

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

585-02381-10

20101412c1

1 A bill to be entitled
2 An act relating to obsolete or outdated agency plans,
3 reports, and programs; repealing s. 13.01, F.S., which
4 establishes the Florida Commission on Interstate
5 Cooperation; repealing s. 13.02, F.S., which
6 establishes the Senate Committee on Interstate
7 Cooperation; repealing s. 13.03, F.S., which
8 establishes the House of Representatives Committee on
9 Interstate Cooperation; repealing s. 13.04, F.S.,
10 which provides terms and functions of both House and
11 Senate standing committees; repealing s. 13.05, F.S.,
12 which establishes the Governor's Committee on
13 Interstate Cooperation; repealing s. 13.06, F.S.,
14 which designates informal names of the committees and
15 the Commission; repealing s. 13.07, F.S., which
16 provides the functions of the commission; repealing s.
17 13.08, F.S., which establishes the powers and duties
18 of the commission; repealing s. 13.09, F.S., which
19 declares the Council of State Government to be a joint
20 governmental agency of Florida and other states;
21 transferring and renumbering s. 13.10, F.S., relating
22 to the appointment of Commissioners to the National
23 Conference of Commissioners on Uniform State Laws;
24 repealing s. 13.90, F.S., which establishes the
25 Florida Legislative Law Revision Council; repealing s.
26 13.91, F.S., which establishes the membership of the
27 council; repealing s. 13.92, F.S., which establishes
28 the term limits for members appointed to the council;
29 repealing s. 13.93, F.S., which declares all serving

585-02381-10

20101412c1

30 members of the council eligible for reappointment;
31 repealing s. 13.94, F.S., which designates the chair
32 and vice chair of the council; repealing s. 13.95,
33 F.S., which declares that the members of the council
34 shall serve without compensation; repealing s. 13.96,
35 F.S., which provides the functions of the council;
36 repealing s. 13.97, F.S., which provides that the
37 council shall be the recipient of proposed changes and
38 may make recommendations on such proposals; repealing
39 s. 13.98, F.S., which provides that the council submit
40 a report of all actions taken at each regular session
41 of the Legislature; repealing s. 13.99, F.S.,
42 regarding personnel of the council; repealing s.
43 13.992, F.S., which defines the powers of the council;
44 repealing s. 13.993, F.S., which authorizes the
45 council to procure information from state, municipal
46 corporations, or governmental department agencies;
47 repealing s. 13.994, F.S., which authorizes the
48 council to create rules and regulations for the
49 conduct of business; repealing s. 13.995, F.S., which
50 requires appropriations to carry out the purposes of
51 the council; repealing s. 13.996, F.S., which provides
52 that the first duty of the council shall be to
53 complete revision of the criminal laws of the state of
54 Florida; repealing s. 14.25, F.S., relating to the
55 Florida State Commission on Hispanic Affairs; amending
56 s. 14.26, F.S.; revising reporting requirements of the
57 Citizen's Assistance Office; repealing s. 14.27, F.S.,
58 relating to the Florida Commission on African-American

585-02381-10

20101412c1

59 Affairs; repealing s. 16.58, F.S., relating to the
60 Florida Legal Resource Center; amending s. 17.32,
61 F.S.; revising the recipients of the annual report of
62 trust funds by the Chief Financial Officer; amending
63 s. 17.325, F.S.; deleting a reporting requirement
64 relating to the governmental efficiency hotline;
65 amending s. 20.057, F.S.; deleting a reporting
66 requirement of the Governor relating to interagency
67 agreements to delete duplication of inspections;
68 repealing s. 20.316(4)(e), (f), and (g), F.S.,
69 relating to information systems of the Department of
70 Juvenile Justice; amending s. 20.43, F.S.; revising
71 provisions relating to planning by the Department of
72 Health; amending s. 39.4086, F.S.; deleting provisions
73 relating to a report by the State Courts Administrator
74 on a guardian ad litem program for dependent children;
75 amending s. 98.255, F.S.; deleting provisions relating
76 to a report on the effectiveness of voter education
77 programs; amending s. 110.1227, F.S.; revising
78 provisions relating to a report by the board of
79 directors of the Florida Long-Term-Care Plan; amending
80 s. 120.542, F.S.; deleting provisions relating to
81 reports of petitions filed for variances to agency
82 rules; repealing s. 153.952, F.S., relating to
83 legislative findings and intent concerning privately
84 owned wastewater systems and facilities; amending s.
85 161.053, F.S.; deleting a provision relating to a
86 report on the coastal construction control line;
87 amending s. 161.161, F.S.; deleting a provision

