project will be located. If a building code requires no
1037 notice, any person wishing to use a general permit must, at a
1038 minimum, post on the property at least 5 days before commencing
1039 ~~prior to the commencement of~~ construction a sign no smaller than
1040 88 square inches, with letters no smaller than one-quarter inch,
1041 describing the project.

1042 ~~(19)-(20)~~ (a) The department may suspend or revoke the use of
1043 a general or areawide permit for good cause, including:
1044 submission of false or inaccurate information in the

593-04035-09

20092160c1

1045 notification for use of a general or areawide permit; violation
1046 of law, department orders, or rules relating to permit
1047 conditions; deviation from the specified activity or project
1048 indicated or the conditions for undertaking the activity or
1049 project; refusal of lawful inspection; or any other act by ~~en~~
1050 the permittee ~~permittee's part in using the general or areawide~~
1051 ~~permit~~ which results or may result in harm or injury to human
1052 health or welfare, or which causes harm or injury to animal,
1053 plant, or aquatic life or to property.

1054 (b) The department shall have access to the permitted
1055 activity or project at reasonable times to inspect and determine
1056 compliance with the permit and department rules.

1057 ~~(20)-(21)~~ The department may ~~is authorized to~~ adopt rules
1058 related to the ~~following provisions of this section:~~
1059 establishment of coastal construction control lines; activities
1060 seaward of the coastal construction control line; exemptions;
1061 property owner agreements; delegation of the program; permitting
1062 programs; and violations and penalties.

1063 ~~(21)-(22)~~ In accordance with ss. 553.73 and 553.79, and upon
1064 the effective date of the Florida Building Code, the provisions
1065 of this section which pertain to and govern the design,
1066 construction, erection, alteration, modification, repair, and
1067 demolition of public and private buildings, structures, and
1068 facilities shall be incorporated into the Florida Building Code.
1069 The Florida Building Commission may ~~shall have the authority to~~
1070 adopt rules pursuant to ss. 120.536 and 120.54 ~~in order to~~
1071 administer ~~implement~~ those provisions. This subsection does not
1072 limit or abrogate the right and authority of the department to
1073 require permits or to adopt and enforce environmental standards,

593-04035-09

20092160c1

1074 including, but not limited to, standards for ensuring the
1075 protection of the beach-dune system, proposed or existing
1076 structures, adjacent properties, marine turtles, native salt-
1077 resistant vegetation, endangered plant communities, and the
1078 preservation of public beach access.

1079 Section 17. Subsection (2) of section 161.161, Florida
1080 Statutes, is amended to read:

1081 161.161 Procedure for approval of projects.-

1082 (2) Annually ~~Upon approval of the beach management plan,~~
1083 the secretary shall present to the Legislature ~~President of the~~
1084 ~~Senate, the Speaker of the House of Representatives, and the~~
1085 ~~chairs of the legislative appropriations committees~~
1086 recommendations for funding of beach erosion control projects
1087 prioritized according to the. ~~Such recommendations shall be~~
1088 ~~presented to such members of the Legislature in the priority~~
1089 ~~order specified in the plan and established pursuant to criteria~~
1090 established ~~contained~~ in s. 161.101(14).

1091 Section 18. Section 163.2526, Florida Statutes, is
1092 repealed.

1093 Section 19. Subsection (2) of section 163.3167, Florida
1094 Statutes, is amended to read:

1095 163.3167 Scope of act.-

1096 (2) Each local government shall prepare a comprehensive
1097 plan of the type and in the manner set out in this part ~~act~~ or
1098 ~~shall~~ prepare amendments to its existing comprehensive plan to
1099 conform it to the requirements of this part and in the manner
1100 set out in this part. Each local government, in accordance with
1101 ~~the procedures in~~ s. 163.3184, shall submit its complete
1102 proposed comprehensive plan or its complete comprehensive plan

593-04035-09

20092160c1

1103 as proposed to be amended to the state land planning agency ~~by~~
1104 ~~the date specified in the rule adopted by the state land~~
1105 ~~planning agency pursuant to this subsection. The state land~~
1106 ~~planning agency shall, prior to October 1, 1987, adopt a~~
1107 ~~schedule of local governments required to submit complete~~
1108 ~~proposed comprehensive plans or comprehensive plans as proposed~~
1109 ~~to be amended. Such schedule shall specify the exact date of~~
1110 ~~submission for each local government, shall establish equal,~~
1111 ~~staggered submission dates, and shall be consistent with the~~
1112 ~~following time periods:~~

1113 ~~(a) Beginning on July 1, 1988, and on or before July 1,~~
1114 ~~1990, each county that is required to include a coastal~~
1115 ~~management element in its comprehensive plan and each~~
1116 ~~municipality in such a county; and~~

1117 ~~(b) Beginning on July 1, 1989, and on or before July 1,~~
1118 ~~1991, all other counties or municipalities.~~

1119
1120 ~~Nothing herein shall preclude the state land planning agency~~
1121 ~~from permitting by rule a county together with each municipality~~
1122 ~~in the county from submitting a proposed comprehensive plan~~
1123 ~~earlier than the dates established in paragraphs (a) and (b).~~
1124 ~~Any county or municipality that fails to meet the schedule set~~
1125 ~~for submission of its proposed comprehensive plan by more than~~
1126 ~~90 days shall be subject to the sanctions described in s.~~
1127 ~~163.3184(11)(a) imposed by the Administration Commission.~~
1128 ~~Notwithstanding the time periods established in this subsection,~~
1129 ~~the state land planning agency may establish later deadlines for~~
1130 ~~the submission of proposed comprehensive plans or comprehensive~~
1131 ~~plans as proposed to be amended for a county or municipality~~

593-04035-09

20092160c1

1132 ~~which has all or a part of a designated area of critical state~~
1133 ~~concern within its boundaries; however, such deadlines shall not~~
1134 ~~be extended to a date later than July 1, 1991, or the time of~~
1135 ~~de-designation, whichever is earlier.~~

1136 Section 20. Paragraph (h) of subsection (6) and paragraph
1137 (k) of subsection (10) of section 163.3177, Florida Statutes,
1138 are amended to read:

1139 163.3177 Required and optional elements of comprehensive
1140 plan; studies and surveys.—

1141 (6) In addition to the requirements of subsections (1)-(5)
1142 and (12), the comprehensive plan shall include the following
1143 elements:

1144 (h)1. An intergovernmental coordination element showing
1145 relationships and stating principles and guidelines to be used
1146 in coordinating the accomplishment of coordination of the
1147 adopted comprehensive plan with the plans of school boards,
1148 regional water supply authorities, and other units of local
1149 government providing services but not having regulatory
1150 authority over the use of land, with the comprehensive plans of
1151 adjacent municipalities, the county, adjacent counties, or the
1152 region, with the state comprehensive plan and with the
1153 applicable regional water supply plan approved pursuant to s.
1154 373.0361, as the case may require and as such adopted plans or
1155 plans in preparation may exist. This element of the local
1156 comprehensive plan must ~~shall~~ demonstrate consideration of the
1157 particular effects of the local plan, when adopted, upon the
1158 development of adjacent municipalities, the county, adjacent
1159 counties, or the region, or upon the state comprehensive plan,
1160 as the case may require.

593-04035-09

20092160c1

1161 a. The intergovernmental coordination element must ~~shall~~
1162 provide ~~for~~ procedures for identifying and implementing ~~to~~
1163 ~~identify and implement~~ joint planning areas, especially for the
1164 purpose of annexation, municipal incorporation, and joint
1165 infrastructure service areas.

1166 b. The intergovernmental coordination element must ~~shall~~
1167 provide for recognition of campus master plans prepared pursuant
1168 to s. 1013.30.

1169 c. The intergovernmental coordination element may provide
1170 for a voluntary dispute resolution process, as established
1171 pursuant to s. 186.509, for bringing to closure in a timely
1172 ~~manner~~ intergovernmental disputes to closure in a timely manner.
1173 A local government may also develop and use an alternative local
1174 dispute resolution process for this purpose.

1175 2. The intergovernmental coordination element shall also
1176 ~~further~~ state principles and guidelines to be used in
1177 coordinating the accomplishment of coordination of the adopted
1178 comprehensive plan with the plans of school boards and other
1179 units of local government providing facilities and services but
1180 not having regulatory authority over the use of land. In
1181 addition, the intergovernmental coordination element must ~~shall~~
1182 describe joint processes for collaborative planning and
1183 decisionmaking on population projections and public school
1184 siting, the location and extension of public facilities subject
1185 to concurrency, and siting facilities with countywide
1186 significance, including locally unwanted land uses whose nature
1187 and identity are established in an agreement. Within 1 year
1188 after ~~of~~ adopting their intergovernmental coordination elements,
1189 each county, all the municipalities within that county, the

593-04035-09

20092160c1

1190 district school board, and any unit of local government service
1191 providers in that county shall establish by interlocal or other
1192 formal agreement executed by all affected entities, the joint
1193 processes described in this subparagraph consistent with their
1194 adopted intergovernmental coordination elements.

1195 3. To foster coordination between special districts and
1196 local general-purpose governments as local general-purpose
1197 governments implement local comprehensive plans, each
1198 independent special district must submit a public facilities
1199 report to the appropriate local government as required by s.
1200 189.415.

1201 ~~4.a.~~ Local governments must execute an interlocal agreement
1202 with the district school board, the county, and nonexempt
1203 municipalities pursuant to s. 163.31777. The local government
1204 shall amend the intergovernmental coordination element to ensure
1205 ~~provide~~ that coordination between the local government and
1206 school board is pursuant to the agreement and shall state the
1207 obligations of the local government under the agreement.

1208 ~~b.~~ Plan amendments that comply with this subparagraph are
1209 exempt from the provisions of s. 163.3187(1).

1210 ~~5. The state land planning agency shall establish a~~
1211 ~~schedule for phased completion and transmittal of plan~~
1212 ~~amendments to implement subparagraphs 1., 2., and 3. from all~~
1213 ~~jurisdictions so as to accomplish their adoption by December 31,~~
1214 ~~1999. A local government may complete and transmit its plan~~
1215 ~~amendments to carry out these provisions prior to the scheduled~~
1216 ~~date established by the state land planning agency. The plan~~
1217 ~~amendments are exempt from the provisions of s. 163.3187(1).~~

1218 5.6. By January 1, 2004, any county having a population

593-04035-09

20092160c1

1219 greater than 100,000, and the municipalities and special
1220 districts within that county, shall submit a report to the
1221 Department of Community Affairs which identifies:

1222 a. ~~Identifies~~ All existing or proposed interlocal service
1223 delivery agreements relating to ~~regarding the following~~:
1224 education; sanitary sewer; public safety; solid waste; drainage;
1225 potable water; parks and recreation; and transportation
1226 facilities.

1227 b. ~~Identifies~~ Any deficits or duplication in the provision
1228 of services within its jurisdiction, whether capital or
1229 operational. Upon request, the Department of Community Affairs
1230 shall provide technical assistance to the local governments in
1231 identifying deficits or duplication.

1232 ~~6.7.~~ Within 6 months after submission of the report, the
1233 Department of Community Affairs shall, through the appropriate
1234 regional planning council, coordinate a meeting of all local
1235 governments within the regional planning area to discuss the
1236 reports and potential strategies to remedy any identified
1237 deficiencies or duplications.

1238 ~~7.8.~~ Each local government shall update its
1239 intergovernmental coordination element based upon the findings
1240 in the report submitted pursuant to subparagraph 5. ~~6.~~ The
1241 report may be used as supporting data and analysis for the
1242 intergovernmental coordination element.

1243 (10) The Legislature recognizes the importance and
1244 significance of chapter 9J-5, Florida Administrative Code, the
1245 Minimum Criteria for Review of Local Government Comprehensive
1246 Plans and Determination of Compliance of the Department of
1247 Community Affairs that will be used to determine compliance of

593-04035-09

20092160c1

1248 local comprehensive plans. The Legislature reserved unto itself
1249 the right to review chapter 9J-5, Florida Administrative Code,
1250 and to reject, modify, or take no action relative to this rule.
1251 Therefore, pursuant to subsection (9), the Legislature hereby
1252 has reviewed chapter 9J-5, Florida Administrative Code, and
1253 expresses the following legislative intent:

1254 (k) In order for ~~so that~~ local governments are able to
1255 prepare and adopt comprehensive plans with knowledge of the
1256 rules that are ~~will be~~ applied to determine consistency of the
1257 plans with ~~provisions of this part, it is the intent of the~~
1258 ~~Legislature that~~ there should be no doubt as to the legal
1259 standing of chapter 9J-5, Florida Administrative Code, at the
1260 close of the 1986 legislative session. Therefore, the
1261 Legislature declares that changes made to chapter 9J-5 before,
1262 ~~Florida Administrative Code, prior to October 1, 1986, are shall~~
1263 not ~~be~~ subject to rule challenges under s. 120.56(2), or to
1264 drawout proceedings under s. 120.54(3)(c)2. The entire chapter
1265 9J-5, Florida Administrative Code, as amended, is ~~shall be~~
1266 subject to rule challenges under s. 120.56(3), as nothing herein
1267 indicates ~~shall be construed to indicate~~ approval or disapproval
1268 of any portion of chapter 9J-5, ~~Florida Administrative Code,~~ not
1269 specifically addressed herein. ~~No challenge pursuant to s.~~
1270 ~~120.56(3) may be filed from July 1, 1987, through April 1, 1993.~~
1271 ~~Any amendments to chapter 9J-5, Florida Administrative Code,~~
1272 ~~exclusive of the amendments adopted prior to October 1, 1986,~~
1273 ~~pursuant to this act, shall be subject to the full chapter 120~~
1274 ~~process. All amendments shall have effective dates as provided~~
1275 ~~in chapter 120 and submission to the President of the Senate and~~
1276 ~~Speaker of the House of Representatives shall not be required.~~

593-04035-09

20092160c1

1277 Section 21. Subsection (6) of section 163.3178, Florida
1278 Statutes, is amended to read:

1279 163.3178 Coastal management.—

1280 (6) Local governments are encouraged to adopt countywide
1281 marina siting plans to designate sites for existing and future
1282 marinas. The Coastal Resources Interagency Management Committee,
1283 at the direction of the Legislature, shall identify incentives
1284 to encourage local governments to adopt such siting plans and
1285 uniform criteria and standards to be used by local governments
1286 to implement state goals, objectives, and policies relating to
1287 marina siting. These criteria must ensure that priority is given
1288 to water-dependent land uses. ~~The Coastal Resources Interagency
1289 Management Committee shall submit its recommendations regarding
1290 local government incentives to the Legislature by December 1,
1291 1993.~~ Countywide marina siting plans must be consistent with
1292 state and regional environmental planning policies and
1293 standards. Each local government in the coastal area which
1294 participates in the adoption of a countywide marina siting plan
1295 shall incorporate the plan into the coastal management element
1296 of its local comprehensive plan.

1297 Section 22. Subsection (12) of section 163.519, Florida
1298 Statutes, is repealed.

1299 Section 23. Subsection (9) of section 186.007, Florida
1300 Statutes, is repealed.

1301 Section 24. Subsection (5) of section 189.4035, Florida
1302 Statutes, is amended to read:

1303 189.4035 Preparation of official list of special
1304 districts.—

1305 (5) The official list of special districts shall be

593-04035-09

20092160c1

1306 available on the department's website ~~distributed by the~~
 1307 ~~department on October 1 of each year to the President of the~~
 1308 ~~Senate, the Speaker of the House of Representatives, the Auditor~~
 1309 ~~General, the Department of Revenue, the Department of Financial~~
 1310 ~~Services, the Department of Management Services, the State Board~~
 1311 ~~of Administration, counties, municipalities, county property~~
 1312 ~~appraisers, tax collectors, and supervisors of elections and to~~
 1313 ~~all interested parties who request the list.~~

1314 Section 25. Subsection (2) of section 189.412, Florida
 1315 Statutes, is amended to read:

1316 189.412 Special District Information Program; duties and
 1317 responsibilities.—The Special District Information Program of
 1318 the Department of Community Affairs is created and has the
 1319 following special duties:

1320 (2) The maintenance of a master list of independent and
 1321 dependent special districts which shall be available on the
 1322 department's website ~~annually updated and distributed to the~~
 1323 ~~appropriate officials in state and local governments.~~

1324 Section 26. Subsection (2) of section 194.034, Florida
 1325 Statutes, is amended to read:

1326 194.034 Hearing procedures; rules.—

1327 (2) ~~If In each case, Except when~~ a complaint is withdrawn
 1328 by the petitioner or is acknowledged as correct by the property
 1329 appraiser, the value adjustment board shall render a written
 1330 decision in each case. All ~~such~~ decisions shall be issued within
 1331 20 calendar days after ~~of~~ the last day the board is in session
 1332 under s. 194.032. The decision of the board must ~~shall~~ contain
 1333 findings of fact and conclusions of law and must ~~shall~~ include
 1334 reasons for upholding or overturning the determination of the

593-04035-09

20092160c1

1335 property appraiser. If ~~When~~ a special magistrate has been
1336 appointed, the recommendations of the special magistrate shall
1337 be considered by the board. ~~The clerk,~~ Upon issuance of the
1338 board's decision ~~decisions,~~ the clerk shall, on a form provided
1339 by the Department of Revenue, notify by first-class mail each
1340 taxpayer and, the property appraiser, ~~and the department~~ of the
1341 decision of the board.

1342 Section 27. Paragraph (b) of subsection (1) of section
1343 206.606, Florida Statutes, is amended to read:

1344 206.606 Distribution of certain proceeds.—

1345 (1) Moneys collected pursuant to ss. 206.41(1)(g) and
1346 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust
1347 Fund. Such moneys, after deducting the service charges imposed
1348 by s. 215.20, the refunds granted pursuant to s. 206.41, and the
1349 administrative costs incurred by the department in collecting,
1350 administering, enforcing, and distributing the tax, which
1351 administrative costs may not exceed 2 percent of collections,
1352 shall be distributed monthly to the State Transportation Trust
1353 Fund, except that:

1354 (b) Annually, \$2.5 million shall be transferred to the
1355 State Game Trust Fund in the Fish and Wildlife Conservation
1356 Commission ~~in each fiscal year~~ and used for recreational boating
1357 activities, ~~and freshwater fisheries management and research.~~
1358 The transfers must be made in equal monthly amounts beginning on
1359 July 1 of each fiscal year. The commission shall annually
1360 determine where unmet needs exist for boating-related
1361 activities, and may fund such activities in counties where, due
1362 to the number of vessel registrations, sufficient financial
1363 resources are unavailable.

593-04035-09

20092160c1

1364 1. A minimum of \$1.25 million shall be used to fund local
1365 projects to provide recreational channel marking and other
1366 uniform waterway markers, public boat ramps, lifts, and hoists,
1367 marine railways, and other public launching facilities, derelict
1368 vessel removal, and other local boating-related activities. In
1369 funding the projects, the commission shall give priority
1370 consideration to ~~as follows~~:

1371 a. Unmet needs in counties having ~~with~~ populations of
1372 100,000 or fewer ~~less~~.

1373 b. Unmet needs in coastal counties having ~~with~~ a high level
1374 of boating-related activities from individuals residing in other
1375 counties.

1376 2. The remaining \$1.25 million may be used for recreational
1377 boating activities and freshwater fisheries management and
1378 research.

1379 3. The commission may ~~is authorized to~~ adopt rules pursuant
1380 ~~to ss. 120.536(1) and 120.54~~ to administer ~~implement~~ a Florida
1381 Boating Improvement Program.

1382
1383 ~~On February 1 of each year,~~ The commission shall prepare and
1384 make available on its Internet website ~~file~~ an annual report
1385 ~~with the President of the Senate and the Speaker of the House of~~
1386 ~~Representatives~~ outlining the status of its Florida Boating
1387 Improvement Program, including the projects funded, and a list
1388 of counties whose needs are unmet due to insufficient financial
1389 resources from vessel registration fees.

1390 Section 28. Paragraph (b) of subsection (4) of section
1391 212.054, Florida Statutes, is amended to read:

1392 212.054 Discretionary sales surtax; limitations,

593-04035-09

20092160c1

1393 administration, and collection.—

1394 (4)

1395 (b) The proceeds of a discretionary sales surtax collected
1396 by the selling dealer located in a county imposing ~~which imposes~~
1397 the surtax shall be returned, less the cost of administration,
1398 to the county where the selling dealer is located. The proceeds
1399 shall be transferred to the Discretionary Sales Surtax Clearing
1400 Trust Fund. A separate account shall be established in the ~~such~~
1401 trust fund for each county imposing a discretionary surtax. The
1402 amount deducted for the costs of administration may ~~shall~~ not
1403 exceed 3 percent of the total revenue generated for all counties
1404 levying a surtax authorized in s. 212.055. The amount deducted
1405 for the costs of administration may ~~shall~~ be used only for ~~those~~
1406 costs that ~~which~~ are solely and directly attributable to the
1407 surtax. The total cost of administration shall be prorated among
1408 those counties levying the surtax on the basis of the amount
1409 collected for a particular county to the total amount collected
1410 for all counties. ~~No later than March 1 of each year, the~~
1411 ~~department shall submit a written report which details the~~
1412 ~~expenses and amounts deducted for the costs of administration to~~
1413 ~~the President of the Senate, the Speaker of the House of~~
1414 ~~Representatives, and the governing authority of each county~~
1415 ~~levying a surtax.~~ The department shall distribute the moneys in
1416 the trust fund ~~each month~~ to the appropriate counties each
1417 month, unless otherwise provided in s. 212.055.

1418 Section 29. Paragraph (j) of subsection (5) of section
1419 212.08, Florida Statutes, is amended to read:

1420 212.08 Sales, rental, use, consumption, distribution, and
1421 storage tax; specified exemptions.—The sale at retail, the

593-04035-09

20092160c1

1422 rental, the use, the consumption, the distribution, and the
1423 storage to be used or consumed in this state of the following
1424 are hereby specifically exempt from the tax imposed by this
1425 chapter.

1426 (5) EXEMPTIONS; ACCOUNT OF USE.—

1427 (j) *Machinery and equipment used in semiconductor, defense,*
1428 *or space technology production.—*

1429 1.a. Industrial machinery and equipment used in
1430 semiconductor technology facilities certified under subparagraph
1431 5. to manufacture, process, compound, or produce semiconductor
1432 technology products for sale or for use by these facilities are
1433 exempt from the tax imposed by this chapter. For purposes of
1434 this paragraph, industrial machinery and equipment includes
1435 molds, dies, machine tooling, other appurtenances or accessories
1436 to machinery and equipment, testing equipment, test beds,
1437 computers, and software, whether purchased or self-fabricated,
1438 and, if self-fabricated, includes materials and labor for
1439 design, fabrication, and assembly.

1440 b. Industrial machinery and equipment used in defense or
1441 space technology facilities certified under subparagraph 5. to
1442 design, manufacture, assemble, process, compound, or produce
1443 defense technology products or space technology products for
1444 sale or for use by these facilities are exempt from the tax
1445 imposed by this chapter.

1446 2. Building materials purchased for use in manufacturing or
1447 expanding clean rooms in semiconductor-manufacturing facilities
1448 are exempt from the tax imposed by this chapter.

1449 3. In addition to meeting the criteria mandated by
1450 subparagraph 1. or subparagraph 2., a business must be certified

593-04035-09

20092160c1

1451 by the Office of Tourism, Trade, and Economic Development ~~as~~
1452 ~~authorized in this paragraph~~ in order to qualify for exemption
1453 under this paragraph.

1454 4. For items purchased tax-exempt pursuant to this
1455 paragraph, possession of a written certification from the
1456 purchaser, certifying the purchaser's entitlement to the
1457 exemption ~~pursuant to this paragraph~~, relieves the seller of the
1458 responsibility of collecting the tax on the sale of such items,
1459 and the department shall look solely to the purchaser for
1460 recovery of the tax if it determines that the purchaser was not
1461 entitled to the exemption.

1462 5.a. To be eligible to receive the exemption provided by
1463 subparagraph 1. or subparagraph 2., a qualifying business entity
1464 shall ~~apply~~ initially apply to Enterprise Florida, Inc. The
1465 original certification is ~~shall be~~ valid for a period of 2
1466 years. In lieu of submitting a new application, the original
1467 certification may be renewed biennially by submitting to the
1468 Office of Tourism, Trade, and Economic Development a statement,
1469 certified under oath, that there has been no material change in
1470 the conditions or circumstances entitling the business entity to
1471 the original certification. The initial application and the
1472 certification renewal statement shall be developed by the Office
1473 of Tourism, Trade, and Economic Development in consultation with
1474 Enterprise Florida, Inc.

1475 b. Enterprise Florida, Inc., shall review each submitted
1476 initial application ~~and information~~ and determine whether or not
1477 the application is complete within 5 working days. Once ~~an~~
1478 ~~application is~~ complete, Enterprise Florida, Inc., shall, within
1479 10 working days, evaluate the application and recommend approval

593-04035-09

20092160c1

1480 or disapproval ~~of the application~~ to the Office of Tourism,
1481 Trade, and Economic Development.

1482 c. Upon receipt of the initial application and
1483 recommendation from Enterprise Florida, Inc., or upon receipt of
1484 a certification renewal statement, the Office of Tourism, Trade,
1485 and Economic Development shall certify within 5 working days
1486 those applicants who are found to meet the requirements of this
1487 section and notify the applicant, Enterprise Florida, Inc., and
1488 the department of the original certification or certification
1489 renewal. If the Office of Tourism, Trade, and Economic
1490 Development finds that the applicant does not meet the
1491 requirements ~~of this section~~, it shall notify the applicant and
1492 Enterprise Florida, Inc., within 10 working days that the
1493 application for certification has been denied and the reasons
1494 for denial. The Office of Tourism, Trade, and Economic
1495 Development has final approval authority for certification under
1496 this section.