585-02381-10

20101412c1

88 requiring a report on funding for beach erosion
89 control; repealing s. 163.2526, F.S., relating to the
90 review and evaluation of urban infill; amending s.
91 163.3167, F.S.; deleting provisions relating to local
92 government comprehensive plans; amending s. 163.3177,
93 F.S.; revising requirements for comprehensive plans;
94 amending s. 163.3178, F.S.; deleting a duty of the
95 Coastal Resources Interagency Management Committee to
96 submit certain recommendations; repealing s.
97 163.519(12), F.S., relating to the requirement for a
98 report on neighborhood improvement districts by the
99 Department of Legal Affairs; repealing s. 186.007(9),
100 F.S.; deleting provisions relating to a committee to
101 recommend to the Governor changes in the state
102 comprehensive plan; amending ss. 189.4035 and 189.412,
103 F.S.; revising requirements relating to dissemination
104 of the official list of special districts; amending s.
105 206.606, F.S.; revising provisions relating to a
106 report on the Florida Boating Improvement Program;
107 amending s. 212.054, F.S.; deleting the requirement
108 for a report on costs of administering the
109 discretionary sales surtax; amending s. 212.08, F.S.;
110 deleting a requirement for a report on the sales tax
111 exemption for machinery and equipment used in
112 semiconductor, defense, or space technology production
113 and research and development; repealing s. 213.0452,
114 F.S., relating to a report on the structure of the
115 Department of Revenue; repealing s. 213.054, F.S.,
116 relating to monitoring and reporting regarding persons

585-02381-10

20101412c1

117 claiming tax exemptions; amending s. 215.70, F.S.;

118 requiring the State Board of Administration to report

119 to the Governor when funds need to be appropriated to

120 honor the full faith and credit of the state; amending

121 s. 216.011, F.S.; redefining the term "long-range

122 program plan"; repealing s. 216.181(10)(c), F.S.,

123 relating to reports of filled and vacant positions and

124 salaries; amending s. 252.55, F.S.; revising certain

125 reporting requirements relating to the Civil Air

126 Patrol; amending s. 253.7825, F.S.; deleting

127 provisions relating to the plan for the Cross Florida

128 Greenways State Recreation and Conservation Area;

129 repealing s. 253.7826, F.S., relating to structures of

130 the Cross Florida Barge Canal; repealing s. 253.7829,

131 F.S., relating to a management plan for retention or

132 disposition of lands of the Cross Florida Barge Canal;

133 amending s. 259.037, F.S.; revising provisions

134 relating to a report of the Land Management Uniform

135 Accounting Council; repealing s. 267.074(4), F.S.,

136 relating to a plan for the State Historical Marker

137 Program; repealing s. 284.50(3), F.S., relating to a

138 requirement for a report by the Interagency Advisory

139 Council on Loss Prevention and certain department

140 heads; repealing s. 287.045(11), F.S., relating to a

141 requirement for reports on use of recycled products;

142 repealing s. 288.108(7), F.S., relating to a

143 requirement for a report by the Office of Tourism,

144 Trade, and Economic Development on high-impact

145 businesses; repealing s. 288.1185, F.S., relating to

585-02381-10

20101412c1

146 the Recycling Markets Advisory Committee; amending s.
147 288.1229, F.S.; revising duties of the direct-support
148 organization to support sports-related industries and
149 amateur athletics; repealing s. 288.7015(4), F.S.,
150 relating to a requirement for a report by the rules
151 ombudsman in the Executive Office of the Governor;
152 amending s. 288.7771, F.S.; revising a reporting
153 requirement of the Florida Export Finance Corporation;
154 repealing s. 288.8175(8), (10), and (11), F.S.,
155 relating to certain responsibilities of the Department
156 of Education with respect to linkage institutes
157 between postsecondary institutions in this state and
158 foreign countries; repealing s. 288.853(5), F.S.,
159 relating to the requirement for a report on assistance
160 to and commerce with Cuba; amending s. 288.95155,
161 F.S.; revising requirements for a report by Enterprise
162 Florida, Inc., on the Florida Small Business
163 Technology Growth Program; amending s. 288.9604, F.S.;
164 deleting a requirement for a report by the Florida
165 Development Finance Corporation; amending s. 288.9610,
166 F.S.; revising provisions relating to annual reporting
167 by the corporation; amending s. 292.05, F.S.; revising
168 requirements relating to a report by the Department of
169 Veterans' Affairs; repealing ss. 296.16 and 296.39,
170 F.S., relating to reports by the executive director of
171 the Department of Veterans' Affairs; repealing s.
172 315.03(12)(c), F.S., relating to legislative review of
173 a loan program of the Florida Seaport Transportation
174 and Economic Development Council; amending s. 319.324,

585-02381-10

20101412c1

175 F.S.; deleting provisions relating to funding a report
176 on odometer fraud prevention and detection; repealing
177 s. 322.181, F.S., relating to a study by the
178 Department of Highway Safety and Motor Vehicles on
179 driving by the elderly; repealing s. 322.251(7)(c),
180 F.S., relating to a plan to indemnify persons wanted
181 for passing worthless bank checks; amending s.
182 373.0391, F.S.; deleting provisions relating to
183 provision of certain information by water management
184 districts; amending s. 373.046, F.S.; deleting an
185 obsolete provision requiring a report by the Secretary
186 of Environmental Protection; repealing s. 376.121(14),
187 F.S., relating to a report by the Department of
188 Environmental Protection on damage to natural
189 resources; repealing s. 376.17, F.S., relating to
190 reports of the department to the Legislature;
191 repealing s. 376.30713(5), F.S., relating to a report
192 on preapproved advanced cleanup; amending s. 379.2211,
193 F.S.; revising provisions relating to a report by the
194 Fish and Wildlife Conservation Commission on waterfowl
195 permit revenues; amending s. 379.2212, F.S.; revising
196 provisions relating to a report by the commission on
197 wild turkey permit revenues; repealing s. 379.2523(8),
198 F.S., relating to duties of the Fish and Wildlife
199 Conservation Commission concerning an aquaculture
200 plan; amending s. 380.06, F.S.; deleting provisions on
201 transmission of revisions relating to statewide
202 guidelines and standards for developments of regional
203 impact; repealing s. 380.0677(3), F.S., relating to

585-02381-10

20101412c1

204 powers of the Green Swamp Land Authority; repealing s.
205 381.0011(3), F.S., relating to an inclusion in the
206 Department of Health's strategic plan; repealing s.
207 381.0036, F.S., relating to planning for
208 implementation of educational requirements concerning
209 HIV and AIDS; repealing s. 381.731, F.S., relating to
210 strategic planning of the Department of Health;
211 amending s. 381.795, F.S.; deleting provisions
212 relating to studies by the Department of Health on
213 long-term, community-based supports; amending s.
214 381.931, F.S.; deleting provisions relating to the
215 duty of the Department of Health to develop a report
216 on Medicaid expenditures; amending s. 383.19, F.S.;
217 revising provisions relating to reports by hospitals
218 contracting to provide perinatal intensive care
219 services; repealing s. 383.21, F.S., relating to
220 reviews of perinatal intensive care service programs;
221 amending s. 383.2161, F.S.; revising requirements
222 relating to a report by the Department of Health on
223 maternal and child health; repealing s. 394.4573(4),
224 F.S., relating to the requirement for a report by the
225 Department of Children and Family Services on staffing
226 state mental health facilities; amending s. 394.4985,
227 F.S.; deleting provisions relating to plans by
228 department districts; repealing s. 394.82, F.S.,
229 relating to the funding of expanded community mental
230 health services; repealing s. 394.9082(9), F.S.,
231 relating to reports on contracting with behavioral
232 health management entities; repealing s. 394.9083,

585-02381-10

20101412c1

233 F.S., relating to the Behavioral Health Services
234 Integration Workgroup; repealing s. 395.807(2)(c),
235 F.S., relating to requirements for a report on the
236 retention of family practice residents; repealing s.
237 397.332(3), F.S., relating to the requirement for a
238 report by the director of the Office of Drug Control;
239 repealing s. 397.94(1), F.S., relating to children's
240 substance abuse services plans by service districts of
241 the Department of Children and Family Services;
242 repealing s. 400.148(2), F.S., relating to a pilot
243 program of the Agency for Health Care Administration
244 for a quality-of-care contract management program;
245 amending s. 400.967, F.S.; deleting provisions
246 relating to a report by the Agency for Health Care
247 Administration on intermediate care facilities for
248 developmentally disabled persons; repealing s.
249 402.3016(3), F.S., relating to the requirement for a
250 report by the agency on Early Head Start collaboration
251 grants; repealing s. 402.40(9), F.S., relating to
252 submission to the Legislature of certain information
253 related to child welfare training; amending s.
254 403.4131, F.S.; deleting provisions relating to a
255 report on the adopt-a-highway program; repealing s.
256 406.02(4)(a), F.S., relating to the requirement for a
257 report by the Medical Examiners Commission; amending
258 s. 408.033, F.S.; revising provisions relating to
259 reports by local health councils; repealing s.
260 408.914(4), F.S., relating to the requirement of the
261 Agency for Health Care Administration to submit to the