1497 d. The initial application and certification renewal
1498 statement must indicate, for program evaluation purposes only,
1499 the average number of full-time equivalent employees at the
1500 facility over the preceding calendar year, the average wage and
1501 benefits paid to those employees over the preceding calendar
1502 year, the total investment made in real and tangible personal
1503 property over the preceding calendar year, and the total value
1504 of tax-exempt purchases and taxes exempted during the previous
1505 year. The department shall assist the Office of Tourism, Trade,
1506 and Economic Development in evaluating and verifying information
1507 provided in the application for exemption.

1508 e. The Office of Tourism, Trade, and Economic Development

593-04035-09

20092160c1

1509 may use the information reported on the initial application and
1510 certification renewal statement for evaluation purposes only ~~and~~
1511 ~~shall prepare an annual report on the exemption program and its~~
1512 ~~cost and impact. The annual report for the preceding fiscal year~~
1513 ~~shall be submitted to the Governor, the President of the Senate,~~
1514 ~~and the Speaker of the House of Representatives by September 30~~
1515 ~~of each fiscal year.~~

1516 6. A business certified to receive this exemption may elect
1517 to designate one or more state universities or community
1518 colleges as recipients of up to 100 percent of the amount of the
1519 exemption ~~for which they may qualify~~. To receive these funds,
1520 the institution must agree to match the funds ~~so earned~~ with
1521 equivalent cash, programs, services, or other in-kind support on
1522 a one-to-one basis for ~~in the pursuit of~~ research and
1523 development projects ~~as~~ requested by the certified business. The
1524 rights to any patents, royalties, or real or intellectual
1525 property must be vested in the business unless otherwise agreed
1526 to by the business and the university or community college.

1527 7. As used in this paragraph, the term:

1528 a. "Semiconductor technology products" means raw
1529 semiconductor wafers or semiconductor thin films that are
1530 transformed into semiconductor memory or logic wafers, including
1531 wafers containing mixed memory and logic circuits; related
1532 assembly and test operations; active-matrix flat panel displays;
1533 semiconductor chips; semiconductor lasers; optoelectronic
1534 elements; and related semiconductor technology products as
1535 determined by the Office of Tourism, Trade, and Economic
1536 Development.

1537 b. "Clean rooms" means manufacturing facilities enclosed in

593-04035-09

20092160c1

1538 a manner that meets the clean manufacturing requirements
1539 necessary for high-technology semiconductor-manufacturing
1540 environments.

1541 c. "Defense technology products" means products that have a
1542 military application, including, but not limited to, weapons,
1543 weapons systems, guidance systems, surveillance systems,
1544 communications or information systems, munitions, aircraft,
1545 vessels, or boats, or components thereof, which are intended for
1546 military use and manufactured in performance of a contract with
1547 the United States Department of Defense or the military branch
1548 of a recognized foreign government or a subcontract thereunder
1549 which relates to matters of national defense.

1550 d. "Space technology products" means products that are
1551 specifically designed or manufactured for application in space
1552 activities, including, but not limited to, space launch
1553 vehicles, space flight vehicles, missiles, satellites or
1554 research payloads, avionics, and associated control systems and
1555 processing systems and components of any of the foregoing. The
1556 term does not include products that are designed or manufactured
1557 for general commercial aviation or other uses even though those
1558 products may also serve an incidental use in space applications.

1559 Section 30. Section 213.0452, Florida Statutes, is
1560 repealed.

1561 Section 31. Section 213.054, Florida Statutes, is repealed.

1562 Section 32. Subsection (3) of section 215.70, Florida
1563 Statutes, is amended to read:

1564 215.70 State Board of Administration to act in case of
1565 defaults.—

1566 (3) ~~It shall be the duty of~~ The State Board of

593-04035-09

20092160c1

1567 Administration shall ~~to~~ monitor the debt service accounts for
1568 bonds issued pursuant to this act. The board shall advise the
1569 Governor and Legislature of any projected need to appropriate
1570 funds to honor the pledge of full faith and credit of the state.
1571 The report must ~~shall~~ include the estimated amount of
1572 appropriations needed, the estimated maximum amount of
1573 appropriations needed, and a contingency appropriation request
1574 for each bond issue.

1575 Section 33. Paragraph (z) of subsection (1) of section
1576 216.011, Florida Statutes, is amended to read:

1577 216.011 Definitions.—

1578 (1) For the purpose of fiscal affairs of the state,
1579 appropriations acts, legislative budgets, and approved budgets,
1580 each of the following terms has the meaning indicated:

1581 (z) "Long-range program plan" means a plan developed
1582 pursuant to s. 216.013 ~~on an annual basis by each state agency~~
1583 ~~that is policy based, priority driven, accountable, and~~
1584 ~~developed through careful examination and justification of all~~
1585 ~~programs and their associated costs. Each plan is developed by~~
1586 ~~examining the needs of agency customers and clients and~~
1587 ~~proposing programs and associated costs to address those needs~~
1588 ~~based on state priorities as established by law, the agency~~
1589 ~~mission, and legislative authorization. The plan provides the~~
1590 ~~framework and context for preparing the legislative budget~~
1591 ~~request and includes performance indicators for evaluating the~~
1592 ~~impact of programs and agency performance.~~

1593 Section 34. Paragraph (c) of subsection (10) of section
1594 216.181, Florida Statutes, is repealed.

1595 Section 35. Subsection (5) of section 252.55, Florida

593-04035-09

20092160c1

1596 Statutes, is amended to read:

1597 252.55 Civil Air Patrol, Florida Wing.-

1598 (5) The wing commander of the Florida Wing of the Civil Air
1599 Patrol shall biennially furnish the Bureau of Emergency
1600 Management a 2-year ~~an annual~~ projection of the goals and
1601 objectives of the Civil Air Patrol which shall ~~for the following~~
1602 ~~year. These will~~ be reported ~~to the Governor~~ in the division's
1603 biennial ~~annual~~ report submitted pursuant to s. 252.35 ~~of the~~
1604 ~~division on February 1 of each year.~~

1605 Section 36. Subsection (1) of section 253.7825, Florida
1606 Statutes, is amended to read:

1607 253.7825 Recreational uses.-

1608 (1) The Cross Florida Greenways State Recreation and
1609 Conservation Area must be managed as a multiple-use area
1610 pursuant to s. 253.034(2)(a), and as ~~further~~ provided in this
1611 section herein. ~~The University of Florida Management Plan~~
1612 ~~provides a conceptual recreational plan that may ultimately be~~
1613 ~~developed at various locations throughout the greenways~~
1614 ~~corridor. The plan proposes to locate a number of the larger,~~
1615 ~~more comprehensive and complex recreational facilities in~~
1616 ~~sensitive, natural resource areas.~~ Future site-specific studies
1617 and investigations must be conducted by the department to
1618 determine compatibility with, and potential for adverse impact
1619 to, existing natural resources, need for the facility, the
1620 availability of other alternative locations with reduced adverse
1621 impacts to existing natural resources, and the proper specific
1622 sites and locations for the more comprehensive and complex
1623 facilities. Furthermore, it is appropriate, with the approval of
1624 the department, to allow more fishing docks, boat launches, and

593-04035-09

20092160c1

1625 other user-oriented facilities to be developed and maintained by
1626 local governments.

1627 Section 37. Section 253.7826, Florida Statutes, is
1628 repealed.

1629 Section 38. Section 253.7829, Florida Statutes, is
1630 repealed.

1631 Section 39. Subsection (4) of section 259.037, Florida
1632 Statutes, is amended to read:

1633 259.037 Land Management Uniform Accounting Council.—

1634 (4) The council shall provide a report of the agencies'
1635 expenditures pursuant to the adopted categories ~~to the President~~
1636 ~~of the Senate and the Speaker of the House of Representatives~~
1637 ~~annually, beginning July 1, 2001. The council shall also provide~~
1638 ~~this report~~ to the Acquisition and Restoration Council and the
1639 division for inclusion in its annual report required pursuant to
1640 s. 259.036.

1641 Section 40. Subsection (4) of section 267.074, Florida
1642 Statutes, is repealed.

1643 Section 41. Subsection (3) of section 284.50, Florida
1644 Statutes, is repealed.

1645 Section 42. Subsection (11) of section 287.045, Florida
1646 Statutes, is repealed.

1647 Section 43. Subsection (15) of section 287.059, Florida
1648 Statutes, is amended to read:

1649 287.059 Private attorney services.—

1650 (15) The Attorney General's office may, ~~by rule,~~ adopt
1651 standard fee schedules for court reporting services for each
1652 judicial circuit by rule, in consultation with the Florida Court
1653 Reporters Association. ~~Agencies,~~ When contracting for court

593-04035-09

20092160c1

1654 reporting services, an agency shall ~~must~~ use the standard fee
1655 schedule ~~for court reporting services~~ established pursuant to
1656 this section unless a, ~~provided no~~ state contract is not
1657 applicable or unless the head of the agency or his or her
1658 designee waives use of the schedule and sets forth the reasons
1659 for deviating from the schedule in writing to the Attorney
1660 General. The ~~Such~~ waiver must demonstrate necessity based upon
1661 criteria for deviation from the schedule which the Attorney
1662 General shall establish by rule. ~~Any proposed fee schedule under~~
1663 ~~this section shall be submitted to the Governor, the Speaker of~~
1664 ~~the House of Representatives, the President of the Senate, and~~
1665 ~~the Chief Justice of the Florida Supreme Court at least 60 days~~
1666 ~~prior to publication of the notice to adopt the rule.~~

1667 Section 44. Subsection (7) of section 288.108, Florida
1668 Statutes, is repealed.

1669 Section 45. Section 288.1185, Florida Statutes, is
1670 repealed.

1671 Section 46. Paragraph (e) of subsection (8) of section
1672 288.1229, Florida Statutes, is amended to read:

1673 288.1229 Promotion and development of sports-related
1674 industries and amateur athletics; direct-support organization;
1675 powers and duties.—

1676 (8) To promote amateur sports and physical fitness, the
1677 direct-support organization shall:

1678 (e) Promote Florida as a host for national and
1679 international amateur athletic competitions. ~~As part of this~~
1680 ~~effort, the direct-support organization shall:~~

1681 ~~1. Assist and support Florida cities or communities bidding~~
1682 ~~or seeking to host the Summer Olympics or Pan American Games.~~

593-04035-09

20092160c1

1683 ~~2. Annually report to the Governor, the President of the~~
1684 ~~Senate, and the Speaker of the House of Representatives on the~~
1685 ~~status of the efforts of cities or communities bidding to host~~
1686 ~~the Summer Olympics or Pan American Games, including, but not~~
1687 ~~limited to, current financial and infrastructure status,~~
1688 ~~projected financial and infrastructure needs, and~~
1689 ~~recommendations for satisfying the unmet needs and fulfilling~~
1690 ~~the requirements for a successful bid in any year that the~~
1691 ~~Summer Olympics or Pan American Games are held in this state.~~

1692 Section 47. Subsection (4) of section 288.7015, Florida
1693 Statutes, is repealed.

1694 Section 48. Section 288.7771, Florida Statutes, is amended
1695 to read:

1696 288.7771 Annual report of Florida Export Finance
1697 Corporation. ~~By March 31 of each year,~~ The corporation shall
1698 annually prepare and submit to Enterprise Florida, Inc., for
1699 inclusion in its annual report required by s. 288.095 ~~the~~
1700 ~~Governor, the President of the Senate, the Speaker of the House~~
1701 ~~of Representatives, the Senate Minority Leader, and the House~~
1702 ~~Minority Leader~~ a complete and detailed report setting forth:

1703 (1) The report required in s. 288.776(3).

1704 (2) Its assets and liabilities at the end of its most
1705 recent fiscal year.

1706 Section 49. Subsections (8), (10), and (11) of section
1707 288.8175, Florida Statutes, are repealed.

1708 Section 50. Subsection (5) of section 288.853, Florida
1709 Statutes, is repealed.

1710 Section 51. Subsection (5) of section 288.95155, Florida
1711 Statutes, is amended to read:

593-04035-09

20092160c1

1712 288.95155 Florida Small Business Technology Growth
1713 Program.—

1714 (5) ~~By January 1 of each year,~~ Enterprise Florida, Inc.,
1715 shall prepare and include in its annual report required by s.
1716 288.095 a report on the financial status of the program ~~and the~~
1717 ~~account and shall submit a copy of the report to the board of~~
1718 ~~directors of Enterprise Florida, Inc., the appropriate~~
1719 ~~legislative committees responsible for economic development~~
1720 ~~oversight, and the appropriate legislative appropriations~~
1721 ~~subcommittees.~~ The report must ~~shall~~ specify the assets and
1722 liabilities of the account within the current fiscal year and
1723 must ~~shall~~ include a portfolio update that lists all of the
1724 businesses assisted, the private dollars leveraged by each
1725 business assisted, and the growth in sales and in employment of
1726 each business assisted.

1727 Section 52. Paragraph (c) of subsection (4) of section
1728 288.9604, Florida Statutes, is amended to read:

1729 288.9604 Creation of the authority.—

1730 (4)

1731 (c) The directors of the corporation shall annually elect
1732 one of their members as chair and one as vice chair. The
1733 corporation may employ a president, technical experts, and such
1734 other agents and employees, permanent and temporary, as it
1735 requires and determine their qualifications, duties, and
1736 compensation. For such legal services as it requires, the
1737 corporation may employ or retain its own counsel and legal
1738 staff. ~~The corporation shall file with the governing body of~~
1739 ~~each public agency with which it has entered into an interlocal~~
1740 ~~agreement and with the Governor, the Speaker of the House of~~

593-04035-09

20092160c1

1741 ~~Representatives, the President of the Senate, the Minority~~
1742 ~~Leaders of the Senate and House of Representatives, and the~~
1743 ~~Auditor General, on or before 90 days after the close of the~~
1744 ~~fiscal year of the corporation, a report of its activities for~~
1745 ~~the preceding fiscal year, which report shall include a complete~~
1746 ~~financial statement setting forth its assets, liabilities,~~
1747 ~~income, and operating expenses as of the end of such fiscal~~
1748 ~~year.~~

1749 Section 53. Section 288.9610, Florida Statutes, is amended
1750 to read:

1751 288.9610 Annual reports of Florida Development Finance
1752 Corporation. ~~On or before 90 days after the close of~~ By December
1753 ~~1 of each year,~~ the Florida Development Finance Corporation's
1754 fiscal year, the corporation shall submit to the Governor, the
1755 Legislature President of the Senate, the Speaker of the House of
1756 Representatives, the Senate Minority Leader, the House Minority
1757 Leader, the Auditor General, and the governing body of each
1758 public entity with which it has entered into an interlocal
1759 agreement ~~city or county activating the Florida Development~~
1760 ~~Finance Corporation~~ a complete and detailed report setting
1761 forth:

1762 (1) The results of any audit conducted pursuant to s. 11.45
1763 ~~evaluation required in s. 11.45(3)(j).~~

1764 (2) The activities, operations, and accomplishments of the
1765 Florida Development Finance Corporation, including the number of
1766 businesses assisted by the corporation.

1767 (3) Its assets, ~~and~~ liabilities, income, and operating
1768 expenses at the end of its most recent fiscal year, including a
1769 description of all of its outstanding revenue bonds.

593-04035-09

20092160c1

1770 Section 54. Subsection (6) of section 292.05, Florida
1771 Statutes, is amended to read:

1772 292.05 Duties of Department of Veterans' Affairs.—

1773 (6) The department shall, by ~~on~~ December 31 of each year,
1774 submit ~~make~~ an annual written report to the Governor, the
1775 Cabinet, and the Legislature which describes: ~~of the state, the~~
1776 ~~Speaker of the House of Representatives, and the President of~~
1777 ~~the Senate, which report shall show~~

1778 (a) The expenses incurred in veteran service work in the
1779 state; the number, nature, and kind of cases handled by the
1780 department and by county and city veteran service officers of
1781 the state; the amounts of benefits obtained for veterans; the
1782 names and addresses of all certified veteran service officers,
1783 including county and city veteran service officers. The report
1784 must ~~shall~~ also describe the actions taken by the department in
1785 implementing subsections (4), (5), and (7) and include ~~shall~~
1786 ~~contain such~~ other information and recommendations as ~~may appear~~
1787 ~~to~~ the department requires ~~to be right and proper.~~

1788 (b) The current status of the department's domiciliary and
1789 nursing homes established pursuant to chapter 296, including all
1790 receipts and expenditures, the condition of the homes, the
1791 number of residents received and discharged during the preceding
1792 year, occupancy rates, staffing, and any other information
1793 necessary to provide an understanding of the management,
1794 conduct, and operation of the homes.

1795 Section 55. Section 296.16, Florida Statutes, is repealed.

1796 Section 56. Section 296.39, Florida Statutes, is repealed.

1797 Section 57. Paragraph (c) of subsection (12) of section
1798 315.03, Florida Statutes, is repealed.

593-04035-09

20092160c1

1799 Section 58. Subsection (2) of section 319.324, Florida
1800 Statutes, is amended to read:

1801 319.324 Odometer fraud prevention and detection; funding.-

1802 (2) Moneys deposited into the Highway Safety Operating
1803 Trust Fund under this section shall be used to implement and
1804 maintain efforts by the department to prevent and detect
1805 odometer fraud, including the prompt investigation of alleged
1806 instances of odometer mileage discrepancies reported by licensed
1807 motor vehicle dealers, auctions, or purchasers of motor
1808 vehicles. ~~Such moneys shall also be used to fund an annual~~
1809 ~~report to the Legislature by the Department of Highway Safety~~
1810 ~~and Motor Vehicles, summarizing the department's investigations~~
1811 ~~and findings.~~ In addition, moneys deposited into the fund may be
1812 used by the department for general operations.

1813 Section 59. Section 322.181, Florida Statutes, is repealed.

1814 Section 60. Paragraph (c) of subsection (7) of section
1815 322.251, Florida Statutes, is repealed.

1816 Section 61. Section 373.0391, Florida Statutes, is amended
1817 to read:

1818 373.0391 Technical assistance to local governments.-

1819 ~~(1)~~ The water management districts shall assist local
1820 governments in the development and future revision of local
1821 government comprehensive plan elements or public facilities
1822 report as required by s. 189.415, related to water resource
1823 issues.

1824 ~~(2) By July 1, 1991, each water management district shall~~
1825 ~~prepare and provide information and data to assist local~~
1826 ~~governments in the preparation and implementation of their local~~
1827 ~~government comprehensive plans or public facilities report as~~

593-04035-09

20092160c1

1828 required by s. 189.415, whichever is applicable. Such
1829 information and data shall include, but not be limited to:

1830 (a) All information and data required in a public
1831 facilities report pursuant to s. 189.415.

1832 (b) A description of regulations, programs, and schedules
1833 implemented by the district.

1834 (c) Identification of regulations, programs, and schedules
1835 undertaken or proposed by the district to further the State
1836 Comprehensive Plan.

1837 (d) A description of surface water basins, including
1838 regulatory jurisdictions, flood-prone areas, existing and
1839 projected water quality in water management district operated
1840 facilities, as well as surface water runoff characteristics and
1841 topography regarding flood plains, wetlands, and recharge areas.

1842 (e) A description of groundwater characteristics, including
1843 existing and planned wellfield sites, existing and anticipated
1844 cones of influence, highly productive groundwater areas, aquifer
1845 recharge areas, deep well injection zones, contaminated areas,
1846 an assessment of regional water resource needs and sources for
1847 the next 20 years, and water quality.

1848 (f) The identification of existing and potential water
1849 management district land acquisitions.

1850 (g) Information reflecting the minimum flows for surface
1851 watercourses to avoid harm to water resources or the ecosystem
1852 and information reflecting the minimum water levels for aquifers
1853 to avoid harm to water resources or the ecosystem.

1854 Section 62. Subsection (4) of section 373.046, Florida
1855 Statutes, is amended to read:

1856 373.046 Interagency agreements.—

593-04035-09

20092160c1

1857 (4) The Legislature recognizes and affirms the division of
1858 responsibilities between the department and the water management
1859 districts as set forth in ss. III. and X. of each of the
1860 operating agreements codified as rules 17-101.040(12)(a)3., 4.,
1861 and 5., Florida Administrative Code. Section IV.A.2.a. of each
1862 operating agreement regarding individual permit oversight is
1863 rescinded. The department is ~~shall be~~ responsible for permitting
1864 those activities under part IV of this chapter which, because of
1865 their complexity and magnitude, need to be economically and
1866 efficiently evaluated at the state level, including, but not
1867 limited to, mining, hazardous waste management facilities, and
1868 solid waste management facilities that do not qualify for a
1869 general permit under chapter 403. With regard to
1870 postcertification information submittals for activities
1871 authorized under chapters 341 and 403 siting act certifications,
1872 the department, after consultation with the appropriate water
1873 management district and other agencies having applicable
1874 regulatory jurisdiction, shall determine ~~be responsible for~~
1875 ~~determining~~ the permittee's compliance with conditions of
1876 certification which are ~~were~~ based upon the nonprocedural
1877 requirements of part IV of this chapter. ~~The Legislature~~
1878 ~~authorizes~~ The water management districts and the department may
1879 ~~to~~ modify the division of responsibilities referenced in this
1880 section and enter into further interagency agreements by
1881 rulemaking, including incorporation by reference, pursuant to
1882 chapter 120, to provide for greater efficiency and to avoid
1883 duplication in the administration of part IV of this chapter by
1884 designating ~~certain~~ activities that ~~which~~ will be regulated by
1885 either the water management districts or the department. In

593-04035-09

20092160c1

1886 developing such interagency agreements, the water management
1887 districts and the department shall consider ~~should take into~~
1888 ~~consideration~~ the technical and fiscal ability of each water
1889 management district to implement all or some of the provisions
1890 of part IV of this chapter. This subsection does not rescind or
1891 restrict ~~Nothing herein rescinds or restricts~~ the authority of
1892 the districts to regulate silviculture and agriculture pursuant
1893 to part IV of this chapter or s. 403.927. ~~By December 10, 1993,~~
1894 ~~the secretary of the department shall submit a report to the~~
1895 ~~President of the Senate and the Speaker of the House of~~
1896 ~~Representatives regarding the efficiency of the procedures and~~
1897 ~~the division of responsibilities contemplated by this subsection~~
1898 ~~and regarding progress toward the execution of further~~
1899 ~~interagency agreements and the integration of permitting with~~
1900 ~~sovereignty lands approval. The report also will consider the~~
1901 ~~feasibility of improving the protection of the environment~~
1902 ~~through comprehensive criteria for protection of natural~~
1903 ~~systems.~~

1904 Section 63. Subsection (14) of section 376.121, Florida
1905 Statutes, is repealed.

1906 Section 64. Section 376.17, Florida Statutes, is repealed.

1907 Section 65. Subsection (5) of section 376.30713, Florida
1908 Statutes, is repealed.

1909 Section 66. Subsection (2) of section 379.2211, Florida
1910 Statutes, is amended to read:

1911 379.2211 Florida waterfowl permit revenues.—

1912 (2) The intent of this section is to expand waterfowl
1913 research and management and increase waterfowl populations in
1914 the state without detracting from other programs. The commission

593-04035-09

20092160c1

1915 shall prepare and make available on its Internet website an
1916 annual report documenting the use of funds generated under ~~the~~
1917 ~~provisions of this section, to be submitted to the Governor, the~~
1918 ~~Speaker of the House of Representatives, and the President of~~
1919 ~~the Senate on or before September 1 of each year.~~

1920 Section 67. Subsection (2) of section 379.2212, Florida
1921 Statutes, is amended to read:

1922 379.2212 Florida wild turkey permit revenues.—

1923 (2) The intent of this section is to expand wild turkey
1924 research and management and to increase wild turkey populations
1925 in the state without detracting from other programs. The
1926 commission shall prepare and make available on its Internet
1927 website an annual report documenting the use of funds generated
1928 ~~under the provisions of this section, to be submitted to the~~
1929 ~~Governor, the Speaker of the House of Representatives, and the~~
1930 ~~President of the Senate on or before September 1 of each year.~~

1931 Section 68. Subsection (8) of section 379.2523, Florida
1932 Statutes, is repealed.

1933 Section 69. Paragraph (a) of subsection (2) of section
1934 380.06, Florida Statutes, is amended to read:

1935 380.06 Developments of regional impact.—

1936 (2) STATEWIDE GUIDELINES AND STANDARDS.—

1937 (a) The state land planning agency shall recommend to the
1938 Administration Commission specific statewide guidelines and
1939 standards for adoption pursuant to this subsection. The
1940 Administration Commission shall by rule adopt statewide
1941 guidelines and standards to be used in determining whether
1942 particular developments shall undergo development-of-regional-
1943 impact review. The statewide guidelines and standards previously

593-04035-09

20092160c1

1944 adopted by the Administration Commission and approved by the
1945 Legislature shall remain in effect unless revised pursuant to
1946 this section or superseded by other provisions of law. ~~Revisions~~
1947 ~~to the present statewide guidelines and standards, after~~
1948 ~~adoption by the Administration Commission, shall be transmitted~~
1949 ~~on or before March 1 to the President of the Senate and the~~
1950 ~~Speaker of the House of Representatives for presentation at the~~
1951 ~~next regular session of the Legislature. Unless approved by law~~
1952 ~~by the Legislature, the revisions to the present guidelines and~~
1953 ~~standards shall not become effective.~~

1954 Section 70. Subsection (3) of section 380.0677, Florida
1955 Statutes, is repealed.

1956 Section 71. Subsection (3) of section 381.0011, Florida
1957 Statutes, is repealed.

1958 Section 72. Section 381.0036, Florida Statutes, is
1959 repealed.

1960 Section 73. Section 381.731, Florida Statutes, is repealed.

1961 Section 74. Section 381.795, Florida Statutes, is amended
1962 to read:

1963 381.795 Long-term community-based supports.—The department
1964 shall, contingent upon specific appropriations for these
1965 purposes, establish+

1966 ~~(1) Study the long term needs for community based supports~~
1967 ~~and services for individuals who have sustained traumatic brain~~
1968 ~~or spinal cord injuries. The purpose of this study is to prevent~~
1969 ~~inappropriate residential and institutional placement of these~~
1970 ~~individuals, and promote placement in the most cost effective~~
1971 ~~and least restrictive environment. Any placement recommendations~~
1972 ~~for these individuals shall ensure full utilization of and~~

593-04035-09

20092160c1

1973 ~~collaboration with other state agencies, programs, and community~~
 1974 ~~partners. This study shall be submitted to the Governor, the~~
 1975 ~~President of the Senate, and the Speaker of the House of~~
 1976 ~~Representatives not later than December 31, 2000.~~

1977 ~~(2) Based upon the results of this study, establish a plan~~
 1978 ~~for the implementation of a program of long-term community-based~~
 1979 ~~supports and services for individuals who have sustained~~
 1980 ~~traumatic brain or spinal cord injuries and who may be subject~~
 1981 ~~to inappropriate residential and institutional placement as a~~
 1982 ~~direct result of such injuries.~~

1983 ~~(1)(a)~~ The program shall be payor of last resort for
 1984 program services~~,~~ and expenditures for ~~such~~ services shall be
 1985 considered funded services for purposes of s. 381.785; however,
 1986 notwithstanding s. 381.79(5), proceeds resulting from this
 1987 subsection shall be used solely for this program.