585-02381-10

20101412c1

262 Governor a plan on the comprehensive health and human
263 services eligibility access system; repealing s.
264 408.915(3)(i), F.S., relating to the requirement for
265 periodic reports on the pilot program for such access;
266 repealing s. 408.917, F.S., relating to an evaluation
267 of the pilot project; amending s. 409.1451, F.S.;
268 revising requirements relating to reports on
269 independent living transition services; repealing s.
270 409.152, F.S., relating to service integration and
271 family preservation; repealing s. 409.1679(1) and (2),
272 F.S., relating to reports concerning residential group
273 care services; amending s. 409.1685, F.S.; revising
274 provisions relating to reports by the Department of
275 Children and Family Services on children in foster
276 care; repealing s. 409.221(4)(k), F.S., relating to
277 reports on consumer-directed care; amending s.
278 409.25575, F.S.; deleting provisions relating to a
279 report by the Department of Revenue regarding a
280 quality assurance program for privatization of
281 services; amending s. 409.2558, F.S.; deleting
282 provisions relating to the Department of Revenue's
283 solicitation of recommendations related to a rule on
284 undistributable collections; repealing s. 409.441(3),
285 F.S., relating to the state plan for the handling of
286 runaway youths; amending s. 409.906, F.S.; deleting a
287 requirement for reports of child-welfare-targeted case
288 management projects; amending s. 409.912, F.S.;
289 revising provisions relating to duties of the agency
290 with respect to cost-effective purchasing of health

585-02381-10

20101412c1

291 care; repealing s. 410.0245, F.S., relating to a study
292 of service needs of the disabled adult population;
293 repealing s. 410.604(10), F.S., relating to a
294 requirement for the Department of Children and Family
295 Services to evaluate the community care for disabled
296 adults program; amending s. 411.0102, F.S.; deleting
297 provisions relating to use of child care purchasing
298 pool funds; repealing s. 411.221, F.S., relating to
299 prevention and early assistance; repealing s. 411.242,
300 F.S., relating to the Florida Education Now and Babies
301 Later program; amending s. 414.14, F.S.; deleting a
302 provision relating to a report by the Secretary of
303 Children and Family Services on public assistance
304 policy simplification; repealing s. 414.36(1), F.S.,
305 relating to a plan for privatization of recovery of
306 public assistance overpayment claims; repealing s.
307 414.391(3), F.S., relating to a plan for automated
308 fingerprint imaging; amending s. 415.1045, F.S.;
309 deleting a requirement for a study by the Office of
310 Program Policy Analysis and Government Accountability
311 on documentation of exploitation, abuse, or neglect;
312 amending s. 420.622, F.S.; revising requirements
313 relating to a report by the State Council on
314 Homelessness; repealing s. 420.623(4), F.S., relating
315 to the requirement of a report by the Department of
316 Community Affairs on homelessness; amending s.
317 427.704, F.S.; revising requirements relating to a
318 report by the Public Service Commission on a
319 telecommunications access system; amending s. 427.706,

585-02381-10

20101412c1

320 F.S.; revising requirements relating to a report by
321 the advisory committee on telecommunications access;
322 amending s. 429.07, F.S.; deleting provisions relating
323 to a report by the Department of Elderly Affairs on
324 extended congregate care facilities; amending s.
325 429.41, F.S.; deleting provisions relating to a report
326 concerning standards for assisted living facilities;
327 amending s. 430.04, F.S.; revising duties of the
328 Department of Elderly Affairs with respect to certain
329 reports and recommendations; amending s. 430.502,
330 F.S.; revising requirements with respect to reports by
331 the Alzheimer's Disease Advisory Committee; amending
332 s. 445.006, F.S.; deleting provisions relating to a
333 strategic plan for workforce development; repealing s.
334 455.2226(8), F.S., relating to the requirement of a
335 report by the Board of Funeral Directors and
336 Embalmers; repealing s. 455.2228(6), F.S., relating to
337 the requirement of reports by the Barbers' Board and
338 the Board of Cosmetology; amending s. 456.005, F.S.;
339 revising requirements relating to long-range planning
340 by professional boards; amending s. 456.025, F.S.;
341 revising requirements relating to a report to
342 professional boards by the Department of Health;
343 repealing s. 456.034(6), F.S., relating to reports by
344 professional boards about HIV and AIDS; amending s.
345 517.302, F.S.; deleting a requirement for a report by
346 the Office of Financial Regulation on deposits into
347 the Anti-Fraud Trust Fund; repealing s. 531.415(3),
348 F.S., relating to the requirement of a report by the

585-02381-10

20101412c1

349 Department of Agriculture and Consumer Services on
350 fees; repealing s. 570.0705(3), F.S., relating to the
351 requirement of a report by the Commissioner of
352 Agriculture concerning advisory committees; amending
353 s. 570.0725, F.S.; requiring that the Department of
354 Agriculture and Consumer Services submit an electronic
355 report to the Legislature concerning support for food
356 recovery programs; repealing s. 570.543(3), F.S.,
357 relating to legislative recommendations of the Florida
358 Consumers' Council; amending s. 590.33, F.S.; deleting
359 a reference to the Florida Commission on Interstate
360 Cooperation to conform to changes made by the act;
361 amending s. 603.204, F.S.; revising requirements
362 relating to the South Florida Tropical Fruit Plan;
363 amending s. 627.64872, F.S.; deleting provisions
364 relating to an interim report by the board of
365 directors of the Florida Health Insurance Plan;
366 prohibiting the board from acting to implement the
367 plan until certain funds are appropriated; amending s.
368 744.708, F.S.; revising provisions relating to audits
369 of public guardian offices and to reports concerning
370 those offices; amending s. 768.295, F.S.; revising
371 duties of the Attorney General relating to reports
372 concerning "SLAPP" lawsuits; amending s. 790.22, F.S.;
373 deleting provisions relating to reports by the
374 Department of Juvenile Justice concerning certain
375 juvenile offenses that involve weapons; amending s.
376 943.125, F.S.; deleting provisions relating to reports
377 by the Florida Sheriffs Association and the Florida