1988 ~~(2)(b)~~ The department shall adopt ~~create,~~ by rule~~,~~
 1989 procedures to ensure~~,~~ that if ~~in the event~~ the program is unable
 1990 to directly or indirectly provide ~~such~~ services to all eligible
 1991 individuals due to lack of funds, those individuals most at risk
 1992 of suffering ~~to suffer~~ the greatest harm from an imminent
 1993 inappropriate residential or institutional placement are served
 1994 first.

1995 ~~(3)(c)~~ Every applicant or recipient of the long-term
 1996 community-based supports and services program must ~~shall~~ have
 1997 been a resident of the state for 1 year immediately preceding
 1998 application and be a resident of the state at the time of
 1999 application.

2000 ~~(4)(d)~~ The department shall adopt rules ~~pursuant to ss.~~
 2001 ~~120.536(1) and 120.54~~ to administer ~~implement the provision of~~

593-04035-09

20092160c1

2002 this section ~~subsection~~.

2003 Section 75. Section 381.931, Florida Statutes, is amended
2004 to read:

2005 381.931 Annual report on Medicaid expenditures.—The
2006 Department of Health and the Agency for Health Care
2007 Administration shall monitor the total Medicaid expenditures for
2008 services made under this act. If Medicaid expenditures are
2009 projected to exceed the amount appropriated by the Legislature,
2010 the Department of Health shall limit the number of screenings to
2011 ensure Medicaid expenditures do not exceed the amount
2012 appropriated. ~~The Department of Health, in cooperation with the~~
2013 ~~Agency for Health Care Administration, shall prepare an annual~~
2014 ~~report that must include the number of women screened; the~~
2015 ~~percentage of positive and negative outcomes; the number of~~
2016 ~~referrals to Medicaid and other providers for treatment~~
2017 ~~services; the estimated number of women who are not screened or~~
2018 ~~not served by Medicaid due to funding limitations, if any; the~~
2019 ~~cost of Medicaid treatment services; and the estimated cost of~~
2020 ~~treatment services for women who were not screened or referred~~
2021 ~~for treatment due to funding limitations. The report shall be~~
2022 ~~submitted to the President of the Senate, the Speaker of the~~
2023 ~~House of Representatives, and the Executive Office of the~~
2024 ~~Governor by March 1 of each year.~~

2025 Section 76. Subsection (6) of section 383.19, Florida
2026 Statutes, is amended to read:

2027 383.19 Standards; funding; ineligibility.—

2028 (6) Each hospital that ~~which~~ contracts with the department
2029 to provide services under the terms of ss. 383.15-383.21 shall
2030 prepare and submit to the department an annual report that

593-04035-09

20092160c1

2031 includes, but is not limited to, the number of clients served
2032 and the costs of services in the center. The department shall
2033 annually conduct a programmatic and financial evaluation of each
2034 center.

2035 Section 77. Section 383.21, Florida Statutes, is repealed.

2036 Section 78. Section 383.2161, Florida Statutes, is amended
2037 to read:

2038 383.2161 Maternal and child health report.—The Department
2039 of Health ~~annually~~ shall annually compile and analyze the risk
2040 information collected by the Office of Vital Statistics and the
2041 district prenatal and infant care coalitions and shall maintain
2042 county and statewide data on ~~prepare and submit to the~~
2043 ~~Legislature by January 2 a report that includes, but is not~~
2044 ~~limited to:~~

2045 (1) The number of families identified as families at
2046 potential risk;

2047 (2) The number of families receiving ~~that receive~~ family
2048 outreach services;

2049 (3) The increase in demand for services; and

2050 (4) The unmet need for services for identified target
2051 groups.

2052 Section 79. Subsection (4) of section 394.4573, Florida
2053 Statutes, is repealed.

2054 Section 80. Subsection (1) of section 394.4985, Florida
2055 Statutes, is amended to read:

2056 394.4985 Districtwide information and referral network;
2057 implementation.—

2058 (1) Each service district of the Department of Children and
2059 Family Services shall develop a detailed implementation plan for

593-04035-09

20092160c1

2060 a districtwide comprehensive child and adolescent mental health
2061 information and referral network to be operational by July 1,
2062 1999. The plan must include an operating budget that
2063 demonstrates cost efficiencies and identifies funding sources
2064 for the district information and referral network. ~~The plan must~~
2065 ~~be submitted by the department to the Legislature by October 1,~~
2066 ~~1998.~~ The district shall use existing district information and
2067 referral providers if, in the development of the plan, it is
2068 concluded that these providers would deliver information and
2069 referral services in a more efficient and effective manner when
2070 compared to other alternatives. The district information and
2071 referral network must include:

2072 (a) A resource file that contains information about the
2073 child and adolescent mental health services as described in s.
2074 394.495, including, but not limited to:

- 2075 1. Type of program;
- 2076 2. Hours of service;
- 2077 3. Ages of persons served;
- 2078 4. Program description;
- 2079 5. Eligibility requirements; and
- 2080 6. Fees.

2081 (b) Information about private providers and professionals
2082 in the community who ~~which~~ serve children and adolescents with
2083 an emotional disturbance.

2084 (c) A system to document requests for services which ~~that~~
2085 are received through the network referral process, including,
2086 but not limited to:

- 2087 1. Number of calls by type of service requested;
- 2088 2. Ages of the children and adolescents for whom services

593-04035-09

20092160c1

2089 are requested; and

2090 3. Type of referral made by the network.

2091 (d) The ability to share client information with the
2092 appropriate community agencies.

2093 ~~(c) The submission of an annual report to the department,~~
2094 ~~the Agency for Health Care Administration, and appropriate local~~
2095 ~~government entities, which contains information about the~~
2096 ~~sources and frequency of requests for information, types and~~
2097 ~~frequency of services requested, and types and frequency of~~
2098 ~~referrals made.~~

2099 Section 81. Section 394.82, Florida Statutes, is repealed.

2100 Section 82. Subsection (9) of section 394.9082, Florida
2101 Statutes, is repealed.

2102 Section 83. Section 394.9083, Florida Statutes, is
2103 repealed.

2104 Section 84. Paragraph (c) of subsection (2) of section
2105 395.807, Florida Statutes, is repealed.

2106 Section 85. Subsection (3) of section 397.332, Florida
2107 Statutes, is repealed.

2108 Section 86. Subsection (4) of section 397.333, Florida
2109 Statutes, is amended to read:

2110 397.333 Statewide Drug Policy Advisory Council.—

2111 (4) ~~(a)~~ The chairperson of the advisory council shall
2112 appoint workgroups that include members of state agencies that
2113 are not represented on the advisory council and shall solicit
2114 input and recommendations from those state agencies. ~~In~~
2115 ~~addition,~~ The chairperson may also appoint workgroups ~~as~~
2116 ~~necessary~~ from among the members of the advisory council in
2117 order to efficiently address specific issues. A representative

593-04035-09

20092160c1

2118 of a state agency appointed to any workgroup shall be the head
2119 of the agency, or his or her designee. The chairperson may
2120 designate lead and contributing agencies within a workgroup.

2121 ~~(b) The advisory council shall submit a report to the~~
2122 ~~Governor, the President of the Senate, and the Speaker of the~~
2123 ~~House of Representatives by December 1 of each year which~~
2124 ~~contains a summary of the work of the council during that year~~
2125 ~~and the recommendations required under subsection (3). Interim~~
2126 ~~reports may be submitted at the discretion of the chairperson of~~
2127 ~~the advisory council.~~

2128 Section 87. Subsection (1) of section 397.94, Florida
2129 Statutes, is repealed.

2130 Section 88. Subsection (2) of section 400.148, Florida
2131 Statutes, is repealed.

2132 Section 89. Paragraph (a) of subsection (2) of section
2133 400.967, Florida Statutes, is amended to read:

2134 400.967 Rules and classification of deficiencies.—

2135 (2) Pursuant to the intention of the Legislature, the
2136 agency, in consultation with the Agency for Persons with
2137 Disabilities and the Department of Elderly Affairs, shall adopt
2138 and enforce rules to administer this part and part II of chapter
2139 408, which shall include reasonable and fair criteria governing:

2140 (a) The location and construction of the facility;
2141 including fire and life safety, plumbing, heating, cooling,
2142 lighting, ventilation, and other housing conditions that will
2143 ensure the health, safety, and comfort of residents. The agency
2144 shall establish standards for facilities and equipment to
2145 increase the extent to which new facilities and a new wing or
2146 floor added to an existing facility after July 1, 2000, are

593-04035-09

20092160c1

2147 structurally capable of serving as shelters only for residents,
2148 staff, and families of residents and staff, and equipped to be
2149 self-supporting during and immediately following disasters. ~~The~~
2150 ~~Agency for Health Care Administration shall work with facilities~~
2151 ~~licensed under this part and report to the Governor and the~~
2152 ~~Legislature by April 1, 2000, its recommendations for cost-~~
2153 ~~effective renovation standards to be applied to existing~~
2154 ~~facilities. In making such rules, the agency shall be guided by~~
2155 ~~criteria recommended by nationally recognized, reputable~~
2156 ~~professional groups and associations having knowledge concerning~~
2157 ~~such subject matters.~~ The agency shall update or revise the such
2158 criteria as the need arises. All facilities must comply with
2159 those lifesafety code requirements and building code standards
2160 applicable at the time of approval of their construction plans.
2161 The agency may require alterations to a building if it
2162 determines that an existing condition constitutes a distinct
2163 hazard to life, health, or safety. The agency shall adopt fair
2164 and reasonable rules setting forth conditions under which
2165 existing facilities undergoing additions, alterations,
2166 conversions, renovations, or repairs are required to comply with
2167 the most recent updated or revised standards.

2168 Section 90. Subsection (3) of section 402.3016, Florida
2169 Statutes, is repealed.

2170 Section 91. Subsection (9) of section 402.40, Florida
2171 Statutes, is repealed.

2172 Section 92. Subsection (1) of section 403.4131, Florida
2173 Statutes, is amended to read:

2174 403.4131 Litter control.—

2175 (1) The Department of Transportation shall establish an

593-04035-09

20092160c1

2176 "adopt-a-highway" program to allow local organizations to be
2177 identified with specific highway cleanup and highway
2178 beautification projects authorized under s. 339.2405. ~~The~~
2179 ~~department shall report to the Governor and the Legislature on~~
2180 ~~the progress achieved and the savings incurred by the "adopt-a-~~
2181 ~~highway" program.~~ The department shall also monitor ~~and report~~
2182 ~~on~~ compliance with the provisions of the adopt-a-highway program
2183 to ensure that organizations participating ~~that participate~~ in
2184 the program comply with the goals identified by the department.

2185 Section 93. Paragraph (a) of subsection (4) of section
2186 406.02, Florida Statutes, is repealed.

2187 Section 94. Paragraph (g) of subsection (1) of section
2188 408.033, Florida Statutes, is amended to read:

2189 408.033 Local and state health planning.-

2190 (1) LOCAL HEALTH COUNCILS.-

2191 (g) Each local health council may ~~is authorized to~~ accept
2192 and receive, in furtherance of its health planning functions,
2193 funds, grants, and services from governmental agencies and from
2194 private or civic sources and to perform studies related to local
2195 health planning in exchange for such funds, grants, or services.
2196 Each ~~local health~~ council shall, no later than January 30 of
2197 each year, render an accounting of the receipt and disbursement
2198 of such funds received by it to the Department of Health. ~~The~~
2199 ~~department shall consolidate all such reports and submit such~~
2200 ~~consolidated report to the Legislature no later than March 1 of~~
2201 ~~each year.~~

2202 Section 95. Subsection (4) of section 408.914, Florida
2203 Statutes, is repealed.

2204 Section 96. Paragraph (i) of subsection (3) of section

593-04035-09

20092160c1

2205 408.915, Florida Statutes, is repealed.

2206 Section 97. Section 408.917, Florida Statutes, is repealed.

2207 Section 98. Paragraph (b) of subsection (7) of section
2208 409.1451, Florida Statutes, is amended to read:

2209 409.1451 Independent living transition services.—

2210 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The
2211 Secretary of Children and Family Services shall establish the
2212 Independent Living Services Advisory Council for the purpose of
2213 reviewing and making recommendations concerning the
2214 implementation and operation of the independent living
2215 transition services. This advisory council shall continue to
2216 function as specified in this subsection until the Legislature
2217 determines that the advisory council can no longer provide a
2218 valuable contribution to the department's efforts to achieve the
2219 goals of the independent living transition services.

2220 (b) The advisory council shall report to the secretary
2221 ~~appropriate substantive committees of the Senate and the House~~
2222 ~~of Representatives~~ on the status of the implementation of the
2223 system of independent living transition services; efforts to
2224 publicize the availability of aftercare support services, the
2225 Road-to-Independence Program, and transitional support services;
2226 the success of the services; problems identified;
2227 recommendations for department or legislative action; and the
2228 department's implementation of the recommendations contained in
2229 the Independent Living Services Integration Workgroup Report
2230 submitted to the appropriate Senate and the House substantive
2231 committees of the Legislature by December 31, 2002. The
2232 department shall submit a report by December 31 of each year to
2233 the Governor and the Legislature ~~This advisory council report~~

593-04035-09

20092160c1

2234 shall be submitted by ~~December 31~~ of each year that the council
2235 is in existence and shall be accompanied by a report from the
2236 department which includes a summary of the factors reported on
2237 by the council and identifies the recommendations of the
2238 advisory council and either describes the department's actions
2239 to implement the ~~these~~ recommendations or provides the
2240 department's rationale for not implementing the recommendations.

2241 Section 99. Section 409.152, Florida Statutes, is repealed.

2242 Section 100. Subsections (1) and (2) of section 409.1679,
2243 Florida Statutes, are repealed.

2244 Section 101. Section 409.1685, Florida Statutes, is amended
2245 to read:

2246 409.1685 Children in foster care; annual report to
2247 Legislature.—The Department of Children and Family Services
2248 shall submit a written report to the Governor and substantive
2249 ~~committees~~ of the Legislature concerning the status of children
2250 in foster care and ~~concerning~~ the judicial review mandated by
2251 part X of chapter 39. The ~~This~~ report shall be submitted by May
2252 ~~March~~ 1 of each year and must ~~shall~~ include the following
2253 information for the prior calendar year:

2254 (1) The number of 6-month and annual judicial reviews
2255 completed during that period.

2256 (2) The number of children in foster care returned to a
2257 parent, guardian, or relative as a result of a 6-month or annual
2258 judicial review hearing during that period.

2259 (3) The number of termination of parental rights
2260 proceedings instituted during that period, including which shall
2261 ~~include~~:

2262 (a) The number of termination of parental rights

593-04035-09

20092160c1

2263 proceedings initiated pursuant to former s. 39.703; and

2264 (b) The total number of terminations of parental rights
2265 ordered.

2266 (4) The number of foster care children placed for adoption
2267 ~~during that period.~~

2268 Section 102. Paragraph (k) of subsection (4) of section
2269 409.221, Florida Statutes, is repealed.

2270 Section 103. Paragraph (a) of subsection (3) of section
2271 409.25575, Florida Statutes, is amended to read:

2272 409.25575 Support enforcement; privatization.—

2273 (3) (a) The department shall establish a quality assurance
2274 program for the privatization of services. ~~The quality assurance~~
2275 ~~program must include standards for each specific component of~~
2276 ~~these services. The department shall establish minimum~~
2277 ~~thresholds for each component. Each program operated pursuant to~~
2278 ~~contract must be evaluated annually by the department or by an~~
2279 ~~objective competent entity designated by the department under~~
2280 ~~the provisions of the quality assurance program. The evaluation~~
2281 ~~must be financed from cost savings associated with the~~
2282 ~~privatization of services. ~~The department shall submit an annual~~~~
2283 ~~report regarding quality performance, outcome measure~~
2284 ~~attainment, and cost efficiency to the President of the Senate,~~
2285 ~~the Speaker of the House of Representatives, the Minority leader~~
2286 ~~of each house of the Legislature, and the Governor no later than~~
2287 ~~January 31 of each year, beginning in 1999.~~ The quality
2288 assurance program must be financed through administrative
2289 savings generated by this act.

2290 Section 104. Subsection (9) of section 409.2558, Florida
2291 Statutes, is amended to read:

593-04035-09

20092160c1

2292 409.2558 Support distribution and disbursement.—

2293 (9) RULEMAKING AUTHORITY.—The department may adopt rules to
2294 administer this section. ~~The department shall provide a draft of~~
2295 ~~the proposed concepts for the rule for the undistributable~~
2296 ~~collections to interested parties for review and recommendations~~
2297 ~~prior to full development of the rule and initiating the formal~~
2298 ~~rule development process. The department shall consider but is~~
2299 ~~not required to implement the recommendations. The department~~
2300 ~~shall provide a report to the President of the Senate and the~~
2301 ~~Speaker of the House of Representatives containing the~~
2302 ~~recommendations received from interested parties and the~~
2303 ~~department's response regarding incorporating the~~
2304 ~~recommendations into the rule.~~

2305 Section 105. Subsection (3) of section 409.441, Florida
2306 Statutes, is repealed.

2307 Section 106. Subsection (24) of section 409.906, Florida
2308 Statutes, is amended to read:

2309 409.906 Optional Medicaid services.—Subject to specific
2310 appropriations, the agency may make payments for services which
2311 are optional to the state under Title XIX of the Social Security
2312 Act and are furnished by Medicaid providers to recipients who
2313 are determined to be eligible on the dates on which the services
2314 were provided. Any optional service that is provided shall be
2315 provided only when medically necessary and in accordance with
2316 state and federal law. Optional services rendered by providers
2317 in mobile units to Medicaid recipients may be restricted or
2318 prohibited by the agency. Nothing in this section shall be
2319 construed to prevent or limit the agency from adjusting fees,
2320 reimbursement rates, lengths of stay, number of visits, or

593-04035-09

20092160c1

2321 number of services, or making any other adjustments necessary to
2322 comply with the availability of moneys and any limitations or
2323 directions provided for in the General Appropriations Act or
2324 chapter 216. If necessary to safeguard the state's systems of
2325 providing services to elderly and disabled persons and subject
2326 to the notice and review provisions of s. 216.177, the Governor
2327 may direct the Agency for Health Care Administration to amend
2328 the Medicaid state plan to delete the optional Medicaid service
2329 known as "Intermediate Care Facilities for the Developmentally
2330 Disabled." Optional services may include:

2331 (24) CHILD-WELFARE-TARGETED CASE MANAGEMENT.—The Agency for
2332 Health Care Administration, in consultation with the Department
2333 of Children and Family Services, may establish a targeted case-
2334 management project in those counties identified by the
2335 Department of Children and Family Services and for all counties
2336 with a community-based child welfare project, as authorized
2337 under s. 409.1671, which have been specifically approved by the
2338 department. ~~Results of targeted case management projects shall~~
2339 ~~be reported to the Social Services Estimating Conference~~
2340 ~~established under s. 216.136.~~ The covered group of individuals
2341 who are eligible to receive targeted case management include
2342 children who are eligible for Medicaid; who are between the ages
2343 of birth through 21; and who are under protective supervision or
2344 postplacement supervision, under foster-care supervision, or in
2345 shelter care or foster care. The number of individuals who are
2346 eligible to receive targeted case management is ~~shall be~~ limited
2347 to the number for whom the Department of Children and Family
2348 Services has ~~available~~ matching funds to cover the costs. The
2349 general revenue funds required to match the funds for services

593-04035-09

20092160c1

2350 provided by the community-based child welfare projects are
2351 limited to funds available for services described under s.
2352 409.1671. The Department of Children and Family Services may
2353 transfer the general revenue matching funds as billed by the
2354 Agency for Health Care Administration.

2355 Section 107. Paragraph (b) of subsection (4), subsections
2356 (29) and (44), and paragraph (c) of subsection (49) of section
2357 409.912, Florida Statutes, are amended to read:

2358 409.912 Cost-effective purchasing of health care.—The
2359 agency shall purchase goods and services for Medicaid recipients
2360 in the most cost-effective manner consistent with the delivery
2361 of quality medical care. To ensure that medical services are
2362 effectively utilized, the agency may, in any case, require a
2363 confirmation or second physician's opinion of the correct
2364 diagnosis for purposes of authorizing future services under the
2365 Medicaid program. This section does not restrict access to
2366 emergency services or poststabilization care services as defined
2367 in 42 C.F.R. part 438.114. Such confirmation or second opinion
2368 shall be rendered in a manner approved by the agency. The agency
2369 shall maximize the use of prepaid per capita and prepaid
2370 aggregate fixed-sum basis services when appropriate and other
2371 alternative service delivery and reimbursement methodologies,
2372 including competitive bidding pursuant to s. 287.057, designed
2373 to facilitate the cost-effective purchase of a case-managed
2374 continuum of care. The agency shall also require providers to
2375 minimize the exposure of recipients to the need for acute
2376 inpatient, custodial, and other institutional care and the
2377 inappropriate or unnecessary use of high-cost services. The
2378 agency shall contract with a vendor to monitor and evaluate the

593-04035-09

20092160c1

2379 clinical practice patterns of providers in order to identify
2380 trends that are outside the normal practice patterns of a
2381 provider's professional peers or the national guidelines of a
2382 provider's professional association. The vendor must be able to
2383 provide information and counseling to a provider whose practice
2384 patterns are outside the norms, in consultation with the agency,
2385 to improve patient care and reduce inappropriate utilization.
2386 The agency may mandate prior authorization, drug therapy
2387 management, or disease management participation for certain
2388 populations of Medicaid beneficiaries, certain drug classes, or
2389 particular drugs to prevent fraud, abuse, overuse, and possible
2390 dangerous drug interactions. The Pharmaceutical and Therapeutics
2391 Committee shall make recommendations to the agency on drugs for
2392 which prior authorization is required. The agency shall inform
2393 the Pharmaceutical and Therapeutics Committee of its decisions
2394 regarding drugs subject to prior authorization. The agency is
2395 authorized to limit the entities it contracts with or enrolls as
2396 Medicaid providers by developing a provider network through
2397 provider credentialing. The agency may competitively bid single-
2398 source-provider contracts if procurement of goods or services
2399 results in demonstrated cost savings to the state without
2400 limiting access to care. The agency may limit its network based
2401 on the assessment of beneficiary access to care, provider
2402 availability, provider quality standards, time and distance
2403 standards for access to care, the cultural competence of the
2404 provider network, demographic characteristics of Medicaid
2405 beneficiaries, practice and provider-to-beneficiary standards,
2406 appointment wait times, beneficiary use of services, provider
2407 turnover, provider profiling, provider licensure history,

593-04035-09

20092160c1

2408 previous program integrity investigations and findings, peer
2409 review, provider Medicaid policy and billing compliance records,
2410 clinical and medical record audits, and other factors. Providers
2411 shall not be entitled to enrollment in the Medicaid provider
2412 network. The agency shall determine instances in which allowing
2413 Medicaid beneficiaries to purchase durable medical equipment and
2414 other goods is less expensive to the Medicaid program than long-
2415 term rental of the equipment or goods. The agency may establish
2416 rules to facilitate purchases in lieu of long-term rentals in
2417 order to protect against fraud and abuse in the Medicaid program
2418 as defined in s. 409.913. The agency may seek federal waivers
2419 necessary to administer these policies.

2420 (4) The agency may contract with:

2421 (b) An entity that is providing comprehensive behavioral
2422 health care services to specified ~~certain~~ Medicaid recipients
2423 through a capitated, prepaid arrangement pursuant to the federal
2424 waiver in ~~provided for by~~ s. 409.905(5). The ~~Such an~~ entity must
2425 be licensed under chapter 624, chapter 636, or chapter 641 and
2426 must possess the clinical systems and operational competence to
2427 manage risk and provide comprehensive behavioral health care to
2428 Medicaid recipients. As used in this paragraph, the term
2429 "comprehensive behavioral health care services" means covered
2430 mental health and substance abuse treatment services that are
2431 available to Medicaid recipients. The Secretary of ~~the~~
2432 ~~Department of~~ Children and Family Services shall approve
2433 ~~provisions of~~ procurements related to children in the
2434 department's care or custody before ~~prior to~~ enrolling such
2435 children in a prepaid behavioral health plan. A ~~Any~~ contract
2436 awarded under this paragraph must be competitively procured. ~~In~~

593-04035-09

20092160c1

2437 ~~developing~~ The behavioral health care prepaid plan procurement
2438 document must require, ~~the agency shall ensure that the~~
2439 ~~procurement document requires~~ the contractor to develop and
2440 implement a plan that ensures ~~to ensure~~ compliance with s.
2441 394.4574 related to services provided to residents of licensed
2442 assisted living facilities that hold a limited mental health
2443 license. Except as provided in subparagraph 8., and except in
2444 counties where the Medicaid managed care pilot program is
2445 authorized pursuant to s. 409.91211, the agency shall seek
2446 federal approval to contract with a single entity meeting the
2447 ~~these~~ requirements to provide comprehensive behavioral health
2448 care services to all Medicaid recipients not enrolled in a
2449 Medicaid managed care plan authorized under s. 409.91211 or a
2450 Medicaid health maintenance organization in an agency AHCA area.
2451 In an agency AHCA area where the Medicaid managed care pilot
2452 program is authorized pursuant to s. 409.91211 in one or more
2453 counties, the agency may procure a contract with a single entity
2454 to serve the remaining counties as an agency AHCA area or the
2455 remaining counties may be included with an adjacent agency AHCA
2456 area and shall be subject to this paragraph. Each entity must
2457 offer sufficient choice of providers in its network to ensure
2458 recipient access to care and the opportunity to select a
2459 provider with whom the recipient is ~~they are~~ satisfied. The
2460 network must ~~shall~~ include all public mental health hospitals.
2461 To ensure unimpaired access to behavioral health care services
2462 by Medicaid recipients, all contracts issued pursuant to this
2463 paragraph must ~~shall~~ require 80 percent of the capitation paid
2464 to the managed care plan, including health maintenance
2465 organizations, to be expended for ~~the provision of~~ behavioral

593-04035-09

20092160c1

2466 health care services. If ~~In the event~~ the managed care plan
2467 expends less than 80 percent ~~of the capitation paid pursuant to~~
2468 ~~this paragraph for the provision of behavioral health care~~
2469 ~~services~~, the difference must ~~shall~~ be returned to the agency.
2470 The agency shall provide the managed care plan with a
2471 certification letter indicating the amount of capitation paid
2472 during each calendar year for the provision of behavioral health
2473 care services pursuant to this section. The agency may reimburse
2474 for substance abuse treatment services on a fee-for-service
2475 basis until the agency finds that adequate funds are available
2476 for capitated, prepaid arrangements.

2477 1. ~~By January 1, 2001, the agency shall modify the~~
2478 Contracts with the entities providing comprehensive inpatient
2479 and outpatient mental health care services to Medicaid
2480 recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk
2481 Counties must, ~~to~~ include substance abuse treatment services.

2482 2. ~~By July 1, 2003,~~ The agency and the Department of
2483 Children and Family Services shall execute a written agreement
2484 that requires collaboration and joint development of all policy,
2485 budgets, procurement documents, contracts, and monitoring plans
2486 that have an impact on the state and Medicaid community mental
2487 health and targeted case management programs.

2488 3. Except as provided in subparagraph 8., ~~by July 1, 2006,~~
2489 the agency and the Department of Children and Family Services
2490 shall contract with managed care entities in each agency AHCA
2491 area except area 6 or arrange to provide comprehensive inpatient
2492 and outpatient mental health and substance abuse services
2493 through capitated prepaid arrangements to all Medicaid
2494 recipients who are eligible to participate in such plans under

593-04035-09

20092160c1

2495 federal law ~~and regulation~~. In agency AHCA areas where the
2496 eligible population is fewer individuals ~~number less~~ than
2497 150,000, the agency shall contract with a single managed care
2498 plan to provide comprehensive behavioral health services to all
2499 recipients who are not enrolled in a Medicaid health maintenance
2500 organization or a Medicaid capitated managed care plan
2501 authorized under s. 409.91211. The agency may contract with more
2502 than one comprehensive behavioral health provider ~~to provide~~
2503 ~~care to recipients who are not enrolled in a Medicaid capitated~~
2504 ~~managed care plan authorized under s. 409.91211 or a Medicaid~~
2505 ~~health maintenance organization~~ in agency AHCA areas where the
2506 eligible population exceeds 150,000. In an agency AHCA area
2507 where the Medicaid managed care pilot program is authorized
2508 pursuant to s. 409.91211 in one or more counties, the agency may
2509 procure a contract with a single entity to serve the remaining
2510 counties as an agency AHCA area or the remaining counties may be
2511 included with an adjacent agency AHCA area and shall be subject
2512 to this paragraph. Contracts for comprehensive behavioral health
2513 providers awarded pursuant to this section shall be
2514 competitively procured. ~~Both~~ For-profit and not-for-profit
2515 corporations are ~~shall be~~ eligible to compete. Managed care
2516 plans contracting with the agency under subsection (3) shall
2517 provide and receive payment for the same comprehensive
2518 behavioral health benefits as provided in agency AHCA rules,
2519 including handbooks incorporated by reference. In agency AHCA
2520 area 11, the agency shall contract with at least two
2521 comprehensive behavioral health care providers to provide
2522 behavioral health care to recipients in that area who are
2523 enrolled in, or assigned to, the MediPass program. One of the

593-04035-09

20092160c1

2524 behavioral health care contracts must ~~shall~~ be with the existing
2525 provider service network pilot project, as described in
2526 paragraph (d), for the purpose of demonstrating the cost-
2527 effectiveness of the provision of quality mental health services
2528 through a public hospital-operated managed care model. Payment
2529 must ~~shall~~ be at an agreed-upon capitated rate to ensure cost
2530 savings. Of the recipients in area 11 who are assigned to
2531 MediPass under ~~the provisions of~~ s. 409.9122(2)(k), a minimum of
2532 50,000 must ~~of those MediPass-enrolled recipients shall~~ be
2533 assigned to the existing provider service network in area 11 for
2534 their behavioral care.

2535 ~~4. By October 1, 2003, the agency and the department shall~~
2536 ~~submit a plan to the Governor, the President of the Senate, and~~
2537 ~~the Speaker of the House of Representatives which provides for~~
2538 ~~the full implementation of capitated prepaid behavioral health~~
2539 ~~care in all areas of the state.~~

2540 ~~a. Implementation shall begin in 2003 in those AHCA areas~~
2541 ~~of the state where the agency is able to establish sufficient~~
2542 ~~capitation rates.~~

2543 ~~4.b.~~ If the agency determines that the proposed capitation
2544 rate in an ~~any~~ area is insufficient to provide appropriate
2545 services, the agency may adjust the capitation rate to ensure
2546 that care is ~~will be~~ available. The agency and the department
2547 may use existing general revenue to address any additional
2548 required match but may not over-obligate existing funds on an
2549 annualized basis.

2550 ~~e.~~ Subject to ~~any~~ limitations provided for in the General
2551 Appropriations Act, the agency, in compliance with appropriate
2552 federal authorization, shall develop policies and procedures

593-04035-09

20092160c1

2553 that allow for certification of local and state funds.

2554 5. Children residing in a statewide inpatient psychiatric
2555 program, or in a Department of Juvenile Justice or a Department
2556 of Children and Family Services residential program approved as
2557 a Medicaid behavioral health overlay services provider may ~~shall~~
2558 not be included in a behavioral health care prepaid health plan
2559 or any other Medicaid managed care plan pursuant to this
2560 paragraph.

2561 6. In converting to a prepaid system of delivery, the
2562 agency ~~shall~~ in its procurement document shall require an entity
2563 providing only comprehensive behavioral health care services to
2564 prevent the displacement of indigent care patients by enrollees
2565 in the Medicaid prepaid health plan providing behavioral health
2566 care services from facilities receiving state funding to provide
2567 indigent behavioral health care, to facilities licensed under
2568 chapter 395 which do not receive state funding for indigent
2569 behavioral health care, or reimburse the unsubsidized facility
2570 for the cost of behavioral health care provided to the displaced
2571 indigent care patient.

2572 7. Traditional community mental health providers under
2573 contract with the Department of Children and Family Services
2574 pursuant to part IV of chapter 394, child welfare providers
2575 under contract with the Department of Children and Family
2576 Services in areas 1 and 6, and inpatient mental health providers
2577 licensed under ~~pursuant to~~ chapter 395 must be offered an
2578 opportunity to accept or decline a contract to participate in
2579 any provider network for prepaid behavioral health services.

2580 8. All Medicaid-eligible children, except children in area
2581 1 and children in Highlands County, Hardee County, Polk County,

593-04035-09

20092160c1

2582 or Manatee County of area 6, who are open for child welfare
2583 services in the HomeSafeNet system, shall receive their
2584 behavioral health care services through a specialty prepaid plan
2585 operated by community-based lead agencies either through a
2586 single agency or formal agreements among several agencies. The
2587 specialty prepaid plan must result in savings to the state
2588 comparable to savings achieved in other Medicaid managed care
2589 and prepaid programs. The ~~Such~~ plan must provide mechanisms to
2590 maximize state and local revenues. The agency and the Department
2591 of Children and Family Services ~~specialty prepaid plan~~ shall
2592 develop the specialty prepaid plan ~~be developed by the agency~~
2593 ~~and the Department of Children and Family Services~~. The agency
2594 may ~~is authorized to~~ seek any federal waivers to implement this
2595 initiative. Medicaid-eligible children whose cases are open for
2596 child welfare services in the HomeSafeNet system and who reside
2597 in agency ~~AHCA~~ area 10 are exempt from the specialty prepaid
2598 plan upon the development of a service delivery mechanism for
2599 children who reside in area 10 as specified in s.
2600 409.91211(3)(dd).

2601 (29) The agency shall perform enrollments and
2602 disenrollments for Medicaid recipients who are eligible for
2603 MediPass or managed care plans. Notwithstanding the prohibition
2604 contained in paragraph (21)(f), managed care plans may perform
2605 preenrollments of Medicaid recipients under the supervision of
2606 the agency or its agents. For the purposes of this section, the
2607 term "preenrollment" means the provision of marketing and
2608 educational materials to a Medicaid recipient and assistance in
2609 completing the application forms, but does ~~shall~~ not include
2610 actual enrollment into a managed care plan. An application for

593-04035-09

20092160c1

2611 enrollment may ~~shall~~ not be deemed complete until the agency or
2612 its agent verifies that the recipient made an informed,
2613 voluntary choice. The agency, in cooperation with the Department
2614 of Children and Family Services, may test new marketing
2615 initiatives to inform Medicaid recipients about their managed
2616 care options at selected sites. ~~The agency shall report to the~~
2617 ~~Legislature on the effectiveness of such initiatives.~~ The agency
2618 may contract with a third party to perform managed care plan and
2619 MediPass enrollment and disenrollment services for Medicaid
2620 recipients and may ~~is authorized to~~ adopt rules to administer
2621 ~~implement~~ such services. The agency may adjust the capitation
2622 rate only to cover the costs of a third-party enrollment and
2623 disenrollment contract, and for agency supervision and
2624 management of the managed care plan enrollment and disenrollment
2625 contract.

2626 (44) The Agency for Health Care Administration shall ensure
2627 that any Medicaid managed care plan as defined in s.
2628 409.9122(2)(f), whether paid on a capitated basis or a shared
2629 savings basis, is cost-effective. For purposes of this
2630 subsection, the term "cost-effective" means that a network's
2631 per-member, per-month costs to the state, including, but not
2632 limited to, fee-for-service costs, administrative costs, and
2633 case-management fees, if any, must be no greater than the
2634 state's costs associated with contracts for Medicaid services
2635 established under subsection (3), which may be adjusted for
2636 health status. The agency shall conduct actuarially sound
2637 adjustments for health status in order to ensure such cost-
2638 effectiveness and shall annually publish the results on its
2639 Internet website ~~and submit the results annually to the~~

593-04035-09

20092160c1

2640 ~~Governor, the President of the Senate, and the Speaker of the~~
2641 ~~House of Representatives no later than December 31 of each year.~~
2642 Contracts established pursuant to this subsection which are not
2643 cost-effective may not be renewed.

2644 (49) The agency shall contract with established minority
2645 physician networks that provide services to historically
2646 underserved minority patients. The networks must provide cost-
2647 effective Medicaid services, comply with the requirements to be
2648 a MediPass provider, and provide their primary care physicians
2649 with access to data and other management tools necessary to
2650 assist them in ensuring the appropriate use of services,
2651 including inpatient hospital services and pharmaceuticals.

2652 (c) For purposes of this subsection, the term "cost-
2653 effective" means that a network's per-member, per-month costs to
2654 the state, including, but not limited to, fee-for-service costs,
2655 administrative costs, and case-management fees, if any, must be
2656 no greater than the state's costs associated with contracts for
2657 Medicaid services established under subsection (3), which shall
2658 be actuarially adjusted for case mix, model, and service area.
2659 The agency shall conduct actuarially sound audits adjusted for
2660 case mix and model in order to ensure such cost-effectiveness
2661 and shall annually publish the audit results on its Internet
2662 website and ~~submit the audit results annually to the Governor,~~
2663 ~~the President of the Senate, and the Speaker of the House of~~
2664 ~~Representatives no later than December 31.~~ Contracts established
2665 pursuant to this subsection which are not cost-effective may not
2666 be renewed.

2667 Section 108. Section 410.0245, Florida Statutes, is
2668 repealed.

593-04035-09

20092160c1

2669 Section 109. Subsection (10) of section 410.604, Florida
2670 Statutes, is repealed.

2671 Section 110. Paragraph (d) of subsection (5) of section
2672 411.0102, Florida Statutes, is amended to read:

2673 411.0102 Child Care Executive Partnership Act; findings and
2674 intent; grant; limitation; rules.—

2675 (5)

2676 (d) Each early learning coalition shall ~~be required to~~
2677 establish a community child care task force for each child care
2678 purchasing pool. The task force must be composed of employers,
2679 parents, private child care providers, and one representative
2680 from the local children's services council, if one exists in the
2681 area of the purchasing pool. The early learning coalition is
2682 expected to recruit the task force members from existing child
2683 care councils, commissions, or task forces already operating in
2684 the area of a purchasing pool. A majority of the task force
2685 shall consist of employers. ~~Each task force shall develop a plan~~
2686 ~~for the use of child care purchasing pool funds. The plan must~~
2687 ~~show how many children will be served by the purchasing pool,~~
2688 ~~how many will be new to receiving child care services, and how~~
2689 ~~the early learning coalition intends to attract new employers~~
2690 ~~and their employees to the program.~~

2691 Section 111. Section 411.221, Florida Statutes, is
2692 repealed.

2693 Section 112. Section 411.242, Florida Statutes, is
2694 repealed.

2695 Section 113. Section 414.14, Florida Statutes, is amended
2696 to read:

2697 414.14 Public assistance policy simplification.—To the

593-04035-09

20092160c1

2698 extent possible, the department shall align the requirements for
2699 eligibility under this chapter with the food stamp program and
2700 medical assistance eligibility policies and procedures to
2701 simplify the budgeting process and reduce errors. If the
2702 department determines that s. 414.075, relating to resources, or
2703 s. 414.085, relating to income, is inconsistent with ~~related~~
2704 ~~provisions of federal law governing which govern~~ the food stamp
2705 program or medical assistance, and that conformance to federal
2706 law would simplify administration of the WAGES Program or reduce
2707 errors without materially increasing the cost of the program to
2708 the state, the secretary of the department may propose a change
2709 in the resource or income requirements of the program by rule.
2710 ~~The secretary shall provide written notice to the President of~~
2711 ~~the Senate, the Speaker of the House of Representatives, and the~~
2712 ~~chairpersons of the relevant committees of both houses of the~~
2713 ~~Legislature summarizing the proposed modifications to be made by~~
2714 ~~rule and changes necessary to conform state law to federal law.~~
2715 ~~The proposed rule shall take effect 14 days after written notice~~
2716 ~~is given unless the President of the Senate or the Speaker of~~
2717 ~~the House of Representatives advises the secretary that the~~
2718 ~~proposed rule exceeds the delegated authority of the~~
2719 ~~Legislature.~~

2720 Section 114. Subsection (1) of section 414.36, Florida
2721 Statutes, is repealed.

2722 Section 115. Subsection (3) of section 414.391, Florida
2723 Statutes, is repealed.

2724 Section 116. Subsection (6) of section 415.1045, Florida
2725 Statutes, is amended to read:

2726 415.1045 Photographs, videotapes, and medical examinations;

593-04035-09

20092160c1

2727 abrogation of privileged communications; confidential records
2728 and documents.—

2729 (6) WORKING AGREEMENTS.—~~By March 1, 2004,~~ The department
2730 shall enter into working agreements with the jurisdictionally
2731 responsible county sheriff's ~~sheriffs'~~ office or local police
2732 department that will be the lead agency for ~~when~~ conducting any
2733 criminal investigation arising from an allegation of abuse,
2734 neglect, or exploitation of a vulnerable adult. The working
2735 agreement must specify how the requirements of this chapter will
2736 be met. ~~The Office of Program Policy Analysis and Government~~
2737 ~~Accountability shall conduct a review of the efficacy of the~~
2738 ~~agreements and report its findings to the Legislature by March~~
2739 ~~1, 2005.~~ For the purposes of such agreement, the
2740 jurisdictionally responsible law enforcement entity may ~~is~~
2741 ~~authorized to~~ share Florida criminal history and local criminal
2742 history information that is not otherwise exempt from s.
2743 119.07(1) with the district personnel. A law enforcement entity
2744 entering into such agreement must comply with s. 943.0525.
2745 Criminal justice information provided by the ~~such~~ law
2746 enforcement entity may ~~shall~~ be used only for the purposes
2747 specified in the agreement and shall be provided at no charge.
2748 Notwithstanding any other provision of law, the Department of
2749 Law Enforcement shall provide to the department electronic
2750 access to Florida criminal justice information that ~~which~~ is
2751 lawfully available and not exempt from s. 119.07(1), only for
2752 the purpose of protective investigations and emergency
2753 placement. As a condition of access to the ~~such~~ information, the
2754 department shall ~~be required to~~ execute an appropriate user
2755 agreement addressing the access, use, dissemination, and

593-04035-09

20092160c1

2756 destruction of such information and ~~to~~ comply with all
2757 applicable laws and rules of the Department of Law Enforcement.

2758 Section 117. Subsection (9) of section 420.622, Florida
2759 Statutes, is amended to read:

2760 420.622 State Office on Homelessness; Council on
2761 Homelessness.—

2762 (9) The council shall, by December 31 of each year, provide
2763 ~~issue~~ to the Governor, the Legislature President of the Senate,
2764 ~~the Speaker of the House of Representatives,~~ and the Secretary
2765 of Children and Family Services ~~an evaluation of the executive~~
2766 ~~director's performance in fulfilling the statutory duties of the~~
2767 ~~office,~~ a report summarizing the extent of homelessness in the
2768 state and the council's recommendations to the office and the
2769 ~~corresponding actions taken by the office, and any~~
2770 ~~recommendations to the Legislature for~~ reducing proposals to
2771 ~~reduce~~ homelessness in this state.

2772 Section 118. Subsection (4) of section 420.623, Florida
2773 Statutes, is repealed.

2774 Section 119. Subsection (9) of section 427.704, Florida
2775 Statutes, is amended to read:

2776 427.704 Powers and duties of the commission.—

2777 (9) The commission shall prepare ~~provide to the President~~
2778 ~~of the Senate and to the Speaker of the House of Representatives~~
2779 an annual report on the operation of the telecommunications
2780 access system which shall be available on the commission's
2781 Internet website. ~~The first report shall be provided no later~~
2782 ~~than January 1, 1992, and successive reports shall be provided~~
2783 ~~by January 1 of each year thereafter.~~ Reports must ~~shall~~ be
2784 prepared in consultation with the administrator and the advisory

593-04035-09

20092160c1

2785 committee appointed pursuant to s. 427.706. The reports must
2786 ~~shall~~, at a minimum, briefly outline the status of developments
2787 in ~~of~~ the telecommunications access system, the number of
2788 persons served, the call volume, revenues and expenditures, the
2789 allocation of the revenues and expenditures between provision of
2790 specialized telecommunications devices to individuals and
2791 operation of statewide relay service, other major policy or
2792 operational issues, and proposals for improvements or changes to
2793 the telecommunications access system.

2794 Section 120. Subsection (2) of section 427.706, Florida
2795 Statutes, is amended to read:

2796 427.706 Advisory committee.—

2797 (2) The advisory committee shall provide the expertise,
2798 experience, and perspective of persons who are hearing impaired
2799 or speech impaired to the commission and to the administrator
2800 during all phases of the development and operation of the
2801 telecommunications access system. The advisory committee shall
2802 advise the commission and the administrator on ~~any matter~~
2803 ~~relating to~~ the quality and cost-effectiveness of the
2804 telecommunications relay service and the specialized
2805 telecommunications devices distribution system. The advisory
2806 committee may submit material for inclusion in the annual report
2807 prepared pursuant to s. 427.704 ~~to the President of the Senate~~
2808 ~~and the Speaker of the House of Representatives.~~

2809 Section 121. Paragraph (b) of subsection (3) of section
2810 429.07, Florida Statutes, is amended to read:

2811 429.07 License required; fee.—

2812 (3) In addition to the requirements of s. 408.806, each
2813 license granted by the agency must state the type of care for

593-04035-09

20092160c1

2814 which the license is granted. Licenses shall be issued for one
2815 or more of the following categories of care: standard, extended
2816 congregate care, limited nursing services, or limited mental
2817 health.

2818 (b) An extended congregate care license shall be issued to
2819 facilities providing, directly or through contract, services
2820 beyond those authorized in paragraph (a), including services
2821 performed by persons licensed under acts performed pursuant to
2822 part I of chapter 464 by persons licensed thereunder, and
2823 supportive services, as defined by rule, to persons who would
2824 otherwise ~~would~~ be disqualified from continued residence in a
2825 facility licensed under this part.

2826 1. In order for extended congregate care services to be
2827 provided ~~in a facility licensed under this part,~~ the agency must
2828 first determine that all requirements established in law and
2829 rule are met and must specifically designate, on the facility's
2830 license, that such services may be provided and whether the
2831 designation applies to all or part of the ~~a~~ facility. Such
2832 designation may be made at the time of initial licensure or
2833 relicensure, or upon request in writing by a licensee under this
2834 part and part II of chapter 408. The notification of approval or
2835 the denial of the ~~such~~ request shall be made in accordance with
2836 part II of chapter 408. Existing facilities qualifying to
2837 provide extended congregate care services must have maintained a
2838 standard license and may not have been subject to administrative
2839 sanctions during the previous 2 years, or since initial
2840 licensure if the facility has been licensed for less than 2
2841 years, for any of the following reasons:

2842 a. A class I or class II violation;

593-04035-09

20092160c1

2843 b. Three or more repeat or recurring class III violations
2844 of identical or similar resident care standards ~~as specified in~~
2845 ~~rule~~ from which a pattern of noncompliance is found by the
2846 agency;

2847 c. Three or more class III violations that were not
2848 corrected in accordance with the corrective action plan approved
2849 by the agency;

2850 d. Violation of resident care standards which results in
2851 requiring the facility ~~resulting in a requirement~~ to employ the
2852 services of a consultant pharmacist or consultant dietitian;

2853 e. Denial, suspension, or revocation of a license for
2854 another facility licensed under this part in which the applicant
2855 for an extended congregate care license has at least 25 percent
2856 ownership interest; or

2857 f. Imposition of a moratorium pursuant to this part or part
2858 II of chapter 408 or initiation of injunctive proceedings.

2859 2. A facility that is ~~Facilities that are~~ licensed to
2860 provide extended congregate care services shall maintain a
2861 written progress report on each person who receives ~~such~~
2862 ~~services,~~ which ~~report~~ describes the type, amount, duration,
2863 scope, and outcome of services that are rendered and the general
2864 status of the resident's health. A registered nurse, or
2865 appropriate designee, representing the agency shall visit the
2866 facility ~~such facilities~~ at least quarterly to monitor residents
2867 who are receiving extended congregate care services and to
2868 determine if the facility is in compliance with this part, part
2869 II of chapter 408, and relevant rules ~~that relate to extended~~
2870 ~~congregate care~~. One of the ~~these~~ visits may be in conjunction
2871 with the regular survey. The monitoring visits may be provided

593-04035-09

20092160c1

2872 through contractual arrangements with appropriate community
2873 agencies. A registered nurse shall serve as part of the team
2874 that inspects the ~~such~~ facility. The agency may waive one of the
2875 required yearly monitoring visits for a facility that has been
2876 licensed for at least 24 months to provide extended congregate
2877 care services, if, during the inspection, the registered nurse
2878 determines that extended congregate care services are being
2879 provided appropriately, and if the facility has no class I or
2880 class II violations and no uncorrected class III violations.
2881 ~~Before such decision is made,~~ The agency must first ~~shall~~
2882 consult with the long-term care ombudsman council for the area
2883 in which the facility is located to determine if any complaints
2884 have been made and substantiated about the quality of services
2885 or care. The agency may not waive one of the required yearly
2886 monitoring visits if complaints have been made and
2887 substantiated.