585-02381-10

20101412c1

378 Police Chiefs Association concerning law enforcement
379 agency accreditation; amending s. 943.68, F.S.;
380 revising requirements relating to reports by the
381 Department of Law Enforcement concerning
382 transportation and protective services; amending s.
383 944.801, F.S.; deleting a requirement to deliver to
384 specified officials copies of certain reports
385 concerning education of state prisoners; repealing s.
386 945.35(10), F.S., relating to the requirement of a
387 report by the Department of Corrections concerning HIV
388 and AIDS education; repealing s. 958.045(9), F.S.,
389 relating to a report by the department concerning
390 youthful offenders; amending s. 960.045, F.S.;
391 revising requirements relating to reports by the
392 Department of Legal Affairs with respect to victims of
393 crimes; repealing s. 985.02(8)(c), F.S., relating to
394 the requirement of a study by the Office of Program
395 Policy Analysis and Government Accountability on
396 programs for young females within the Department of
397 Juvenile Justice; amending s. 985.047, F.S.; deleting
398 provisions relating to a plan by a multiagency task
399 force on information systems related to delinquency;
400 amending s. 985.47, F.S.; deleting provisions relating
401 to a report on serious or habitual juvenile offenders;
402 amending s. 985.483, F.S.; deleting provisions
403 relating to a report on intensive residential
404 treatment for offenders younger than 13 years of age;
405 repealing s. 985.61(5), F.S., relating to a report by
406 the Department of Juvenile Justice on early

585-02381-10

20101412c1

407 delinquency intervention; amending s. 985.622, F.S.;

408 deleting provisions relating to submission of the

409 multiagency plan for vocational education; repealing

410 s. 985.632(7), F.S., relating to a report by the

411 Department of Juvenile Justice on funding incentives

412 and disincentives; repealing s. 1002.34(19), F.S.,

413 relating to an evaluation and report by the

414 Commissioner of Education concerning charter technical

415 career centers; repealing s. 1003.61(4), F.S.,

416 relating to evaluation of a pilot attendance project

417 in Manatee County; amending s. 1004.22, F.S.; deleting

418 provisions relating to university reports concerning

419 sponsored research; repealing s. 1004.50(6), F.S.,

420 relating to the requirement of a report by the

421 Governor concerning unmet needs in urban communities;

422 repealing s. 1004.94(2) and (4), F.S., relating to

423 guidelines for and a report on plans for a state adult

424 literacy program; amending s. 1004.95, F.S.; revising

425 requirements relating to implementing provisions for

426 adult literacy centers; repealing s. 1006.0605, F.S.,

427 relating to students' summer nutrition; repealing s.

428 1006.67, F.S., relating to a report of campus crime

429 statistics; amending s. 1009.70, F.S.; deleting

430 provisions relating to a report on a minority law

431 school scholarship program; amending s. 1011.32, F.S.;

432 requiring the Governor to be given a copy of a report

433 related to the Community College Facility Enhancement

434 Challenge Grant Program; amending s. 1011.62, F.S.;

435 deleting provisions relating to recommendations for

585-02381-10

20101412c1

436 implementing the extended-school-year program;
437 repealing s. 1012.05(2)(1), F.S., relating to a plan
438 concerning teacher recruitment and retention; amending
439 s. 1012.42, F.S.; deleting provisions relating to a
440 plan of assistance for teachers teaching out-of-field;
441 amending s. 1013.11, F.S.; deleting provisions
442 relating to transmittal of a report on physical plant
443 safety; amending ss. 161.142, 163.065, 163.2511,
444 163.2514, 163.3202, 259.041, 259.101, 369.305,
445 379.2431, 381.732, 381.733, 411.01, 411.232, and
446 445.006, F.S., conforming cross-references to changes
447 made by the act; amending s. 1001.42, F.S.; deleting
448 provisions that require each district school board to
449 reduce paperwork and data collection and report its
450 findings and potential solutions on reducing burdens
451 associated with such collection; amending s. 1008.31,
452 F.S.; requiring that the Commissioner of Education
453 monitor and review the collection of paperwork, data,
454 and reports by school districts; requiring that the
455 commissioner complete an annual review of such
456 collection by a specified date each year; requiring
457 that the commissioner prepare a report, by a specified
458 date each year, assisting the school districts with
459 eliminating or consolidating paperwork, data, and
460 reports by providing suggestions, technical
461 assistance, and guidance; providing an effective date.