2888 3. A facility ~~Facilities~~ that is ~~are~~ licensed to provide
2889 extended congregate care services must ~~shall~~:

2890 a. Demonstrate the capability to meet unanticipated
2891 resident service needs.

2892 b. Offer a physical environment that promotes a homelike
2893 setting, provides for resident privacy, promotes resident
2894 independence, and allows sufficient congregate space as defined
2895 by rule.

2896 c. Have sufficient staff available, taking into account the
2897 physical plant and firesafety features of the building, to
2898 assist with the evacuation of residents in an emergency, ~~as~~
2899 necessary.

2900 d. Adopt and follow policies and procedures that maximize

593-04035-09

20092160c1

2901 resident independence, dignity, choice, and decisionmaking to
2902 permit residents to age in place ~~to the extent possible~~, so that
2903 moves due to changes in functional status are minimized or
2904 avoided.

2905 e. Allow residents or, if applicable, a resident's
2906 representative, designee, surrogate, guardian, or attorney in
2907 fact to make a variety of personal choices, participate in
2908 developing service plans, and share responsibility in
2909 decisionmaking.

2910 f. Implement the concept of managed risk.

2911 g. Provide, ~~either~~ directly or through contract, the
2912 services of a person licensed under ~~pursuant to~~ part I of
2913 chapter 464.

2914 h. In addition to the training mandated in s. 429.52,
2915 provide specialized training as defined by rule for facility
2916 staff.

2917 4. A facility that is ~~Facilities~~ licensed to provide
2918 extended congregate care services is ~~are~~ exempt from the
2919 criteria for continued residency ~~as~~ set forth in rules adopted
2920 under s. 429.41. A licensed facility must ~~Facilities so licensed~~
2921 ~~shall~~ adopt its ~~their~~ own requirements within guidelines for
2922 continued residency set forth by rule. However, the facility
2923 ~~such facilities~~ may not serve residents who require 24-hour
2924 nursing supervision. A licensed facility that provides
2925 ~~Facilities licensed to provide~~ extended congregate care services
2926 must also ~~shall~~ provide each resident with a written copy of
2927 facility policies governing admission and retention.

2928 5. The primary purpose of extended congregate care services
2929 is to allow residents, as they become more impaired, the option

593-04035-09

20092160c1

2930 of remaining in a familiar setting from which they would
2931 otherwise be disqualified for continued residency. A facility
2932 licensed to provide extended congregate care services may also
2933 admit an individual who exceeds the admission criteria for a
2934 facility with a standard license, if the individual is
2935 determined appropriate for admission to the extended congregate
2936 care facility.

2937 6. Before the admission of an individual to a facility
2938 licensed to provide extended congregate care services, the
2939 individual must undergo a medical examination as provided in s.
2940 429.26(4) and the facility must develop a preliminary service
2941 plan for the individual.

2942 7. When a facility can no longer provide or arrange for
2943 services in accordance with the resident's service plan and
2944 needs and the facility's policy, the facility shall make
2945 arrangements for relocating the person in accordance with s.
2946 429.28(1)(k).

2947 8. Failure to provide extended congregate care services may
2948 result in denial of extended congregate care license renewal.

2949 ~~9. No later than January 1 of each year, the department, in
2950 consultation with the agency, shall prepare and submit to the
2951 Governor, the President of the Senate, the Speaker of the House
2952 of Representatives, and the chairs of appropriate legislative
2953 committees, a report on the status of, and recommendations
2954 related to, extended congregate care services. The status report
2955 must include, but need not be limited to, the following
2956 information:~~

2957 ~~a. A description of the facilities licensed to provide such
2958 services, including total number of beds licensed under this~~

593-04035-09

20092160c1

2959 ~~part.~~2960 ~~b. The number and characteristics of residents receiving~~
2961 ~~such services.~~2962 ~~e. The types of services rendered that could not be~~
2963 ~~provided through a standard license.~~2964 ~~d. An analysis of deficiencies cited during licensure~~
2965 ~~inspections.~~2966 ~~e. The number of residents who required extended congregate~~
2967 ~~care services at admission and the source of admission.~~2968 ~~f. Recommendations for statutory or regulatory changes.~~2969 ~~g. The availability of extended congregate care to state~~
2970 ~~clients residing in facilities licensed under this part and in~~
2971 ~~need of additional services, and recommendations for~~
2972 ~~appropriations to subsidize extended congregate care services~~
2973 ~~for such persons.~~2974 ~~h. Such other information as the department considers~~
2975 ~~appropriate.~~2976 Section 122. Subsection (2) of section 429.08, Florida
2977 Statutes, is repealed.2978 Section 123. Subsection (5) of section 429.41, Florida
2979 Statutes, is amended to read:

2980 429.41 Rules establishing standards.—

2981 (5) The agency may use an abbreviated biennial standard
2982 licensure inspection that consists of a review of key quality-
2983 of-care standards in lieu of a full inspection in a facility
2984 that has ~~facilities which have~~ a good record of past
2985 performance. However, a full inspection must ~~shall~~ be conducted
2986 in a facility that has ~~facilities which have had~~ a history of
2987 class I or class II violations, uncorrected class III

593-04035-09

20092160c1

2988 violations, confirmed ombudsman council complaints, or confirmed
2989 licensure complaints, within the previous licensure period
2990 immediately preceding the inspection or if when a potentially
2991 serious problem is identified during the abbreviated inspection.
2992 The agency, in consultation with the department, shall develop
2993 the key quality-of-care standards with input from the State
2994 Long-Term Care Ombudsman Council and representatives of provider
2995 groups for incorporation into its rules. ~~The department, in~~
2996 ~~consultation with the agency, shall report annually to the~~
2997 ~~Legislature concerning its implementation of this subsection.~~
2998 ~~The report shall include, at a minimum, the key quality-of-care~~
2999 ~~standards which have been developed; the number of facilities~~
3000 ~~identified as being eligible for the abbreviated inspection; the~~
3001 ~~number of facilities which have received the abbreviated~~
3002 ~~inspection and, of those, the number that were converted to full~~
3003 ~~inspection; the number and type of subsequent complaints~~
3004 ~~received by the agency or department on facilities which have~~
3005 ~~had abbreviated inspections; any recommendations for~~
3006 ~~modification to this subsection; any plans by the agency to~~
3007 ~~modify its implementation of this subsection; and any other~~
3008 ~~information which the department believes should be reported.~~

3009 Section 124. Subsections (3) through (17) of section
3010 430.04, Florida Statutes, are amended to read:

3011 430.04 Duties and responsibilities of the Department of
3012 Elderly Affairs.—The Department of Elderly Affairs shall:

3013 ~~(3) Prepare and submit to the Governor, each Cabinet~~
3014 ~~member, the President of the Senate, the Speaker of the House of~~
3015 ~~Representatives, the minority leaders of the House and Senate,~~
3016 ~~and chairpersons of appropriate House and Senate committees a~~

593-04035-09

20092160c1

3017 ~~master plan for policies and programs in the state related to~~
3018 ~~aging. The plan must identify and assess the needs of the~~
3019 ~~elderly population in the areas of housing, employment,~~
3020 ~~education and training, medical care, long-term care, preventive~~
3021 ~~care, protective services, social services, mental health,~~
3022 ~~transportation, and long-term care insurance, and other areas~~
3023 ~~considered appropriate by the department. The plan must assess~~
3024 ~~the needs of particular subgroups of the population and evaluate~~
3025 ~~the capacity of existing programs, both public and private and~~
3026 ~~in state and local agencies, to respond effectively to~~
3027 ~~identified needs. If the plan recommends the transfer of any~~
3028 ~~program or service from the Department of Children and Family~~
3029 ~~Services to another state department, the plan must also include~~
3030 ~~recommendations that provide for an independent third-party~~
3031 ~~mechanism, as currently exists in the Florida advocacy councils~~
3032 ~~established in ss. 402.165 and 402.166, for protecting the~~
3033 ~~constitutional and human rights of recipients of departmental~~
3034 ~~services. The plan must include policy goals and program~~
3035 ~~strategies designed to respond efficiently to current and~~
3036 ~~projected needs. The plan must also include policy goals and~~
3037 ~~program strategies to promote intergenerational relationships~~
3038 ~~and activities. Public hearings and other appropriate processes~~
3039 ~~shall be utilized by the department to solicit input for the~~
3040 ~~development and updating of the master plan from parties~~
3041 ~~including, but not limited to, the following:~~

- 3042 ~~(a) Elderly citizens and their families and caregivers.~~
- 3043 ~~(b) Local-level public and private service providers,~~
- 3044 ~~advocacy organizations, and other organizations relating to the~~
- 3045 ~~elderly.~~

593-04035-09

20092160c1

3046 ~~(c) Local governments.~~

3047 ~~(d) All state agencies that provide services to the~~

3048 ~~elderly.~~

3049 ~~(e) University centers on aging.~~

3050 ~~(f) Area agency on aging and community care for the elderly~~

3051 ~~lead agencies.~~

3052 (3)~~(4)~~ Serve as an information clearinghouse at the state

3053 level, and assist local-level information and referral resources

3054 as a repository and means for the dissemination of information

3055 regarding all federal, state, and local resources for assistance

3056 to the elderly in the areas of, but not limited to, health,

3057 social welfare, long-term care, protective services, consumer

3058 protection, education and training, housing, employment,

3059 recreation, transportation, insurance, and retirement.

3060 (4)~~(5)~~ Recommend guidelines for the development of roles

3061 for state agencies that provide services for the aging, review

3062 plans of agencies that provide such services, and relay the

3063 ~~these plans to the Governor and the Legislature, each Cabinet~~

3064 ~~member, the President of the Senate, the Speaker of the House of~~

3065 ~~Representatives, the minority leaders of the House and Senate,~~

3066 ~~and chairpersons of appropriate House and Senate committees.~~

3067 (5)~~(6)~~ Recommend to the Governor and the Legislature, each

3068 ~~Cabinet member, the President of the Senate, the Speaker of the~~

3069 ~~House of Representatives, the minority leaders of the House and~~

3070 ~~Senate, and chairpersons of appropriate House and Senate~~

3071 ~~committees~~ an organizational framework for the planning,

3072 coordination, implementation, and evaluation of programs related

3073 to aging, with the purpose of expanding and improving programs

3074 and opportunities available to the state's elderly population

593-04035-09

20092160c1

3075 and enhancing a continuum of long-term care. This framework must
3076 ensure ~~assure~~ that:

3077 (a) Performance objectives are established.

3078 (b) Program reviews are conducted statewide.

3079 (c) Each major program related to aging is reviewed every 3
3080 years.

3081 ~~(d) Agency budget requests reflect the results and~~
3082 ~~recommendations of such program reviews.~~

3083 (d) ~~(e)~~ Program decisions reinforce ~~lead to~~ the distinctive
3084 roles established for state agencies that provide aging
3085 services.

3086 (6) ~~(7)~~ Advise the Governor and the Legislature, ~~each~~
3087 ~~Cabinet member, the President of the Senate, the Speaker of the~~
3088 ~~House of Representatives, the minority leaders of the House and~~
3089 ~~Senate, and the chairpersons of appropriate House and Senate~~
3090 ~~committees~~ regarding the need for and location of programs
3091 related to aging.

3092 (7) ~~(8)~~ Review and coordinate aging research plans of all
3093 state agencies to ensure that ~~the conformance of~~ research
3094 objectives address ~~to~~ issues and needs of the state's elderly
3095 population ~~addressed in the master plan for policies and~~
3096 ~~programs related to aging~~. The research activities that must be
3097 reviewed and coordinated by the department include, but are not
3098 limited to, contracts with academic institutions, development of
3099 educational and training curriculums, Alzheimer's disease and
3100 other medical research, studies of long-term care and other
3101 personal assistance needs, and design of adaptive or modified
3102 living environments.

3103 (8) ~~(9)~~ Review budget requests for programs related to aging

593-04035-09

20092160c1

3104 to ensure the most cost-effective use of state funding for the
3105 state's elderly population ~~for compliance with the master plan~~
3106 ~~for policies and programs related to aging~~ before submission to
3107 the Governor and the Legislature.

3108 ~~(10) Update the master plan for policies and programs~~
3109 ~~related to aging every 3 years.~~

3110 ~~(11) Review implementation of the master plan for programs~~
3111 ~~and policies related to aging and annually report to the~~
3112 ~~Governor, each Cabinet member, the President of the Senate, the~~
3113 ~~Speaker of the House of Representatives, the minority leaders of~~
3114 ~~the House and Senate, and the chairpersons of appropriate House~~
3115 ~~and Senate committees the progress towards implementation of the~~
3116 ~~plan.~~

3117 ~~(9)-(12)~~ Request other departments that administer programs
3118 affecting the state's elderly population to amend their plans,
3119 rules, policies, and research objectives as necessary to ensure
3120 that programs and other initiatives are coordinated and maximize
3121 the state's efforts to address the needs of the elderly ~~conform~~
3122 ~~with the master plan for policies and programs related to aging.~~

3123 ~~(10)-(13)~~ Hold public meetings regularly throughout the
3124 state to receive ~~for purposes of receiving~~ information and
3125 maximize ~~maximizing~~ the visibility of important issues relating
3126 to aging and the elderly.

3127 ~~(11)-(14)~~ Conduct policy analysis and program evaluation
3128 studies assigned by the Legislature.

3129 ~~(12)-(15)~~ Assist the Governor, each Cabinet member, and
3130 members of the Legislature ~~the President of the Senate, the~~
3131 ~~Speaker of the House of Representatives, the minority leaders of~~
3132 ~~the House and Senate, and the chairpersons of appropriate House~~

593-04035-09

20092160c1

3133 ~~and Senate committees in conducting the conduct of their~~
3134 ~~responsibilities in such capacities~~ as they consider
3135 appropriate.

3136 ~~(13)-(16)~~ Call upon appropriate agencies of state government
3137 for such assistance as is needed in the discharge of its duties.
3138 All agencies shall cooperate in assisting the department in
3139 carrying out its responsibilities as prescribed by this section.
3140 However, the ~~no provision of law regarding with respect to~~
3141 confidentiality of information may not be violated.

3142 ~~(14)-(17)~~ Be designated as a state agency that is eligible
3143 to receive federal funds for adults who are eligible for
3144 assistance through the portion of the federal Child and Adult
3145 Care Food Program for adults, which is referred to as the Adult
3146 Care Food Program, and that is responsible for establishing and
3147 administering the program. The purpose of the Adult Care Food
3148 Program is to provide nutritious and wholesome meals and snacks
3149 for adults in nonresidential day care centers or residential
3150 treatment facilities. To ensure the quality and integrity of the
3151 program, the department shall develop standards and procedures
3152 that govern sponsoring organizations and adult day care centers.
3153 The department shall follow federal requirements and may adopt
3154 any rules necessary to administer ~~pursuant to ss. 120.536(1) and~~
3155 ~~120.54 for the implementation of the Adult Care Food program~~
3156 ~~and. With respect to the Adult Care Food Program, the department~~
3157 ~~shall adopt rules pursuant to ss. 120.536(1) and 120.54 that~~
3158 implement relevant federal regulations, including 7 C.F.R. part
3159 226. The rules may address, at a minimum, the program
3160 requirements and procedures identified in this subsection.

3161 Section 125. Subsections (3) and (8) of section 430.502,

593-04035-09

20092160c1

3162 Florida Statutes, are amended to read:

3163 430.502 Alzheimer's disease; memory disorder clinics and
3164 day care and respite care programs.—

3165 (3) The Alzheimer's Disease Advisory Committee shall ~~must~~
3166 evaluate and make recommendations to the department and the
3167 Legislature concerning the need for additional memory disorder
3168 clinics in the state. ~~The first report will be due by December~~
3169 ~~31, 1995.~~

3170 (8) The department shall ~~will~~ implement the waiver program
3171 specified in subsection (7). The agency and the department shall
3172 ensure that providers who ~~are selected that~~ have a history of
3173 successfully serving persons with Alzheimer's disease are
3174 selected. The department and the agency shall develop
3175 specialized standards for providers and services tailored to
3176 persons in the early, middle, and late stages of Alzheimer's
3177 disease and designate a level of care determination process and
3178 standard that is most appropriate to this population. The
3179 department and the agency shall include in the waiver services
3180 designed to assist the caregiver in continuing to provide in-
3181 home care. The department shall implement this waiver program
3182 subject to a specific appropriation or as provided in the
3183 General Appropriations Act. ~~The department and the agency shall~~
3184 ~~submit their program design to the President of the Senate and~~
3185 ~~the Speaker of the House of Representatives for consultation~~
3186 ~~during the development process.~~

3187 Section 126. Subsection (1) and paragraph (a) of subsection
3188 (6) of section 445.006, Florida Statutes, are amended to read:

3189 445.006 Strategic and operational plans for workforce
3190 development.—

593-04035-09

20092160c1

3191 (1) Workforce Florida, Inc., in conjunction with state and
3192 local partners in the workforce system, shall develop a
3193 strategic plan that produces ~~for workforce, with the goal of~~
3194 ~~producing~~ skilled employees for employers in the state. ~~The~~
3195 ~~strategic plan shall be submitted to the Governor, the President~~
3196 ~~of the Senate, and the Speaker of the House of Representatives~~
3197 ~~by February 1, 2001.~~ The strategic plan shall be updated or
3198 modified by January 1 of each year ~~thereafter~~. The plan must
3199 include, but need not be limited to, strategies for:

3200 (a) Fulfilling the workforce system goals and strategies
3201 prescribed in s. 445.004;

3202 (b) Aggregating, integrating, and leveraging workforce
3203 system resources;

3204 (c) Coordinating the activities of federal, state, and
3205 local workforce system partners;

3206 (d) Addressing the workforce needs of small businesses; and

3207 (e) Fostering the participation of rural communities and
3208 distressed urban cores in the workforce system.

3209 (6) (a) The operational plan must include strategies that
3210 are designed to prevent or reduce the need for a person to
3211 receive public assistance. The ~~These~~ strategies must include:

3212 1. A teen pregnancy prevention component that includes, but
3213 is not limited to, a plan for implementing the ~~Florida Education~~
3214 ~~Now and Babies Later (ENABL) program under s. 411.242 and the~~
3215 Teen Pregnancy Prevention Community Initiative within each
3216 county of the services area in which the teen birth rate is
3217 higher than the state average;

3218 2. A component that encourages creation of community-based
3219 welfare prevention and reduction initiatives that increase

593-04035-09

20092160c1

3220 support provided by noncustodial parents to their welfare-
3221 dependent children and are consistent with program and financial
3222 guidelines developed by Workforce Florida, Inc., and the
3223 Commission on Responsible Fatherhood. These initiatives may
3224 include, ~~but are not limited to,~~ improved paternity
3225 establishment, work activities for noncustodial parents,
3226 programs aimed at decreasing out-of-wedlock pregnancies,
3227 encouraging involvement of fathers with their children which
3228 includes including court-ordered supervised visitation, and
3229 increasing child support payments;

3230 3. A component that encourages formation and maintenance of
3231 two-parent families through, among other things, court-ordered
3232 supervised visitation;

3233 4. A component that fosters responsible fatherhood in
3234 families receiving assistance; and

3235 5. A component that fosters the provision of services that
3236 reduce the incidence and effects of domestic violence on women
3237 and children in families receiving assistance.

3238 Section 127. Section 455.204, Florida Statutes, is
3239 repealed.

3240 Section 128. Subsection (8) of section 455.2226, Florida
3241 Statutes, is repealed.

3242 Section 129. Subsection (6) of section 455.2228, Florida
3243 Statutes, is repealed.

3244 Section 130. Section 456.005, Florida Statutes, is amended
3245 to read:

3246 456.005 Long-range policy planning; ~~plans, reports, and~~
3247 ~~recommendations.~~-To facilitate efficient and cost-effective
3248 regulation, the department and the board, if ~~where~~ appropriate,

593-04035-09

20092160c1

3249 shall develop and implement a long-range policy planning and
3250 monitoring process that includes ~~to include~~ recommendations
3251 specific to each profession. The ~~Such~~ process shall include
3252 estimates of revenues, expenditures, cash balances, and
3253 performance statistics for each profession. The period covered
3254 may ~~shall~~ not be less than 5 years. The department, with input
3255 from the boards and licensees, shall develop and adopt the long-
3256 range plan ~~and must obtain the approval of the State Surgeon~~
3257 ~~General~~. The department shall monitor compliance with the
3258 ~~approved long-range~~ plan and, with input from the boards and
3259 licensees, shall annually update the plans ~~for approval by the~~
3260 ~~State Surgeon General~~. The department shall provide concise
3261 management reports to the boards quarterly. As part of the
3262 review process, the department shall evaluate:

3263 (1) Whether the department, including the boards and the
3264 various functions performed by the department, is operating
3265 efficiently and effectively and if there is a need for a board
3266 or council to assist in cost-effective regulation.

3267 (2) How and why the various professions are regulated.

3268 (3) Whether there is a need to continue regulation, and to
3269 what degree.

3270 (4) Whether or not consumer protection is adequate, and how
3271 it can be improved.

3272 (5) Whether there is consistency between the various
3273 practice acts.

3274 (6) Whether unlicensed activity is adequately enforced.

3275
3276 The ~~Such~~ plans shall ~~should~~ include conclusions and
3277 recommendations on these and other issues as appropriate. ~~Such~~

593-04035-09

20092160c1

3278 ~~plans shall be provided to the Governor and the Legislature by~~
3279 ~~November 1 of each year.~~

3280 Section 131. Subsection (9) of section 456.025, Florida
3281 Statutes, is amended to read:

3282 456.025 Fees; receipts; disposition.—

3283 (9) The department shall provide a ~~condensed~~ management
3284 report of revenues and expenditures ~~budgets, finances,~~
3285 performance measures ~~statistics,~~ and recommendations to each
3286 board at least once a quarter. ~~The department shall identify and~~
3287 ~~include in such presentations any changes, or projected changes,~~
3288 ~~made to the board's budget since the last presentation.~~

3289 Section 132. Subsection (6) of section 456.034, Florida
3290 Statutes, is repealed.

3291 Section 133. Subsections (3) and (4) of section 517.302,
3292 Florida Statutes, are amended to read:

3293 517.302 Criminal penalties; alternative fine; Anti-Fraud
3294 Trust Fund; time limitation for criminal prosecution.—

3295 (3) In lieu of a fine otherwise authorized by law, a person
3296 who has been convicted of or who has pleaded guilty or no
3297 contest to having engaged in conduct in violation of ~~the~~
3298 ~~provisions of~~ this chapter may be sentenced to pay a fine that
3299 does not exceed the greater of three times the gross value
3300 gained or three times the gross loss caused by such conduct,
3301 plus court costs and the costs of investigation and prosecution
3302 reasonably incurred.

3303 (4)(a) There is created within the office a trust fund to
3304 be known as the Anti-Fraud Trust Fund. Any amounts assessed as
3305 costs of investigation and prosecution under this subsection
3306 shall be deposited in the trust fund. Funds deposited in the

593-04035-09

20092160c1

3307 ~~such~~ trust fund must ~~shall~~ be used, when authorized by
3308 appropriation, for investigation and prosecution of
3309 administrative, civil, and criminal actions arising under ~~the~~
3310 ~~provisions of~~ this chapter. Funds may also be used to improve
3311 the public's awareness and understanding of prudent investing.

3312 ~~(b) The office shall report to the Executive Office of the~~
3313 ~~Governor annually by November 15, the amounts deposited into the~~
3314 ~~Anti-Fraud Trust Fund during the previous fiscal year. The~~
3315 ~~Executive Office of the Governor shall distribute these reports~~
3316 ~~to the President of the Senate and the Speaker of the House of~~
3317 ~~Representatives.~~

3318 (5)~~(4)~~ Criminal prosecution for offenses under this chapter
3319 is subject to the time limitations in ~~of~~ s. 775.15.

3320 Section 134. Subsection (3) of section 531.415, Florida
3321 Statutes, is repealed.

3322 Section 135. Subsection (3) of section 570.0705, Florida
3323 Statutes, is repealed.

3324 Section 136. Subsection (5) of section 570.0725, Florida
3325 Statutes, is repealed.

3326 Section 137. Subsection (3) of section 570.543, Florida
3327 Statutes, is repealed.

3328 Section 138. Section 603.204, Florida Statutes, is amended
3329 to read:

3330 603.204 South Florida Tropical Fruit Plan.—

3331 ~~(1) The Commissioner of Agriculture, in consultation with~~
3332 ~~the Tropical Fruit Advisory Council, shall develop and update,~~
3333 ~~at least 90 days prior to the 1991 legislative session, submit~~
3334 ~~to the President of the Senate, the Speaker of the House of~~
3335 ~~Representatives, and the chairs of appropriate Senate and House~~

593-04035-09

20092160c1

3336 ~~of Representatives committees,~~ a South Florida Tropical Fruit
3337 Plan, which shall identify problems and constraints of the
3338 tropical fruit industry, propose possible solutions to such
3339 problems, and develop planning mechanisms for orderly growth of
3340 the industry, including:

3341 (1)~~(a)~~ Criteria for tropical fruit research, service, and
3342 management priorities.

3343 (2)~~(b)~~ ~~Additional~~ Proposed legislation that ~~which~~ may be
3344 required.

3345 (3)~~(c)~~ Plans relating to other tropical fruit programs and
3346 related disciplines in the State University System.

3347 (4)~~(d)~~ Potential tropical fruit products in terms of market
3348 and needs for development.

3349 (5)~~(e)~~ Evaluation of production and fresh fruit policy
3350 alternatives, including, but not limited to, setting minimum
3351 grades and standards, promotion and advertising, development of
3352 production and marketing strategies, and setting minimum
3353 standards on types and quality of nursery plants.

3354 (6)~~(f)~~ Evaluation of policy alternatives for processed
3355 tropical fruit products, including, but not limited to, setting
3356 minimum quality standards and development of production and
3357 marketing strategies.

3358 (7)~~(g)~~ Research and service priorities for further
3359 development of the tropical fruit industry.

3360 (8)~~(h)~~ Identification of state agencies and public and
3361 private institutions concerned with research, education,
3362 extension, services, planning, promotion, and marketing
3363 functions related to tropical fruit development, and delineation
3364 of contributions and responsibilities. The recommendations in

593-04035-09

20092160c1

3365 the ~~South Florida Tropical Fruit~~ plan relating to education or
3366 research shall be submitted to the Institute of Food and
3367 Agricultural Sciences. ~~The recommendations relating to~~
3368 ~~regulation or marketing shall be submitted to the Department of~~
3369 ~~Agriculture and Consumer Services.~~

3370 (9) ~~(i)~~ Business planning, investment potential, financial
3371 risks, and economics of production and use utilization.

3372 ~~(2) A revision and update of the South Florida Tropical~~
3373 ~~Fruit Plan shall be submitted biennially, and a progress report~~
3374 ~~and budget request shall be submitted annually, to the officials~~
3375 ~~specified in subsection (1).~~

3376 Section 139. Subsection (6) of section 627.64872, Florida
3377 Statutes, is amended to read:

3378 627.64872 Florida Health Insurance Plan.—

3379 (6) ~~INTERIM REPORT;~~ ANNUAL REPORT.—

3380 ~~(a) By no later than December 1, 2004, the board shall~~
3381 ~~report to the Governor, the President of the Senate, and the~~
3382 ~~Speaker of the House of Representatives the results of an~~
3383 ~~actuarial study conducted by the board to determine, including,~~
3384 ~~but not limited to:~~

3385 1. ~~The impact the creation of the plan will have on the~~
3386 ~~small group insurance market and the individual market on~~
3387 ~~premiums paid by insureds. This shall include an estimate of the~~
3388 ~~total anticipated aggregate savings for all small employers in~~
3389 ~~the state.~~

3390 2. ~~The number of individuals the pool could reasonably~~
3391 ~~cover at various funding levels, specifically, the number of~~
3392 ~~people the pool may cover at each of these funding levels.~~

3393 3. ~~A recommendation as to the best source of funding for~~

593-04035-09

20092160c1

3394 ~~the anticipated deficits of the pool.~~

3395 ~~4. The effect on the individual and small group market by~~
3396 ~~including in the Florida Health Insurance Plan persons eligible~~
3397 ~~for coverage under s. 627.6487, as well as the cost of including~~
3398 ~~these individuals.~~

3399

3400 ~~The board shall take no action to implement the Florida Health~~
3401 ~~Insurance Plan, other than the completion of the actuarial study~~
3402 ~~authorized in this paragraph, until funds are appropriated for~~
3403 ~~startup cost and any projected deficits.~~

3404 ~~(b) No later than December 1, 2005, and annually~~
3405 ~~thereafter, The board shall annually submit to the Governor, the~~
3406 ~~President of the Senate, and the Speaker of the House of~~
3407 ~~Representatives, and the substantive legislative committees of~~
3408 ~~the Legislature a report that ~~which~~ includes an independent~~
3409 ~~actuarial study to determine, without limitation, the following~~
3410 ~~including, but not be limited to:~~

3411 ~~(a) 1. The effect ~~impact~~ the creation of the plan has on the~~
3412 ~~small group and individual insurance market, specifically on the~~
3413 ~~premiums paid by insureds, including. ~~This shall include~~ an~~
3414 ~~estimate of the total anticipated aggregate savings for all~~
3415 ~~small employers in the state.~~

3416 ~~(b) 2. The actual number of individuals covered at the~~
3417 ~~current funding and benefit level, the projected number of~~
3418 ~~individuals that may seek coverage in the forthcoming fiscal~~
3419 ~~year, and the projected funding needed to cover anticipated~~
3420 ~~increase or decrease in plan participation.~~

3421 ~~(c) 3. A recommendation as to the best source of funding for~~
3422 ~~the anticipated deficits of the pool.~~

593-04035-09

20092160c1

3423 (d)4. A summary ~~summarization~~ of the activities of the plan
3424 in the preceding calendar year, including the net written and
3425 earned premiums, plan enrollment, the expense of administration,
3426 and the paid and incurred losses.

3427 (e)5. A review of the operation of the plan as to whether
3428 the plan has met the intent of this section.

3429
3430 The board may not implement the Florida Health Insurance Plan
3431 until funds are appropriated for startup costs and any projected
3432 deficits; however, the board may complete the actuarial study
3433 authorized in this subsection.

3434 Section 140. Subsections (5) and (7) of section 744.708,
3435 Florida Statutes, are amended to read:

3436 744.708 Reports and standards.—

3437 (5) (a) Each office of public guardian shall undergo an
3438 independent audit by a qualified certified public accountant at
3439 least once every 2 years. A copy of the audit report shall be
3440 submitted to the Statewide Public Guardianship Office.

3441 (b) In addition to regular monitoring activities, the
3442 Statewide Public Guardianship Office shall conduct an
3443 investigation into the practices of each office of public
3444 guardian related to the managing of each ward's personal affairs
3445 and property. If ~~When~~ feasible, the investigation ~~required under~~
3446 ~~this paragraph~~ shall be conducted in conjunction with the
3447 financial audit of each office of public guardian under
3448 paragraph (a).

3449 ~~(c) In addition, each office of public guardian shall be~~
3450 ~~subject to audits or examinations by the Auditor General and the~~
3451 ~~Office of Program Policy Analysis and Government Accountability~~

593-04035-09

20092160c1

3452 ~~pursuant to law.~~

3453 (7) The ratio for professional staff to wards shall be 1
3454 professional to 40 wards. The Statewide Public Guardianship
3455 Office may increase or decrease the ratio after consultation
3456 with the local public guardian and the chief judge of the
3457 circuit court. The basis for ~~of~~ the decision to increase or
3458 decrease the prescribed ratio must ~~shall~~ be included ~~reported~~ in
3459 the annual report to the secretary ~~of Elderly Affairs,~~ the
3460 Governor, ~~the President of the Senate, the Speaker of the House~~
3461 ~~of Representatives, and the Chief Justice of the Supreme Court.~~

3462 Section 141. Subsection (6) of section 768.295, Florida
3463 Statutes, is amended to read:

3464 768.295 Strategic Lawsuits Against Public Participation
3465 (SLAPP) suits by governmental entities prohibited.—

3466 (6) In any case filed by a governmental entity which is
3467 found by a court to be in violation of this section, the
3468 governmental entity shall report such finding and provide a copy
3469 of the court's order to the Attorney General no later than 30
3470 days after the ~~such~~ order is final. The Attorney General shall
3471 maintain a record of the court orders ~~report any violation of~~
3472 ~~this section by a governmental entity to the Cabinet, the~~
3473 ~~President of the Senate, and the Speaker of the House of~~
3474 ~~Representatives. A copy of such report shall be provided to the~~
3475 ~~affected governmental entity.~~

3476 Section 142. Paragraph (c) of subsection (3) of section
3477 775.084, Florida Statutes, is amended to read:

3478 775.084 Violent career criminals; habitual felony offenders
3479 and habitual violent felony offenders; three-time violent felony
3480 offenders; definitions; procedure; enhanced penalties or

593-04035-09

20092160c1

3481 mandatory minimum prison terms.—

3482 (3)

3483 (c) In a separate proceeding, the court shall determine
3484 whether the defendant is a violent career criminal with respect
3485 to a primary offense committed on or after October 1, 1995. The
3486 procedure shall be as follows:

3487 1. Written notice shall be served on the defendant and the
3488 defendant's attorney a sufficient time before ~~prior to~~ the entry
3489 of a plea or before ~~prior to~~ the imposition of sentence ~~in order~~
3490 to allow for the preparation of a submission on behalf of the
3491 defendant.

3492 2. All evidence ~~presented~~ shall be presented in open court
3493 with full rights of confrontation, cross-examination, and
3494 representation by counsel.

3495 3. Each of the findings required as the basis for such
3496 sentence shall be found to exist by a preponderance of the
3497 evidence and shall be appealable only as provided in paragraph
3498 (d).

3499 4. For the purpose of identification, the court shall
3500 fingerprint the defendant pursuant to s. 921.241.

3501 ~~5. For an offense committed on or after October 1, 1995, if~~
3502 ~~the state attorney pursues a violent career criminal sanction~~
3503 ~~against the defendant and the court, in a separate proceeding~~
3504 ~~pursuant to this paragraph, determines that the defendant meets~~
3505 ~~the criteria under subsection (1) for imposing such sanction,~~
3506 ~~the court must sentence the defendant as a violent career~~
3507 ~~criminal, subject to imprisonment pursuant to this section~~
3508 ~~unless the court finds that such sentence is not necessary for~~
3509 ~~the protection of the public. If the court finds that it is not~~

593-04035-09

20092160c1

3510 ~~necessary for the protection of the public to sentence the~~
3511 ~~defendant as a violent career criminal, the court shall provide~~
3512 ~~written reasons; a written transcript of orally stated reasons~~
3513 ~~is permissible, if filed by the court within 7 days after the~~
3514 ~~date of sentencing. Each month, the court shall submit to the~~
3515 ~~Office of Economic and Demographic Research of the Legislature~~
3516 ~~the written reasons or transcripts in each case in which the~~
3517 ~~court determines not to sentence a defendant as a violent career~~
3518 ~~criminal as provided in this subparagraph.~~

3519 Section 143. Subsection (8) of section 790.22, Florida
3520 Statutes, is amended to read:

3521 790.22 Use of BB guns, air or gas-operated guns, or
3522 electric weapons or devices by minor under 16; limitation;
3523 possession of firearms by minor under 18 prohibited; penalties.-

3524 (8) Notwithstanding s. 985.24 or s. 985.25(1), if a minor
3525 ~~under 18 years of age~~ is charged with an offense that involves
3526 the use or possession of a firearm, ~~as defined in s. 790.001,~~
3527 including a violation of subsection (3), or is charged for any
3528 offense during the commission of which the minor possessed a
3529 firearm, the minor shall be detained in secure detention, unless
3530 the state attorney authorizes the release of the minor, and
3531 shall be given a hearing within 24 hours after being taken into
3532 custody. At the hearing, the court may order that the minor
3533 continue to be held in secure detention in accordance with the
3534 applicable time periods specified in s. 985.26(1)-(5), if the
3535 court finds that the minor meets the criteria specified in s.
3536 985.255, or if the court finds by clear and convincing evidence
3537 that the minor is a clear and present danger to himself or
3538 herself or the community. The Department of Juvenile Justice

593-04035-09

20092160c1

3539 shall prepare a form for all minors charged under this
3540 subsection which ~~that~~ states the period of detention and the
3541 relevant demographic information, including, but not limited to,
3542 the gender ~~sex~~, age, and race of the minor; whether or not the
3543 minor was represented by private counsel or a public defender;
3544 the current offense; and the minor's complete prior record,
3545 including any pending cases. The form shall be provided to the
3546 judge for ~~to be considered when~~ determining whether the minor
3547 should be continued in secure detention under this subsection.
3548 An order placing a minor in secure detention because the minor
3549 is a clear and present danger to himself or herself or the
3550 community must be in writing, must specify the need for
3551 detention and the benefits derived by the minor or the community
3552 by placing the minor in secure detention, and must include a
3553 copy of the form provided by the department. ~~The Department of~~
3554 ~~Juvenile Justice must send the form, including a copy of any~~
3555 ~~order, without client-identifying information, to the Office of~~
3556 ~~Economic and Demographic Research.~~

3557 Section 144. Section 943.125, Florida Statutes, is amended
3558 to read:

3559 943.125 Law enforcement agency accreditation; intent.-

3560 ~~(1) LEGISLATIVE INTENT.-~~

3561 (1) ~~(a)~~ It is the intent of the Legislature that law
3562 enforcement agencies in the state be upgraded and strengthened
3563 through the adoption of meaningful standards of operation for
3564 those agencies.

3565 (2) ~~(b)~~ It is the further intent of the Legislature that law
3566 enforcement agencies voluntarily adopt standards designed to
3567 promote equal and fair law enforcement, to maximize the

593-04035-09

20092160c1

3568 capability of law enforcement agencies to prevent and control
 3569 criminal activities, and to increase interagency cooperation
 3570 throughout the state.

3571 (3)~~(e)~~ It is further the intent of the Legislature to
 3572 encourage the Florida Sheriffs Association and the Florida
 3573 Police Chiefs Association to develop, either jointly or
 3574 separately, a law enforcement agency accreditation program. The
 3575 ~~Such~~ program must ~~shall~~ be independent of any law enforcement
 3576 agency, the Florida Sheriffs Association, or the Florida Police
 3577 Chiefs Association. The ~~Any such law enforcement agency~~
 3578 ~~accreditation~~ program must ~~should~~ address, at a minimum, the
 3579 following aspects of law enforcement:

3580 (a)~~1.~~ Vehicle pursuits.

3581 (b)~~2.~~ Seizure and forfeiture of contraband articles.

3582 (c)~~3.~~ Recording and processing citizens' complaints.

3583 (d)~~4.~~ Use of force.

3584 (e)~~5.~~ Traffic stops.

3585 (f)~~6.~~ Handling natural and manmade disasters.

3586 (g)~~7.~~ Special operations.

3587 (h)~~8.~~ Prisoner transfer.

3588 (i)~~9.~~ Collection and preservation of evidence.

3589 (j)~~10.~~ Recruitment and selection.

3590 (k)~~11.~~ Officer training.

3591 (l)~~12.~~ Performance evaluations.

3592 (m)~~13.~~ Law enforcement disciplinary procedures and rights.

3593 (n)~~14.~~ Use of criminal investigative funds.

3594 ~~(2) FEASIBILITY AND STATUS REPORT. The Florida Sheriffs~~
 3595 ~~Association and the Florida Police Chiefs Association, either~~
 3596 ~~jointly or separately, shall report to the Speaker of the House~~

593-04035-09

20092160c1

3597 ~~of Representatives and the President of the Senate regarding the~~
3598 ~~feasibility of a law enforcement agency accreditation program~~
3599 ~~and the status of the efforts of the Florida Sheriffs~~
3600 ~~Association and the Florida Police Chiefs Association to develop~~
3601 ~~a law enforcement agency accreditation program as provided in~~
3602 ~~this section.~~

3603 Section 145. Subsection (9) of section 943.68, Florida
3604 Statutes, is amended to read:

3605 943.68 Transportation and protective services.—

3606 (9) The department shall submit a report each July 15 to
3607 ~~the President of the Senate, Speaker of the House of~~
3608 ~~Representatives, Governor, the Legislature, and members of the~~
3609 ~~Cabinet, detailing all transportation and protective services~~
3610 ~~provided under subsections (1), (5), and (6) within the~~
3611 ~~preceding fiscal year. Each report shall include a detailed~~
3612 ~~accounting of the cost of such transportation and protective~~
3613 ~~services, including the names of persons provided such services~~
3614 ~~and the nature of state business performed.~~

3615 Section 146. Section 944.023, Florida Statutes, is amended
3616 to read:

3617 944.023 Institutional capacity ~~Comprehensive correctional~~
3618 ~~master plan.~~—

3619 (1) As used in this section and s. 944.0231, the term:

3620 (a) "Criminal Justice Estimating Conference" means the
3621 Criminal Justice Estimating Conference referred to in s.
3622 216.136(5).

3623 (b) "Total capacity" of the state correctional system means
3624 the total design capacity of all institutions and facilities in
3625 the state correctional system, which may include those

593-04035-09

20092160c1

3626 facilities authorized and funded under chapter 957, increased by
3627 one-half, with the following exceptions:

3628 1. Medical and mental health beds must remain at design
3629 capacity.

3630 2. Community-based contracted beds must remain at design
3631 capacity.

3632 3. The one-inmate-per-cell requirement at the Florida State
3633 Prison and other maximum security facilities must be maintained
3634 pursuant to paragraph (7) (a).

3635 4. Community correctional centers and drug treatment
3636 centers must be increased by one-third.

3637 5. A housing unit may not exceed its maximum capacity
3638 pursuant to paragraphs (7) (a) and (b).

3639 6. A number of beds equal to 5 percent of total capacity
3640 shall be deducted for management beds at institutions.

3641 (c) "State correctional system" means the correctional
3642 system as defined in s. 944.02.

3643 (2) The department shall develop a comprehensive
3644 correctional master plan. The master plan shall project the
3645 needs for the state correctional system for the coming 5-year
3646 period and shall be updated annually and submitted to the
3647 Governor's office and the Legislature at the same time the
3648 department submits its legislative budget request as provided in
3649 chapter 216.

3650 (3) The purposes of the comprehensive correctional master
3651 plan shall be:

3652 (a) To ensure that the penalties of the criminal justice
3653 system are completely and effectively administered to the
3654 convicted criminals and, to the maximum extent possible, that

593-04035-09

20092160c1

3655 the criminal is provided opportunities for self-improvement and
3656 returned to freedom as a productive member of society.

3657 (b) To the extent possible, to protect the public safety
3658 and the law-abiding citizens of this state and to carry out the
3659 laws protecting the rights of the victims of convicted
3660 criminals.

3661 (c) To develop and maintain a humane system of punishment
3662 providing prison inmates with proper housing, nourishment, and
3663 medical attention.

3664 (d) To provide fair and adequate compensation and benefits
3665 to the employees of the state correctional system.

3666 (e) To the extent possible, to maximize the effective and
3667 efficient use of the principles used in private business.

3668 (f) To provide that convicted criminals not be incarcerated
3669 for any longer period of time or in any more secure facility
3670 than is necessary to ensure adequate sanctions, rehabilitation
3671 of offenders, and protection of public safety.

3672 (4) The comprehensive correctional master plan shall use
3673 the estimates of the Criminal Justice Estimating Conference and
3674 shall include:

3675 (a) A plan for the decentralization of reception and
3676 classification facilities for the implementation of a systemwide
3677 diagnosis-and-evaluation capability for adult offenders. The
3678 plan shall provide for a system of psychological testing and
3679 evaluation as well as medical screening through department
3680 resources or with other public or private agencies through a
3681 purchase-of-services agreement.

3682 (b) A plan developed by the department for the
3683 comprehensive vocational and educational training of, and

593-04035-09

20092160c1

3684 treatment programs for, offenders and their evaluation within
3685 each institution, program, or facility of the department, based
3686 upon the identified needs of the offender and the requirements
3687 of the employment market.

3688 (c) A plan contracting with local facilities and programs
3689 as short-term confinement resources of the department for
3690 offenders who are sentenced to 3 years or less, or who are
3691 within 3 years or less of their anticipated release date, and
3692 integration of detention services which have community-based
3693 programs. The plan shall designate such facilities and programs
3694 by region of the state and identify, by county, the capability
3695 for local incarceration.

3696 (d) A detailed analysis of methods to implement diversified
3697 alternatives to institutionalization when such alternatives can
3698 be safely employed. The analysis shall include an assessment of
3699 current pretrial intervention, probation, and community control
3700 alternatives and their cost-effectiveness with regard to
3701 restitution to victims, reimbursements for cost of supervision,
3702 and subsequent violations resulting in commitments to the
3703 department. Such analysis shall also include an assessment of
3704 current use of electronic surveillance of offenders and
3705 projected potential for diverting additional categories of
3706 offenders from incarceration within the department.

3707 (e) A detailed analysis of current incarceration rates of
3708 both the state and county correctional systems with the
3709 calculation by the department of the current and projected
3710 ratios of inmates in the correctional system, as defined in s.
3711 945.01, to the general population of the state which will serve
3712 as a basis for projecting construction needs.

593-04035-09

20092160c1

3713 (f) A plan for community-based facilities and programs for
3714 the reintegration of offenders into society whereby inmates who
3715 are being released shall receive assistance. Such assistance may
3716 be through work-release, transition assistance, release
3717 assistance stipend, contract release, postrelease special
3718 services, temporary housing, or job placement programs.

3719 (g) A plan reflecting parity of pay or comparable economic
3720 benefits for correctional officers with that of law enforcement
3721 officers in this state, and an assessment of projected impacts
3722 on turnover rates within the department.

3723 (h) A plan containing habitability criteria which defines
3724 when beds are available and functional for use by inmates, and
3725 containing factors which define when institutions and facilities
3726 may be added to the inventory of the state correctional system.

3727 (5) The comprehensive correctional master plan shall
3728 project by year the total operating and capital outlay costs
3729 necessary for constructing a sufficient number of prison beds to
3730 avoid a deficiency in prison beds. Included in the master plan
3731 which projects operating and capital outlay costs shall be a
3732 siting plan which shall assess, rank, and designate appropriate
3733 sites pursuant to s. 944.095(2)(a)-(k). The master plan shall
3734 include an assessment of the department's current capability for
3735 providing the degree of security necessary to ensure public
3736 safety and should reflect the levels of security needed for the
3737 forecasted admissions of various types of offenders based upon
3738 sentence lengths and severity of offenses. The plan shall also
3739 provide construction options for targeting violent and habitual
3740 offenders for incarceration while providing specific
3741 alternatives for the various categories of lesser offenders.

593-04035-09

20092160c1

3742 (6) Institutions within the state correctional system shall
3743 have the following design capacity factors:

3744 (a) Rooms and prison cells between 40 square feet and 90
3745 square feet, inclusive: one inmate per room or prison cell.

3746 (b) Dormitory-style rooms and other rooms exceeding 90
3747 square feet: one inmate per 55 square feet.

3748 (c) At institutions with rooms or cells, except to the
3749 extent that separate confinement cells have been constructed, a
3750 number of rooms or prison cells equal to 3 percent of total
3751 design capacity must be deducted from design capacity and set
3752 aside for confinement purposes.

3753 (d) Bed count calculations used to determine design
3754 capacity shall only include beds that ~~which~~ are functional and
3755 available for use by inmates.

3756 (7) Institutions within the state correctional system shall
3757 have the following maximum capacity factors:

3758 (a) Rooms and prison cells between 40 square feet and 60
3759 square feet, inclusive: one inmate per room or cell. If the room
3760 or prison cell is between 60 square feet and 90 square feet,
3761 inclusive, two inmates are allowed in each room, except that one
3762 inmate per room or prison cell is allowed at the Florida State
3763 Prison or any other maximum security institution or facility
3764 that ~~which~~ may be constructed.

3765 (b) Dormitory-style rooms and other rooms exceeding 90
3766 square feet: one inmate per 37.5 square feet. Double-bunking is
3767 generally allowed only along the outer walls of a dormitory.

3768 (c) At institutions with rooms or cells, except to the
3769 extent that separate confinement cells have been constructed, a
3770 number of rooms or prison cells equal to 3 percent of total

593-04035-09

20092160c1

3771 maximum capacity are not available for maximum capacity, and
3772 must be set aside for confinement purposes, thereby reducing
3773 maximum capacity by 6 percent since these rooms would otherwise
3774 house two inmates.

3775 (d) A number of beds equal to 5 percent of total maximum
3776 capacity must be deducted for management at institutions.

3777 Section 147. Paragraph (f) of subsection (3) of section
3778 944.801, Florida Statutes, is amended to read:

3779 944.801 Education for state prisoners.—

3780 (3) The responsibilities of the Correctional Education
3781 Program shall be to:

3782 (f) Report annual activities to the Secretary of
3783 Corrections, ~~the Commissioner of Education, the Governor, and~~
3784 ~~the Legislature.~~

3785 Section 148. Subsection (10) of section 945.35, Florida
3786 Statutes, is repealed.

3787 Section 149. Subsection (9) of section 958.045, Florida
3788 Statutes, is repealed.

3789 Section 150. Paragraph (c) of subsection (1) of section
3790 960.045, Florida Statutes, is amended to read:

3791 960.045 Department of Legal Affairs; powers and duties.—It
3792 shall be the duty of the department to assist persons who are
3793 victims of crime.

3794 (1) The department shall:

3795 (c) Prepare an annual ~~Render, prior to January 1 of each~~
3796 ~~year, to the presiding officers of the Senate and House of~~
3797 ~~Representatives~~ a written report of the activities of the Crime
3798 Victims' Services Office, which shall be available on the
3799 department's Internet website.