462
463 Be It Enacted by the Legislature of the State of Florida:
464

585-02381-10

20101412c1

465 Section 1. Section 13.01, Florida Statutes, is repealed.
466 Section 2. Section 13.02, Florida Statutes, is repealed.
467 Section 3. Section 13.03, Florida Statutes, is repealed.
468 Section 4. Section 13.04, Florida Statutes, is repealed.
469 Section 5. Section 13.05, Florida Statutes, is repealed.
470 Section 6. Section 13.06, Florida Statutes, is repealed.
471 Section 7. Section 13.07, Florida Statutes, is repealed.
472 Section 8. Section 13.08, Florida Statutes, is repealed.
473 Section 9. Section 13.09, Florida Statutes, is repealed.
474 Section 10. Section 13.10, Florida Statutes, is transferred
475 and renumbered as section 14.35, Florida Statutes.
476 Section 11. Section 13.90, Florida Statutes, is repealed.
477 Section 12. Section 13.91, Florida Statutes, is repealed.
478 Section 13. Section 13.92, Florida Statutes, is repealed.
479 Section 14. Section 13.93, Florida Statutes, is repealed.
480 Section 15. Section 13.94, Florida Statutes, is repealed.
481 Section 16. Section 13.95, Florida Statutes, is repealed.
482 Section 17. Section 13.96, Florida Statutes, is repealed.
483 Section 18. Section 13.97, Florida Statutes, is repealed.
484 Section 19. Section 13.98, Florida Statutes, is repealed.
485 Section 20. Section 13.99, Florida Statutes, is repealed.
486 Section 21. Section 13.992, Florida Statutes, is repealed.
487 Section 22. Section 13.993, Florida Statutes, is repealed.
488 Section 23. Section 13.994, Florida Statutes, is repealed.
489 Section 24. Section 13.995, Florida Statutes, is repealed.
490 Section 25. Section 13.996, Florida Statutes, is repealed.
491 Section 26. Section 14.25, Florida Statutes, is repealed.
492 Section 27. Subsection (3) of section 14.26, Florida
493 Statutes, is amended to read:

585-02381-10

20101412c1

494 14.26 Citizen's Assistance Office.—

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

497 (a) The number of complaints and investigations ~~and~~
498 ~~complaints made during the preceding quarter~~ and the disposition
499 of such investigations.

500 ~~(b) Recommendations in the form of suggested legislation or~~
501 ~~suggested procedures for the alleviation of problems disclosed~~
502 ~~by investigations.~~

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

506 (c) Recommendations for the alleviation of the cause of
507 complaints disclosed by investigations.

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

510 Section 28. Section 14.27, Florida Statutes, is repealed.

511 Section 29. Section 16.58, Florida Statutes, is repealed.

512 Section 30. Subsection (1) of section 17.32, Florida
513 Statutes, is amended to read:

514 17.32 Annual report of trust funds; duties of Chief
515 Financial Officer.—

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

522 (a) The fund code.

585-02381-10

20101412c1

- 523 (b) The title.
- 524 (c) The fund type according to generally accepted
525 accounting principles.
- 526 (d) The statutory authority.
- 527 (e) The beginning cash balance.
- 528 (f) Direct revenues.
- 529 (g) Nonoperating revenues.
- 530 (h) Operating disbursements.
- 531 (i) Nonoperating disbursements.
- 532 (j) The ending cash balance.
- 533 (k) The department and budget entity in which the fund is
534 located.

535 Section 31. Subsection (1) of section 17.325, Florida
536 Statutes, is amended to read:

537 17.325 Governmental efficiency hotline; duties of Chief
538 Financial Officer.—

539 (1) The Chief Financial Officer shall establish and operate
540 a statewide toll-free telephone hotline to receive information
541 or suggestions from the residents ~~citizens~~ of this state on how
542 to improve the operation of government, increase governmental
543 efficiency, and eliminate waste in government. ~~The Chief
544 Financial Officer shall report each month to the appropriations
545 committee of the House of Representatives and of the Senate the
546 information or suggestions received through the hotline and the
547 evaluations and determinations made by the affected agency, as
548 provided in subsection (3), with respect to such information or
549 suggestions.~~

550 Section 32. Section 20.057, Florida Statutes, is amended to
551 read:

585-02381-10

20101412c1

552 20.057 Interagency agreements to delete duplication of
553 inspections.-

554 (1) The Governor shall direct any department, the head of
555 which is an officer or board appointed by and serving at the
556 pleasure of the Governor, to enter into an interagency agreement
557 to ~~that will~~ eliminate duplication of inspections among ~~the~~
558 departments that inspect the same type of facility or structure.
559 Parties to the agreement may include departments ~~which are~~
560 headed by a Cabinet officer, the Governor and Cabinet, or a
561 collegial body. The agreement shall:

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

564 (b) Specify that agents of the department conducting the
565 inspection have all powers relative to the inspection as the
566 agents of the department on whose behalf the inspection is being
567 conducted.

568 (c) Require that agents of the department conducting the
569 inspection have sufficient knowledge of statutory and
570 administrative inspection requirements to conduct a proper
571 inspection.

572 (d) Specify that the departments entering ~~which have~~
573 ~~entered~~ into the agreement may not ~~neither~~ charge or ~~nor~~ accept
574 ~~any~~ funds with respect to duties performed under the agreement
575 which are in excess of the direct costs of conducting the ~~such~~
576 inspections.

577 (2) Before taking effect, an agreement entered into under
578 this section must be approved by the Governor. Inspections
579 conducted under an agreement are ~~shall be deemed~~ sufficient for
580 enforcement purposes pursuant to the agreement or as otherwise

585-02381-10

20101412c1

581 provided by law.

582 ~~(2) No later than 60 days prior to the beginning of the~~
583 ~~regular session, the Governor shall make an annual report to the~~
584 ~~President of the Senate and the Speaker of the House of~~
585 ~~Representatives regarding interagency agreements. The report~~
586 ~~shall identify each interagency agreement entered into under~~
587 ~~this section, and, for each agreement, shall describe the~~
588 ~~duplication eliminated, provide data that measures the~~
589 ~~effectiveness of inspections conducted under the interagency~~
590 ~~agreement, and estimate the cost savings that have resulted from~~
591 ~~the agreement. The report shall also describe obstacles~~
592 ~~encountered by any department in attempting to develop an~~
593 ~~interagency agreement and in performing duties resulting from an~~
594 ~~interagency agreement and shall recommend appropriate remedial~~
595 ~~legislative action.~~

596 Section 33. Paragraphs (e), (f), and (g) of subsection (4)
597 of section 20.316, Florida Statutes, are repealed.

598 Section 34. Paragraph (1) of subsection (1) of section
599 20.43, Florida Statutes, is amended to read:

600 20.43 Department of Health.—There is created a Department
601 of Health.

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

606 (1) Include in its long-range program ~~the department's~~
607 ~~strategie~~ plan developed under s. 186.021 an assessment of
608 current health programs, systems, and costs; projections of
609 future problems and opportunities; and recommended changes that

585-02381-10

20101412c1

610 are needed in the health care system to improve the public
611 health.

612 Section 35. Paragraph (h) of subsection (2) of section
613 39.4086, Florida Statutes, is amended to read:

614 39.4086 Pilot program for attorneys ad litem for dependent
615 children.—

616 (2) RESPONSIBILITIES.—

617 (h) The Office of the State Courts Administrator shall
618 conduct research and gather statistical information to evaluate
619 the establishment, operation, and impact of the pilot program in
620 meeting the legal needs of dependent children. In assessing the
621 effects of the pilot program, including achievement of outcomes
622 identified under paragraph (b), the evaluation must include a
623 comparison of children within the Ninth Judicial Circuit who are
624 appointed an attorney ad litem with those who are not. ~~The~~
625 ~~office shall submit a report to the Legislature and the Governor~~
626 ~~by October 1, 2001, and by October 1, 2002, regarding its~~
627 ~~findings. The office shall submit a final report by October 1,~~
628 ~~2003, which must include an evaluation of the pilot program;~~
629 ~~findings on the feasibility of a statewide program; and~~
630 ~~recommendations, if any, for locating, establishing, and~~
631 ~~operating a statewide program.~~

632 Section 36. Subsections (1) and (3) of section 98.255,
633 Florida Statutes, are amended to read:

634 98.255 Voter education programs.—

635 (1) ~~By March 1, 2002,~~ The Department of State shall adopt
636 rules prescribing minimum standards for nonpartisan voter
637 education. ~~In developing the rules, the department shall review~~
638 ~~current voter education programs within each county of the~~

585-02381-10

20101412c1

639 ~~state. The standards shall, at a minimum, address, but are not~~
640 ~~limited to, the following subjects:~~

- 641 (a) Voter registration;
642 (b) Balloting procedures, absentee and polling place;
643 (c) Voter rights and responsibilities;
644 (d) Distribution of sample ballots; and
645 (e) Public service announcements.