593-04035-09

20092160c1

3800 Section 151. Paragraph (c) of subsection (8) of section
3801 985.02, Florida Statutes, is repealed.

3802 Section 152. Subsections (3), (4), and (5) of section
3803 985.047, Florida Statutes, are amended to read:

3804 985.047 Information systems.—

3805 ~~(3) In order to assist in the integration of the~~
3806 ~~information to be shared, the sharing of information obtained,~~
3807 ~~the joint planning on diversion and early intervention~~
3808 ~~strategies for juveniles at risk of becoming serious habitual~~
3809 ~~juvenile offenders, and the intervention strategies for serious~~
3810 ~~habitual juvenile offenders, a multiagency task force should be~~
3811 ~~organized and utilized by the law enforcement agency or county~~
3812 ~~in conjunction with the initiation of the information system~~
3813 ~~described in subsections (1) and (2). The multiagency task force~~
3814 ~~shall be composed of representatives of those agencies and~~
3815 ~~persons providing information for the central identification~~
3816 ~~file and the multiagency information sheet.~~

3817 ~~(4) This multiagency task force shall develop a plan for~~
3818 ~~the information system that includes measures which identify and~~
3819 ~~address any disproportionate representation of ethnic or racial~~
3820 ~~minorities in the information systems and shall develop~~
3821 ~~strategies that address the protection of individual~~
3822 ~~constitutional rights.~~

3823 (3)(5) A Any law enforcement agency, or county that ~~which~~
3824 implements a juvenile offender information system ~~and the~~
3825 ~~multiagency task force which maintain the information system~~
3826 must annually provide ~~any~~ information gathered during the
3827 previous year to the delinquency and gang prevention council of
3828 the judicial circuit in which the county is located. This

593-04035-09

20092160c1

3829 information must ~~shall~~ include the number, types, and patterns
3830 of delinquency tracked by the juvenile offender information
3831 system.

3832 Section 153. Paragraph (a) of subsection (8) of section
3833 985.47, Florida Statutes, is amended to read:

3834 985.47 Serious or habitual juvenile offender.—

3835 (8) ASSESSMENT AND TREATMENT SERVICES.—Pursuant to this
3836 chapter and the establishment of appropriate program guidelines
3837 and standards, contractual instruments, which shall include
3838 safeguards of all constitutional rights, shall be developed as
3839 follows:

3840 (a) The department shall provide for:

3841 1. ~~The~~ Oversight of the implementation of assessment and
3842 treatment approaches.

3843 2. ~~The~~ Identification and prequalification of appropriate
3844 individuals or not-for-profit organizations, including minority
3845 individuals or organizations when possible, to provide
3846 assessment and treatment services to serious or habitual
3847 delinquent children.

3848 3. ~~The~~ Monitoring and evaluation of assessment and
3849 treatment services for compliance with this chapter and all
3850 applicable rules and guidelines pursuant thereto.

3851 ~~4. The development of an annual report on the performance~~
3852 ~~of assessment and treatment to be presented to the Governor, the~~
3853 ~~Attorney General, the President of the Senate, the Speaker of~~
3854 ~~the House of Representatives, and the Auditor General no later~~
3855 ~~than January 1 of each year.~~

3856 Section 154. Paragraph (a) of subsection (8) of section
3857 985.483, Florida Statutes, is amended to read:

593-04035-09

20092160c1

3858 985.483 Intensive residential treatment program for
3859 offenders less than 13 years of age.-

3860 (8) ASSESSMENT AND TREATMENT SERVICES.-Pursuant to this
3861 chapter and the establishment of appropriate program guidelines
3862 and standards, contractual instruments, which shall include
3863 safeguards of all constitutional rights, shall be developed for
3864 intensive residential treatment programs for offenders less than
3865 13 years of age as follows:

3866 (a) The department shall provide for:

3867 1. ~~The~~ Oversight of the implementation of assessment and
3868 treatment approaches.

3869 2. ~~The~~ Identification and prequalification of appropriate
3870 individuals or not-for-profit organizations, including minority
3871 individuals or organizations when possible, to provide
3872 assessment and treatment services to intensive offenders less
3873 than 13 years of age.

3874 3. ~~The~~ Monitoring and evaluation of assessment and
3875 treatment services for compliance with this chapter and all
3876 applicable rules and guidelines pursuant thereto.

3877 ~~4. The development of an annual report on the performance
3878 of assessment and treatment to be presented to the Governor, the
3879 Attorney General, the President of the Senate, the Speaker of
3880 the House of Representatives, the Auditor General, and the
3881 Office of Program Policy Analysis and Government Accountability
3882 no later than January 1 of each year.~~

3883 Section 155. Subsection (5) of section 985.61, Florida
3884 Statutes, is repealed.

3885 Section 156. Subsection (1) of section 985.622, Florida
3886 Statutes, is amended to read:

593-04035-09

20092160c1

3887 985.622 Multiagency plan for vocational education.—

3888 (1) The Department of Juvenile Justice and the Department
3889 of Education shall, in consultation with the statewide Workforce
3890 Development Youth Council, school districts, providers, and
3891 others, jointly develop a multiagency plan for vocational
3892 education that establishes the curriculum, goals, and outcome
3893 measures for vocational programs in juvenile commitment
3894 facilities. The plan must include:

3895 (a) Provisions for maximizing appropriate state and federal
3896 funding sources, including funds under the Workforce Investment
3897 Act and the Perkins Act;

3898 (b) The responsibilities of both departments and all other
3899 appropriate entities; and

3900 (c) A detailed implementation schedule.

3901

3902 ~~The plan must be submitted to the Governor, the President of the~~
3903 ~~Senate, and the Speaker of the House of Representatives by May~~
3904 ~~1, 2001.~~

3905 Section 157. Subsection (7) of section 985.632, Florida
3906 Statutes, is repealed.

3907 Section 158. Subsection (19) of section 1002.34, Florida
3908 Statutes, is repealed.

3909 Section 159. Subsection (4) of section 1003.61, Florida
3910 Statutes, is repealed.

3911 Section 160. Subsections (5) through (13) of section
3912 1004.22, Florida Statutes, are amended to read:

3913 1004.22 Divisions of sponsored research at state
3914 universities.—

3915 (5) Moneys deposited in the permanent sponsored research

593-04035-09

20092160c1

3916 development fund of a university shall be disbursed in
3917 accordance with the terms of the contract, grant, or donation
3918 under which they are received. Moneys received for overhead or
3919 indirect costs and other moneys not required for the payment of
3920 direct costs shall be applied to the cost of operating the
3921 division of sponsored research. Any surplus moneys shall be used
3922 to support other research or sponsored training programs in any
3923 area of the university. Transportation and per diem expense
3924 allowances are ~~shall be~~ the same as those provided ~~by law~~ in s.
3925 112.061, except that personnel performing travel under a
3926 sponsored research subcontract may be reimbursed for travel
3927 expenses in accordance with ~~the provisions of~~ the applicable
3928 prime contract or grant and the travel allowances established by
3929 the subcontractor, subject to the requirements of subsection (6)
3930 ~~(7)~~, or except as provided in subsection (10) ~~(11)~~.

3931 ~~(6) (a) Each university shall submit to the Board of~~
3932 ~~Governors a report of the activities of each division of~~
3933 ~~sponsored research together with an estimated budget for the~~
3934 ~~next fiscal year.~~

3935 ~~(b) Not less than 90 days prior to the convening of each~~
3936 ~~regular session of the Legislature in which an appropriation~~
3937 ~~shall be made, the Board of Governors shall submit to the chair~~
3938 ~~of the appropriations committee of each house of the Legislature~~
3939 ~~a compiled report, together with a compiled estimated budget for~~
3940 ~~the next fiscal year. A copy of such report and estimated budget~~
3941 ~~shall be furnished to the Governor, as the chief budget officer~~
3942 ~~of the state.~~

3943 (6) ~~(7)~~ All purchases of a division of sponsored research
3944 shall be made in accordance with the policies and procedures of

593-04035-09

20092160c1

3945 the university pursuant to guidelines of the Board of Governors;
3946 however, upon certification addressed to the university
3947 president that it is necessary for the efficient or expeditious
3948 prosecution of a research project, the president may exempt the
3949 purchase of material, supplies, equipment, or services for
3950 research purposes from the general purchasing requirement of
3951 state law ~~the Florida Statutes~~.

3952 (7)~~(8)~~ The university may authorize the construction,
3953 alteration, or remodeling of buildings if ~~when~~ the funds used
3954 are derived entirely from the sponsored research development
3955 fund of a university or from that fund in combination with other
3956 nonstate sources and if, ~~provided that~~ such construction,
3957 alteration, or remodeling is for use exclusively in the area of
3958 research. The university may, ~~it also may~~ authorize the
3959 acquisition of real property if ~~when~~ the cost is entirely from
3960 the said funds. Title to all real property purchased before
3961 ~~prior to~~ January 7, 2003, or with funds appropriated by the
3962 Legislature shall vest in the Board of Trustees of the Internal
3963 Improvement Trust Fund and may ~~shall only~~ be transferred or
3964 conveyed only by it.

3965 (8)~~(9)~~ The sponsored research programs of the Institute of
3966 Food and Agricultural Sciences, the University of Florida Health
3967 Science Center, and the engineering and industrial experiment
3968 station shall continue to be centered at the University of
3969 Florida as ~~heretofore~~ provided by law. Indirect cost
3970 reimbursements of all grants deposited in the Division of
3971 Sponsored Research shall be distributed directly to the above
3972 units in direct proportion to the amounts earned by each unit.

3973 (9)~~(10)~~ The operation of the divisions of sponsored

593-04035-09

20092160c1

3974 research and the conduct of the sponsored research program are
3975 exempt ~~expressly exempted~~ from the provisions of any law ~~other~~
3976 ~~laws or portions of laws~~ in conflict with this subsection
3977 ~~herewith~~ and are, subject to the requirements of subsection (6)
3978 ~~(7)~~, exempt ~~exempted~~ from the provisions of chapters 215, 216,
3979 and 283.

3980 (10) ~~(11)~~ The divisions of sponsored research may pay, by
3981 advancement or reimbursement, or a combination thereof, the
3982 costs of per diem of university employees and of other
3983 authorized persons, as defined in s. 112.061(2)(e), for foreign
3984 travel up to the current rates as stated in the grant and
3985 contract ~~terms~~ and may also pay incidental expenses as
3986 authorized by s. 112.061(8). This subsection applies to any
3987 university employee traveling in foreign countries for sponsored
3988 programs of the university, if such travel expenses are approved
3989 ~~in the terms of~~ the contract or grant. The provisions of s.
3990 112.061, other than those relating to per diem, apply to the
3991 travel described in this subsection. As used in this subsection,
3992 the term "foreign travel" means any travel outside the United
3993 States and its territories and possessions and Canada. Persons
3994 traveling in foreign countries pursuant to this section are
3995 ~~shall not be~~ entitled to reimbursements or advancements pursuant
3996 to s. 112.061(6)(a)2. for such travel.

3997 (11) ~~(12)~~ Each division of sponsored research may ~~is~~
3998 ~~authorized to~~ advance funds to any principal investigator who,
3999 under the contract or grant ~~terms~~, will be performing a portion
4000 of his or her research at a site that is remote from the
4001 university. Funds may ~~shall~~ be advanced only to employees who
4002 have executed a proper power of attorney with the university to

593-04035-09

20092160c1

4003 ensure the proper collection of the ~~such~~ advanced funds if it
4004 becomes necessary. As used in this subsection, the term "remote"
4005 means so far removed from the university as to render normal
4006 purchasing and payroll functions ineffective.

4007 (12) ~~(13)~~ Each university board of trustees may ~~is~~
4008 ~~authorized to~~ adopt rules, as necessary, to administer this
4009 section.

4010 Section 161. Subsection (6) of section 1004.50, Florida
4011 Statutes, is repealed.

4012 Section 162. Subsections (2) and (4) of section 1004.94,
4013 Florida Statutes, are repealed.

4014 Section 163. Subsection (4) of section 1004.95, Florida
4015 Statutes, is amended to read:

4016 1004.95 Adult literacy centers.—

4017 (4) The State Board of Education shall develop rules for
4018 implementing this section, ~~including criteria for evaluating the~~
4019 ~~performance of the centers, and shall submit an evaluation~~
4020 ~~report of the centers to the Legislature on or before February 1~~
4021 ~~of each year.~~

4022 Section 164. Section 1006.0605, Florida Statutes, is
4023 repealed.

4024 Section 165. Section 1006.67, Florida Statutes, is
4025 repealed.

4026 Section 166. Subsection (8) of section 1009.70, Florida
4027 Statutes, is amended to read:

4028 1009.70 Florida Education Fund.—

4029 (8) There is created a legal education component of the
4030 Florida Education Fund to provide the opportunity for minorities
4031 to attain representation within the legal profession

593-04035-09

20092160c1

4032 proportionate to their representation within the general
4033 population. The legal education component of the Florida
4034 Education Fund includes a law school program and a pre-law
4035 program.

4036 (a) The law school scholarship program of the Florida
4037 Education Fund is to be administered by the Board of Directors
4038 of the Florida Education Fund for the purpose of increasing ~~by~~
4039 ~~200~~ the number of minority students enrolled in law schools in
4040 this state by 200. Implementation of this program is to be
4041 phased in over a 3-year period.

4042 1. The board of directors shall provide financial,
4043 academic, and other support to students selected for
4044 participation in this program from funds appropriated by the
4045 Legislature.

4046 2. Student selection must be made in accordance with rules
4047 adopted by the board of directors for that purpose and must be
4048 based, at least in part, on an assessment of potential for
4049 success, merit, and financial need.

4050 3. Support must be made available to students who enroll in
4051 private, as well as public, law schools in this state which are
4052 accredited by the American Bar Association.

4053 4. Scholarships must be paid directly to the participating
4054 students.

4055 5. Students who participate in this program must agree in
4056 writing to sit for The Florida Bar examination and, upon
4057 successful admission to The Florida Bar, to ~~either~~ practice law
4058 in the state for a period ~~of time~~ equal to the amount of time
4059 for which the student received aid, up to 3 years, or repay the
4060 amount of aid received.

593-04035-09

20092160c1

4061 ~~6. Annually, the board of directors shall compile a report~~
4062 ~~that includes a description of the selection process, an~~
4063 ~~analysis of the academic progress of all scholarship recipients,~~
4064 ~~and an analysis of expenditures. This report must be submitted~~
4065 ~~to the President of the Senate, the Speaker of the House of~~
4066 ~~Representatives, and the Governor.~~

4067 (b) The minority pre-law scholarship loan program of the
4068 Florida Education Fund is to be administered by the Board of
4069 Directors of the Florida Education Fund for the purpose of
4070 increasing the opportunity of minority students to prepare for
4071 law school.

4072 1. From funds appropriated by the Legislature, the board of
4073 directors shall provide for student fees, room, board, books,
4074 supplies, and academic and other support to selected minority
4075 undergraduate students matriculating at eligible public and
4076 independent colleges and universities in Florida.

4077 2. Student selection must be made in accordance with rules
4078 adopted by the board of directors for that purpose and must be
4079 based, at least in part, on an assessment of potential for
4080 success, merit, and financial need.

4081 3. To be eligible, a student must make a written agreement
4082 to enter or be accepted to enter a law school in this state
4083 within 2 years after graduation or repay the scholarship loan
4084 amount plus interest at the prevailing rate.

4085 4. Recipients who fail to gain admission to a law school
4086 within the specified period ~~of time~~, may, upon admission to law
4087 school, be eligible to have their loans canceled.

4088 5. Minority pre-law scholarship loans shall be provided to
4089 34 minority students per year for up to 4 years each, for a

593-04035-09

20092160c1

4090 total of 136 scholarship loans. To continue receiving ~~receipt~~ of
4091 scholarship loans, recipients must maintain a 2.75 grade point
4092 average for the freshman year and a 3.25 grade point average
4093 thereafter. Participants must also take specialized courses to
4094 enhance competencies in English and logic.

4095 6. The board of directors shall maintain records on all
4096 scholarship loan recipients. Participating institutions shall
4097 submit academic progress reports to the board of directors
4098 following each academic term. ~~Annually, the board of directors~~
4099 ~~shall compile a report that includes a description of the~~
4100 ~~selection process, an analysis of the academic progress of all~~
4101 ~~scholarship loan recipients, and an analysis of expenditures.~~
4102 ~~This report must be submitted to the President of the Senate,~~
4103 ~~the Speaker of the House of Representatives, and the Governor.~~

4104 Section 167. Subsection (8) of section 1011.32, Florida
4105 Statutes, is amended to read:

4106 1011.32 Community College Facility Enhancement Challenge
4107 Grant Program.—

4108 (8) By September 1 of each year, the State Board of
4109 Education shall transmit to the Governor and the Legislature a
4110 list of projects that ~~which~~ meet all eligibility requirements to
4111 participate in the Community College Facility Enhancement
4112 Challenge Grant Program and a budget request that ~~which~~ includes
4113 the recommended schedule necessary to complete each project.

4114 Section 168. Paragraph (r) of subsection (1) of section
4115 1011.62, Florida Statutes, is amended to read:

4116 1011.62 Funds for operation of schools.—If the annual
4117 allocation from the Florida Education Finance Program to each
4118 district for operation of schools is not determined in the

593-04035-09

20092160c1

4119 annual appropriations act or the substantive bill implementing
 4120 the annual appropriations act, it shall be determined as
 4121 follows:

4122 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 4123 OPERATION.—The following procedure shall be followed in
 4124 determining the annual allocation to each district for
 4125 operation:

4126 (r) *Extended-school-year program.*—It is the intent of the
 4127 Legislature that students be provided additional instruction by
 4128 extending the school year to 210 days or more. Districts may
 4129 apply to the Commissioner of Education for funds to be used in
 4130 planning and implementing an extended-school-year program. ~~The~~
 4131 ~~Department of Education shall recommend to the Legislature the~~
 4132 ~~policies necessary for full implementation of an extended school~~
 4133 ~~year.~~

4134 Section 169. Paragraph (1) of subsection (2) of section
 4135 1012.05, Florida Statutes, is repealed.

4136 Section 170. Subsection (1) of section 1012.42, Florida
 4137 Statutes, is amended to read:

4138 1012.42 Teacher teaching out-of-field.—

4139 (1) ASSISTANCE.—Each district school board shall adopt and
 4140 implement a plan to assist any teacher teaching out-of-field,
 4141 and priority consideration in professional development
 4142 activities shall be given to a teacher ~~teachers~~ who is ~~are~~
 4143 teaching out-of-field. The district school board shall require
 4144 that the teacher ~~such teachers~~ participate in a certification or
 4145 staff development program designed to provide the teacher with
 4146 the competencies required for the assigned duties. The board-
 4147 approved assistance plan must include duties of administrative

593-04035-09

20092160c1

4148 personnel and other instructional personnel to provide students
4149 with instructional services. ~~Each district school board shall~~
4150 ~~contact its regional workforce board, created pursuant to s.~~
4151 ~~445.007, to identify resources that may assist teachers who are~~
4152 ~~teaching out-of-field and who are pursuing certification.~~

4153 Section 171. Section 1013.11, Florida Statutes, is amended
4154 to read:

4155 1013.11 Postsecondary institutions assessment of physical
4156 plant safety.—The president of each postsecondary institution
4157 shall conduct or cause to be conducted an annual assessment of
4158 physical plant safety. An annual report shall incorporate the
4159 assessment findings ~~obtained through such assessment~~ and
4160 recommendations for the improvement of safety on each campus.
4161 The annual report shall be submitted to the respective governing
4162 or licensing board of jurisdiction no later than January 1 of
4163 each year. Each board shall compile the individual institutional
4164 reports and convey the aggregate institutional reports to the
4165 Commissioner of Education or the Chancellor of the State
4166 University System, as appropriate. ~~The Commissioner of Education~~
4167 ~~and the Chancellor of the State University System shall convey~~
4168 ~~these reports and the reports required in s. 1006.67 to the~~
4169 ~~President of the Senate and the Speaker of the House of~~
4170 ~~Representatives no later than March 1 of each year.~~

4171 Section 172. Subsection (3) of section 161.142, Florida
4172 Statutes, is amended to read:

4173 161.142 Declaration of public policy relating to improved
4174 navigation inlets.—The Legislature recognizes the need for
4175 maintaining navigation inlets to promote commercial and
4176 recreational uses of our coastal waters and their resources. The

593-04035-09

20092160c1

4177 Legislature further recognizes that inlets interrupt or alter
4178 the natural drift of beach-quality sand resources, which often
4179 results in these sand resources being deposited in nearshore
4180 areas or in the inlet channel, or in the inland waterway
4181 adjacent to the inlet, instead of providing natural nourishment
4182 to the adjacent eroding beaches. Accordingly, the Legislature
4183 finds it is in the public interest to replicate the natural
4184 drift of sand which is interrupted or altered by inlets to be
4185 replaced and for each level of government to undertake all
4186 reasonable efforts to maximize inlet sand bypassing to ensure
4187 that beach-quality sand is placed on adjacent eroding beaches.
4188 Such activities cannot make up for the historical sand deficits
4189 caused by inlets but shall be designed to balance the sediment
4190 budget of the inlet and adjacent beaches and extend the life of
4191 proximate beach-restoration projects so that periodic
4192 nourishment is needed less frequently. Therefore, in furtherance
4193 of this declaration of public policy and the Legislature's
4194 intent to redirect and recommit the state's comprehensive beach
4195 management efforts to address the beach erosion caused by
4196 inlets, the department shall ensure that:

4197 (3) Construction waterward of the coastal construction
4198 control line on downdrift coastal areas, on islands
4199 substantially created by the deposit of spoil, located within 1
4200 mile of the centerline of navigation channels or inlets,
4201 providing access to ports listed in s. 403.021(9)(b), which
4202 suffers or has suffered erosion caused by such navigation
4203 channel maintenance or construction shall be exempt from the
4204 permitting requirements and prohibitions of s. 161.053(4)~~(5)~~ or
4205 (5)~~(6)~~; however, such construction shall comply with the

593-04035-09

20092160c1

4206 applicable Florida Building Code adopted pursuant to s. 553.73.
 4207 The timing and sequence of any construction activities
 4208 associated with inlet management projects shall provide
 4209 protection to nesting sea turtles and their hatchlings and
 4210 habitats, to nesting shorebirds, and to native salt-resistant
 4211 vegetation and endangered plant communities. Beach-quality sand
 4212 placed on the beach as part of an inlet management project must
 4213 be suitable for marine turtle nesting.

4214 Section 173. Paragraph (a) of subsection (4) of section
 4215 163.065, Florida Statutes, is amended to read:

4216 163.065 Miami River Improvement Act.—

4217 (4) PLAN.—The Miami River Commission, working with the City
 4218 of Miami and Miami-Dade County, shall consider the merits of the
 4219 following:

4220 (a) Development and adoption of an urban infill and
 4221 redevelopment plan, under ss. 163.2511-163.2523 ~~ss. 163.2511-~~
 4222 ~~163.2526~~, which and participating state and regional agencies
 4223 shall review ~~the proposed plan~~ for the purposes of determining
 4224 consistency with applicable law.

4225 Section 174. Subsection (1) of section 163.2511, Florida
 4226 Statutes, is amended to read:

4227 163.2511 Urban infill and redevelopment.—

4228 (1) Sections 163.2511-163.2523 ~~163.2511-163.2526~~ may be
 4229 cited as the "Growth Policy Act."

4230 Section 175. Section 163.2514, Florida Statutes, is amended
 4231 to read:

4232 163.2514 Growth Policy Act; definitions.—As used in ss.
 4233 163.2511-163.2523, the term ~~ss. 163.2511-163.2526~~:

4234 (1) "Local government" means any county or municipality.

593-04035-09

20092160c1

4235 (2) "Urban infill and redevelopment area" means an area or
4236 areas designated by a local government where:

4237 (a) Public services such as water and wastewater,
4238 transportation, schools, and recreation are already available or
4239 are scheduled to be provided in an adopted 5-year schedule of
4240 capital improvements;

4241 (b) The area, or one or more neighborhoods within the area,
4242 suffers from pervasive poverty, unemployment, and general
4243 distress as defined by s. 290.0058;

4244 (c) The area exhibits a proportion of properties that are
4245 substandard, overcrowded, dilapidated, vacant or abandoned, or
4246 functionally obsolete which is higher than the average for the
4247 local government;

4248 (d) More than 50 percent of the area is within 1/4 mile of
4249 a transit stop, or a sufficient number of ~~such~~ transit stops
4250 will be made available concurrent with the designation; and

4251 (e) The area includes or is adjacent to community
4252 redevelopment areas, brownfields, enterprise zones, or Main
4253 Street programs, or has been designated by the state or Federal
4254 Government as an urban redevelopment, revitalization, or infill
4255 area under empowerment zone, enterprise community, or brownfield
4256 showcase community programs or similar programs.

4257 Section 176. Subsection (2) of section 163.3202, Florida
4258 Statutes, is amended to read:

4259 163.3202 Land development regulations.—

4260 (2) Local land development regulations shall contain
4261 specific and detailed provisions necessary or desirable to
4262 implement the adopted comprehensive plan and shall at ~~as~~ a
4263 minimum:

593-04035-09

20092160c1

- 4264 (a) Regulate the subdivision of land.†
- 4265 (b) Regulate the use of land and water for those land use
4266 categories included in the land use element and ensure the
4267 compatibility of adjacent uses and provide for open space.†
- 4268 (c) Provide for protection of potable water wellfields.†
- 4269 (d) Regulate areas subject to seasonal and periodic
4270 flooding and provide for drainage and stormwater management.†
- 4271 (e) Ensure the protection of environmentally sensitive
4272 lands designated in the comprehensive plan.†
- 4273 (f) Regulate signage.†
- 4274 (g) Provide that public facilities and services meet or
4275 exceed the standards established in the capital improvements
4276 element required by s. 163.3177 and are available when needed
4277 for the development, or that development orders and permits are
4278 conditioned on the availability of these public facilities and
4279 services necessary to serve the proposed development. ~~Not later~~
4280 ~~than 1 year after its due date established by the state land~~
4281 ~~planning agency's rule for submission of local comprehensive~~
4282 ~~plans pursuant to s. 163.3167(2),~~ A local government may ~~shall~~
4283 not issue a development order or permit that ~~which~~ results in a
4284 reduction in the level of services for the affected public
4285 facilities below the level of services provided in the local
4286 government's comprehensive plan ~~of the local government.~~
- 4287 (h) Ensure safe and convenient onsite traffic flow,
4288 considering needed vehicle parking.
- 4289 Section 177. Paragraph (b) of subsection (11) of section
4290 259.041, Florida Statutes, is amended to read:
- 4291 259.041 Acquisition of state-owned lands for preservation,
4292 conservation, and recreation purposes.-

593-04035-09

20092160c1

4293 (11)

4294 (b) All project applications shall identify, within their
4295 acquisition plans, ~~these projects that~~ which require a full fee
4296 simple interest to achieve the public policy goals, together
4297 with the reasons full title is determined to be necessary. The
4298 state agencies and the water management districts may use
4299 alternatives to fee simple acquisition to bring the remaining
4300 projects in their acquisition plans under public protection. For
4301 the purposes of this subsection, the term "alternatives to fee
4302 simple acquisition" includes, but is not limited to: purchase of
4303 development rights; obtaining conservation easements; obtaining
4304 flowage easements; purchase of timber rights, mineral rights, or
4305 hunting rights; purchase of agricultural interests or
4306 silvicultural interests; entering into land protection
4307 agreements as defined in s. 380.0677(3) ~~s. 380.0677(4)~~; fee
4308 simple acquisitions with reservations; creating life estates; or
4309 any other acquisition technique that ~~which~~ achieves the public
4310 policy goals listed in paragraph (a). It is presumed that a
4311 private landowner retains the full range of uses for all the
4312 rights or interests in the landowner's land which are not
4313 specifically acquired by the public agency. The lands upon which
4314 hunting rights are specifically acquired pursuant to this
4315 paragraph shall be available for hunting in accordance with the
4316 management plan or hunting regulations adopted by the Florida
4317 Fish and Wildlife Conservation Commission, unless the hunting
4318 rights are purchased specifically to protect activities on
4319 adjacent lands.

4320 Section 178. Paragraph (c) of subsection (3) of section
4321 259.101, Florida Statutes, is amended to read:

593-04035-09

20092160c1

4322 259.101 Florida Preservation 2000 Act.—

4323 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.—Less the costs
4324 of issuance, the costs of funding reserve accounts, and other
4325 costs with respect to the bonds, the proceeds of bonds issued
4326 pursuant to this act shall be deposited into the Florida
4327 Preservation 2000 Trust Fund created by s. 375.045. In fiscal
4328 year 2000-2001, for each Florida Preservation 2000 program
4329 described in paragraphs (a)-(g), that portion of each program's
4330 total remaining cash balance which, as of June 30, 2000, is in
4331 excess of that program's total remaining appropriation balances
4332 shall be redistributed by the department and deposited into the
4333 Save Our Everglades Trust Fund for land acquisition. For
4334 purposes of calculating the total remaining cash balances for
4335 this redistribution, the Florida Preservation 2000 Series 2000
4336 bond proceeds, including interest thereon, and the fiscal year
4337 1999-2000 General Appropriations Act amounts shall be deducted
4338 from the remaining cash and appropriation balances,
4339 respectively. The remaining proceeds shall be distributed by the
4340 Department of Environmental Protection in the following manner:

4341 (c) Ten percent to the Department of Community Affairs to
4342 provide land acquisition grants and loans to local governments
4343 through the Florida Communities Trust pursuant to part III of
4344 chapter 380. From funds allocated to the trust, \$3 million
4345 annually shall be used by the Division of State Lands within the
4346 Department of Environmental Protection to implement the Green
4347 Swamp Land Protection Initiative specifically for the purchase
4348 of conservation easements, as defined in s. 380.0677(3) ~~s.~~
4349 ~~380.0677(4)~~, of lands, or severable interests or rights in
4350 lands, in the Green Swamp Area of Critical State Concern. From

593-04035-09

20092160c1

4351 funds allocated to the trust, \$3 million annually shall be used
4352 by the Monroe County Comprehensive Plan Land Authority
4353 specifically for the purchase of a ~~any~~ real property interest in
4354 ~~either~~ those lands subject to the Rate of Growth Ordinances
4355 adopted by local governments in Monroe County or those lands
4356 within the boundary of an approved Conservation and Recreation
4357 Lands project located within the Florida Keys or Key West Areas
4358 of Critical State Concern; however, title to lands acquired
4359 within the boundary of an approved Conservation and Recreation
4360 Lands project may, in accordance with an approved joint
4361 acquisition agreement, vest in the Board of Trustees of the
4362 Internal Improvement Trust Fund. Of the remaining funds
4363 ~~allocated to the trust after the above transfers occur~~, one-half
4364 shall be matched by local governments on a dollar-for-dollar
4365 basis. To the extent allowed by federal requirements for the use
4366 of bond proceeds, the trust shall expend Preservation 2000 funds
4367 to carry out the purposes of part III of chapter 380.

4368
4369 Local governments may use federal grants or loans, private
4370 donations, or environmental mitigation funds, including
4371 environmental mitigation funds required pursuant to s. 338.250,
4372 for any part or all of any local match required for the purposes
4373 described in this subsection. Bond proceeds allocated pursuant
4374 to paragraph (c) may be used to purchase lands on the priority
4375 lists developed pursuant to s. 259.035. Title to lands purchased
4376 pursuant to paragraphs (a), (d), (e), (f), and (g) shall be
4377 vested in the Board of Trustees of the Internal Improvement
4378 Trust Fund. Title to lands purchased pursuant to paragraph (c)
4379 may be vested in the Board of Trustees of the Internal

593-04035-09

20092160c1

4380 Improvement Trust Fund. The board of trustees shall hold title
4381 to land protection agreements and conservation easements that
4382 were or will be acquired pursuant to s. 380.0677, and the
4383 Southwest Florida Water Management District and the St. Johns
4384 River Water Management District shall monitor such agreements
4385 and easements within their respective districts until the state
4386 assumes this responsibility.

4387 Section 179. Subsections (1) and (5) of section 369.305,
4388 Florida Statutes, are amended to read:

4389 369.305 Review of local comprehensive plans, land
4390 development regulations, Wekiva River development permits, and
4391 amendments.—

4392 ~~(1) It is the intent of the Legislature that comprehensive~~
4393 ~~plans and land development regulations of Orange, Lake, and~~
4394 ~~Seminole Counties be revised to protect the Wekiva River~~
4395 ~~Protection Area prior to the due dates established in ss.~~
4396 ~~163.3167(2) and 163.3202 and chapter 9J-12, Florida~~
4397 ~~Administrative Code. It is also the intent of the Legislature~~
4398 ~~that Orange, Lake, and Seminole the Counties emphasize the~~
4399 ~~Wekiva River Protection Area this important state resource in~~
4400 ~~their planning and regulation efforts. Therefore, each county's~~
4401 ~~county shall, by April 1, 1989, review and amend those portions~~
4402 ~~of its local comprehensive plan and its land development~~
4403 ~~regulations applicable to the Wekiva River Protection Area must,~~
4404 ~~and, if necessary, adopt additional land development regulations~~
4405 ~~which are applicable to the Wekiva River Protection Area to meet~~
4406 ~~the following criteria:~~

4407 (a) Each county's local comprehensive plan must ~~shall~~
4408 contain goals, policies, and objectives that ~~which~~ result in the

593-04035-09

20092160c1

4409 protection of the:

4410 1. Water quantity, water quality, and hydrology of the
4411 Wekiva River System;

4412 2. Wetlands associated with the Wekiva River System;

4413 3. Aquatic and wetland-dependent wildlife species
4414 associated with the Wekiva River System;

4415 4. Habitat within the Wekiva River Protection Area of
4416 species designated pursuant to rules 39-27.003, 39-27.004, and
4417 39-27.005, Florida Administrative Code; and

4418 5. Native vegetation within the Wekiva River Protection
4419 Area.

4420 (b) The various land uses and densities and intensities of
4421 development permitted by the local comprehensive plan shall
4422 protect the resources enumerated in paragraph (a) and the rural
4423 character of the Wekiva River Protection Area. The plan must
4424 ~~shall~~ also include:

4425 1. Provisions that ~~to~~ ensure the preservation of sufficient
4426 habitat for feeding, nesting, roosting, and resting so as to
4427 maintain viable populations of species designated pursuant to
4428 rules 39-27.003, 39-27.004, and 39-27.005, Florida
4429 Administrative Code, within the Wekiva River Protection Area.

4430 2. Restrictions on the clearing of native vegetation within
4431 the 100-year flood plain.

4432 3. Prohibition of development that is not low-density
4433 residential in nature, unless the ~~that~~ development has less
4434 effect ~~impacts~~ on natural resources than low-density residential
4435 development.

4436 4. Provisions for setbacks along the Wekiva River for areas
4437 that do not fall within the protection zones established

593-04035-09

20092160c1

4438 pursuant to s. 373.415.

4439 5. Restrictions on intensity of development adjacent to
4440 publicly owned lands to prevent adverse impacts to such lands.

4441 6. Restrictions on filling and alteration of wetlands in
4442 the Wekiva River Protection Area.

4443 7. Provisions encouraging clustering of residential
4444 development if when it promotes protection of environmentally
4445 sensitive areas, and ensures ~~ensuring~~ that residential
4446 development in the aggregate are ~~shall be of a rural in~~ density
4447 and character.

4448 (c) The local comprehensive plan must ~~shall~~ require that
4449 the density or intensity of development permitted on parcels of
4450 property adjacent to the Wekiva River System be concentrated on
4451 those portions of the parcels which are the farthest from the
4452 surface waters and wetlands of the Wekiva River System.

4453 (d) The local comprehensive plan must ~~shall~~ require that
4454 parcels of land adjacent to the surface waters and watercourses
4455 of the Wekiva River System not be subdivided so as to interfere
4456 with the implementation of protection zones as established
4457 pursuant to s. 373.415, any applicable setbacks from the surface
4458 waters in the Wekiva River System which are established by local
4459 governments, or the policy established in paragraph (c) of
4460 concentrating development in the Wekiva River Protection Area as
4461 far from the surface waters and wetlands of the Wekiva River
4462 System as practicable.

4463 (e) The local land development regulations must ~~shall~~
4464 implement the provisions of paragraphs (a), (b), (c), and (d)
4465 and must ~~shall also~~ include restrictions on the location of
4466 septic tanks and drainfields in the 100-year flood plain and

593-04035-09

20092160c1

4467 discharges of stormwater to the Wekiva River System.

4468 ~~(5) During the period of time between the effective date of~~
4469 ~~this act and the due date of a county's revised local government~~
4470 ~~comprehensive plan as established by s. 163.3167(2) and chapter~~
4471 ~~9J-12, Florida Administrative Code, any local comprehensive plan~~
4472 ~~amendment or amendment to a land development regulation, adopted~~
4473 ~~or issued by a county, which applies to the Wekiva River~~
4474 ~~Protection Area, or any Wekiva River development permit adopted~~
4475 ~~by a county, solely within protection zones established pursuant~~
4476 ~~to s. 373.415, shall be sent to the department within 10 days~~
4477 ~~after its adoption or issuance by the local governing body but~~
4478 ~~shall not become effective until certified by the department as~~
4479 ~~being in compliance with purposes described in subsection (1).~~
4480 ~~The department shall make its decision on certification within~~
4481 ~~60 days after receipt of the amendment or development permit~~
4482 ~~solely within protection zones established pursuant to s.~~
4483 ~~373.415. The department's decision on certification shall be~~
4484 ~~final agency action. This subsection shall not apply to any~~
4485 ~~amendments or new land development regulations adopted pursuant~~
4486 ~~to subsections (1)-(4) or to any development order approving,~~
4487 ~~approving with conditions, or denying a development of regional~~
4488 ~~impact.~~

4489 Section 180. Paragraph (g) of subsection (1) of section
4490 379.2431, Florida Statutes, is amended to read:

4491 379.2431 Marine animals; regulation.—

4492 (1) PROTECTION OF MARINE TURTLES.—

4493 (g) The Department of Environmental Protection may
4494 condition the nature, timing, and sequence of construction of
4495 permitted activities to provide protection to nesting marine

593-04035-09

20092160c1

4496 turtles and hatchlings and their habitat pursuant to s.
4497 161.053(4) ~~the provisions of s. 161.053(5)~~. If ~~When~~ the
4498 department is considering a permit for a beach restoration,
4499 beach renourishment, or inlet sand transfer project and the
4500 applicant has had an active marine turtle nest relocation
4501 program or the applicant has agreed to and has the ability to
4502 administer a program, the department may ~~must~~ not restrict the
4503 timing of the project. If ~~Where~~ appropriate, the department, in
4504 accordance with the applicable rules of the Fish and Wildlife
4505 Conservation Commission, shall require as a condition of the
4506 permit that the applicant relocate and monitor all turtle nests
4507 that would be affected by the beach restoration, beach
4508 renourishment, or sand transfer activities. Such relocation and
4509 monitoring activities shall be conducted in a manner that
4510 ensures successful hatching. This limitation on the department's
4511 authority applies only on the Atlantic coast of Florida.

4512 Section 181. Section 381.732, Florida Statutes, is amended
4513 to read:

4514 381.732 Short title; Healthy Communities, Healthy People
4515 Act.—Sections 381.732-381.734 ~~381.731-381.734~~ may be cited as
4516 the "Healthy Communities, Healthy People Act."

4517 Section 182. Section 381.733, Florida Statutes, is amended
4518 to read:

4519 381.733 Definitions relating to Healthy Communities,
4520 Healthy People Act.—As used in ss. 381.732-381.734 ~~ss. 381.731-~~
4521 ~~381.734~~, the term:

4522 (1) "Department" means the Department of Health.

4523 (2) "Primary prevention" means interventions directed
4524 toward healthy populations with a focus on avoiding disease

593-04035-09

20092160c1

4525 before it occurs ~~prior to its occurrence.~~

4526 (3) "Secondary prevention" means interventions designed to
4527 promote the early detection and treatment of diseases and to
4528 reduce the risks experienced by at-risk populations.

4529 (4) "Tertiary prevention" means interventions directed at
4530 rehabilitating and minimizing the effects of disease in a
4531 chronically ill population.

4532 Section 183. Paragraph (d) of subsection (5) of section
4533 411.01, Florida Statutes, is amended to read:

4534 411.01 School readiness programs; early learning
4535 coalitions.—

4536 (5) CREATION OF EARLY LEARNING COALITIONS.—

4537 (d) *Implementation.*—

4538 1. An early learning coalition may not implement the school
4539 readiness program until ~~the coalition is authorized through~~
4540 ~~approval of~~ the coalition's school readiness plan is approved by
4541 the Agency for Workforce Innovation.

4542 2. Each early learning coalition shall develop a plan for
4543 implementing the school readiness program to meet the
4544 requirements of this section and the performance standards and
4545 outcome measures adopted by the Agency for Workforce Innovation.
4546 The plan must demonstrate how the program will ensure that each
4547 3-year-old and 4-year-old child in a publicly funded school
4548 readiness program receives scheduled activities and instruction
4549 designed to enhance the age-appropriate progress of the children
4550 in attaining the performance standards adopted by the agency ~~for~~
4551 ~~Workforce Innovation~~ under subparagraph (4) (d) 8. Before
4552 implementing the school readiness program, the early learning
4553 coalition must submit the plan to the agency ~~for Workforce~~

593-04035-09

20092160c1

4554 ~~Innovation~~ for approval. The agency ~~for Workforce Innovation~~ may
4555 approve the plan, reject the plan, or approve the plan with
4556 conditions. The agency ~~for Workforce Innovation~~ shall review
4557 school readiness plans at least annually.

4558 3. If the Agency for Workforce Innovation determines during
4559 the annual review of school readiness plans, or through
4560 monitoring and performance evaluations conducted under paragraph
4561 (4) (1), that an early learning coalition has not substantially
4562 implemented its plan, has not substantially met the performance
4563 standards and outcome measures adopted by the agency, or has not
4564 effectively administered the school readiness program or
4565 Voluntary Prekindergarten Education Program, the agency ~~for~~
4566 ~~Workforce Innovation~~ may dissolve the coalition and temporarily
4567 contract with a qualified entity to continue school readiness
4568 and prekindergarten services in the coalition's county or
4569 multicounty region until the coalition is reestablished through
4570 resubmission of a school readiness plan and approval by the
4571 agency.

4572 4. The Agency for Workforce Innovation shall adopt criteria
4573 for the approval of school readiness plans. The criteria must be
4574 consistent with the performance standards and outcome measures
4575 adopted by the agency and must require each approved plan to
4576 include the following minimum standards ~~and provisions~~:

4577 a. A sliding fee scale establishing a copayment for parents
4578 based upon their ability to pay, which is the same for all
4579 program providers, to be implemented and reflected in each
4580 program's budget.

4581 b. A choice of settings and locations in licensed,
4582 registered, religious-exempt, or school-based programs to be

593-04035-09

20092160c1

4583 provided to parents.

4584 c. Instructional staff who have completed the training
4585 course as required in s. 402.305(2)(d)1., as well as staff who
4586 have additional training or credentials as required by the
4587 Agency for Workforce Innovation. The plan must provide a method
4588 for assuring the qualifications of all personnel in all program
4589 settings.

4590 d. Specific eligibility priorities for children within the
4591 early learning coalition's county or multicounty region in
4592 accordance with subsection (6).

4593 e. Performance standards and outcome measures adopted by
4594 the agency ~~for Workforce Innovation~~.

4595 f. Payment rates adopted by the early learning coalition
4596 and approved by the agency ~~for Workforce Innovation~~. Payment
4597 rates may not have the effect of limiting parental choice or
4598 creating standards or levels of services that have not been
4599 authorized by the Legislature.

4600 g. Systems support services, including a central agency,
4601 child care resource and referral, eligibility determinations,
4602 training of providers, and parent support and involvement.

4603 h. Direct enhancement services to families and children.
4604 System support and direct enhancement services shall be in
4605 addition to payments for the placement of children in school
4606 readiness programs.

4607 i. The business organization of the early learning
4608 coalition, which must include the coalition's articles of
4609 incorporation and bylaws if the coalition is organized as a
4610 corporation. If the coalition is not organized as a corporation
4611 or other business entity, the plan must include the contract

593-04035-09

20092160c1

4612 with a fiscal agent. An early learning coalition may contract
4613 with other coalitions to achieve efficiency in multicounty
4614 services, and these contracts may be part of the coalition's
4615 school readiness plan.

4616 j. Strategies to meet the needs of unique populations, such
4617 as migrant workers.

4618

4619 As part of the school readiness plan, the early learning
4620 coalition may request the Governor to apply for a waiver to
4621 allow the coalition to administer the Head Start Program to
4622 accomplish the purposes of the school readiness program. If a
4623 school readiness plan demonstrates that specific statutory goals
4624 can be achieved more effectively by modifying ~~using procedures~~
4625 ~~that require modification of~~ existing rules, policies, or
4626 procedures, a request for a waiver to the Agency for Workforce
4627 Innovation may be submitted as part of the plan. Upon review,
4628 the agency ~~for Workforce Innovation~~ may grant the proposed
4629 modification.

4630 5. Persons with an early childhood teaching certificate may
4631 provide support and supervision to other staff in the school
4632 readiness program.

4633 6. An early learning coalition may not implement its school
4634 readiness plan until it submits the plan to and receives
4635 approval from the Agency for Workforce Innovation. Once the plan
4636 is approved, the plan and the services provided under the plan
4637 shall be controlled by the early learning coalition. The plan
4638 shall be reviewed and revised as necessary, but at least
4639 biennially. An early learning coalition may not implement the
4640 revisions until the coalition submits the revised plan to and

593-04035-09

20092160c1

4641 receives approval from the agency ~~for Workforce Innovation~~. If
4642 the agency ~~for Workforce Innovation~~ rejects a revised plan, the
4643 coalition must continue to operate under its prior approved
4644 plan.

4645 7. Sections 125.901(2)(a)3., ~~411.221~~, and 411.232 do not
4646 apply to an early learning coalition with an approved school
4647 readiness plan. To facilitate innovative practices and to allow
4648 the regional establishment of school readiness programs, an
4649 early learning coalition may apply to the Governor and Cabinet
4650 for a waiver of, and the Governor and Cabinet may waive, any of
4651 the provisions of ss. 411.223, 411.232, and 1003.54, if the
4652 waiver is necessary for implementation of the coalition's school
4653 readiness plan.

4654 8. Two or more counties may join for purposes of planning
4655 and implementing a school readiness program.

4656 9. An early learning coalition may, subject to approval by
4657 the Agency for Workforce Innovation as part of the coalition's
4658 school readiness plan, receive subsidized child care funds for
4659 all children eligible for any federal subsidized child care
4660 program.

4661 10. An early learning coalition may enter into multiparty
4662 contracts with multicounty service providers in order to meet
4663 the needs of unique populations such as migrant workers.

4664 Section 184. Paragraph (a) of subsection (3) of section
4665 411.232, Florida Statutes, is amended to read:

4666 411.232 Children's Early Investment Program.—

4667 (3) ESSENTIAL ELEMENTS.—

4668 (a) Initially, the program shall be directed to geographic
4669 areas where at-risk young children and their families are in

593-04035-09

20092160c1

4670 greatest need because of an unfavorable combination of economic,
4671 social, environmental, and health factors, including, without
4672 limitation, extensive poverty, high crime rate, great incidence
4673 of low birthweight babies, high incidence of alcohol and drug
4674 abuse, and high rates of teenage pregnancy. The selection of a
4675 geographic site must ~~shall~~ also consider the incidence of young
4676 children within these at-risk geographic areas who are cocaine
4677 babies, children of single mothers who receive temporary cash
4678 assistance, children of teenage parents, low birthweight babies,
4679 and very young foster children. To receive funding under this
4680 section, an agency, board, council, or provider must
4681 demonstrate:

- 4682 1. Its capacity to administer and coordinate the programs
4683 and services in a comprehensive manner and provide a flexible
4684 range of services;
- 4685 2. Its capacity to identify and serve those children least
4686 able to access existing programs and case management services;
- 4687 3. Its capacity to administer and coordinate the programs
4688 and services in an intensive and continuous manner;
- 4689 4. The proximity of its facilities to young children,
4690 parents, and other family members to be served by the program,
4691 or its ability to provide offsite services;
- 4692 5. Its ability to use existing federal, state, and local
4693 governmental programs and services in implementing the
4694 investment program;
- 4695 6. Its ability to coordinate activities and services with
4696 existing public and private, state and local agencies and
4697 programs such as those responsible for health, education, social
4698 support, mental health, child care, respite care, housing,

593-04035-09

20092160c1

4699 transportation, alcohol and drug abuse treatment and prevention,
 4700 income assistance, employment training and placement, nutrition,
 4701 and other relevant services, all the foregoing intended to
 4702 assist children and families at risk;

4703 7. How its plan will involve project participants and
 4704 community representatives in the planning and operation of the
 4705 investment program; and

4706 8. Its ability to participate in the evaluation component
 4707 required in this section. ; ~~and~~

4708 ~~9. Its consistency with the strategic plan pursuant to s.~~
 4709 ~~411.221.~~

4710 Section 185. Paragraph (a) of subsection (6) of section
 4711 445.006, Florida Statutes, is amended to read:

4712 445.006 Strategic and operational plans for workforce
 4713 development.-

4714 (6) (a) The operational plan must include strategies that
 4715 are designed to prevent or reduce the need for a person to
 4716 receive public assistance, including. ~~These strategies must~~
 4717 ~~include:~~

4718 1. A teen pregnancy prevention component that includes, but
 4719 is not limited to, a plan for implementing ~~the Florida Education~~
 4720 ~~Now and Babies Later (ENABL) program under s. 411.242 and the~~
 4721 Teen Pregnancy Prevention Community Initiative within each
 4722 county of the services area in which the teen birth rate is
 4723 higher than the state average;

4724 2. A component that encourages ~~creation of~~ community-based
 4725 welfare prevention and reduction initiatives that increase
 4726 support provided by noncustodial parents to their welfare-
 4727 dependent children and are consistent with program and financial

593-04035-09

20092160c1

4728 guidelines developed by Workforce Florida, Inc., and the
4729 Commission on Responsible Fatherhood. These initiatives may
4730 include, but are not limited to, improved paternity
4731 establishment, work activities for noncustodial parents,
4732 programs aimed at decreasing out-of-wedlock pregnancies,
4733 encouraging involvement of fathers with their children including
4734 court-ordered supervised visitation, and increasing child
4735 support payments;

4736 3. A component that encourages formation and maintenance of
4737 two-parent families through, among other things, court-ordered
4738 supervised visitation;

4739 4. A component that fosters responsible fatherhood in
4740 families receiving assistance; and

4741 5. A component that fosters provision of services that
4742 reduce the incidence and effects of domestic violence on women
4743 and children in families receiving assistance.

4744 Section 186. This act shall take effect upon becoming a
4745 law.