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

651 ~~(b) The Department of State, upon receipt of such~~
652 ~~information, shall prepare a public report on the effectiveness~~
653 ~~of voter education programs and shall submit the report to the~~
654 ~~Governor, the President of the Senate, and the Speaker of the~~
655 ~~House of Representatives by January 31 of each year following a~~
656 ~~general election.~~

657 ~~(c) The department of State shall reexamine the rules~~
658 ~~adopted pursuant to subsection (1) and use ~~consider~~ the findings~~
659 ~~in these reports ~~the report~~ as a basis for modifying the~~
660 ~~adopting modified rules to that incorporate successful voter~~
661 ~~education programs and techniques, as necessary.~~

662 Section 37. Paragraph (a) of subsection (7) of section
663 110.1227, Florida Statutes, is amended to read:

664 110.1227 Florida Employee Long-Term-Care Plan Act.—

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

667 (a) Upon implementation, prepare an annual report of the

585-02381-10

20101412c1

668 plan, with the assistance of an actuarial consultant, to be
669 submitted to the ~~Speaker of the House of Representatives, the~~
670 ~~President of the Senate, the Governor,~~ and the Legislature the
671 ~~Minority Leaders of the Senate and the House of Representatives.~~

672 Section 38. Subsection (9) of section 120.542, Florida
673 Statutes, is amended to read:

674 120.542 Variances and waivers.—

675 (9) Each agency shall maintain a record of the type and
676 disposition of each petition, including temporary or emergency
677 variances and waivers, filed pursuant to this section. ~~On~~
678 ~~October 1 of each year, each agency shall file a report with the~~
679 ~~Governor, the President of the Senate, and the Speaker of the~~
680 ~~House of Representatives listing the number of petitions filed~~
681 ~~requesting variances to each agency rule, the number of~~
682 ~~petitions filed requesting waivers to each agency rule, and the~~
683 ~~disposition of all petitions. Temporary or emergency variances~~
684 ~~and waivers, and the reasons for granting or denying temporary~~
685 ~~or emergency variances and waivers, shall be identified~~
686 ~~separately from other waivers and variances.~~

687 Section 39. Section 153.952, Florida Statutes, is repealed.

688 Section 40. Subsections (3) through (22) of section
689 161.053, Florida Statutes, are amended to read:

690 161.053 Coastal construction and excavation; regulation on
691 county basis.—

692 ~~(3) It is the intent of the Legislature that any coastal~~
693 ~~construction control line that has not been updated since June~~
694 ~~30, 1980, shall be considered a critical priority for~~
695 ~~reestablishment by the department. In keeping with this intent,~~
696 ~~the department shall notify the Legislature if all such lines~~

585-02381-10

20101412c1

697 ~~cannot be reestablished by December 31, 1997, so that the~~
698 ~~Legislature may subsequently consider interim lines of~~
699 ~~jurisdiction for the remaining counties.~~

700 (3)~~(4)~~ A ~~Any~~ coastal county or coastal municipality may
701 establish coastal construction zoning and building codes in lieu
702 of the provisions of this section if, ~~provided~~ such zones and
703 codes are approved by the department as being adequate to
704 preserve and protect the beaches and coastal barrier dunes
705 adjacent to such beaches, which are under the jurisdiction of
706 the department, from imprudent construction that will jeopardize
707 the stability of the beach-dune system, accelerate erosion,
708 provide inadequate protection to upland structures, endanger
709 adjacent properties, or interfere with public beach access.
710 Exceptions to locally established coastal construction zoning
711 and building codes may ~~shall~~ not be granted unless previously
712 approved by the department. ~~It is~~ The intent of this subsection
713 is to provide for the local administration of established
714 coastal construction control lines through approved zoning and
715 building codes if ~~where~~ desired by local interests and where
716 such local interests have, in the judgment of the department,
717 sufficient funds and personnel to adequately administer the
718 program. Should the department determine at any time that the
719 program is inadequately administered, the department may ~~shall~~
720 ~~have authority to~~ revoke the authority granted to the county or
721 municipality.

722 (4)~~(5)~~ Except in those areas where local zoning and
723 building codes have been established pursuant to subsection (3)
724 ~~(4)~~, a permit to alter, excavate, or construct on property
725 seaward of established coastal construction control lines may be

585-02381-10

20101412c1

726 granted by the department as follows:

727 (a) The department may authorize an excavation or erection
728 of a structure at any coastal location as described in
729 subsection (1) upon receipt of an application from a property or
730 ~~and/or~~ riparian owner and upon the consideration of facts and
731 circumstances, including:

732 1. Adequate engineering data concerning shoreline stability
733 and storm tides related to shoreline topography;

734 2. Design features of the proposed structures or
735 activities; and

736 3. Potential effects ~~impacts~~ of the location of the ~~such~~
737 structures or activities, including potential cumulative effects
738 of ~~any~~ proposed structures or activities upon the ~~such~~ beach-
739 dune system, which, in the opinion of the department, clearly
740 justify ~~such~~ a permit.

741 (b) If in the immediate contiguous or adjacent area a
742 number of existing structures have established a reasonably
743 continuous and uniform construction line closer to the line of
744 mean high water than the foregoing, and if the existing
745 structures have not been unduly affected by erosion, a proposed
746 structure may, ~~at the discretion of the department,~~ be permitted
747 along such line on written authorization from the department if
748 the ~~such~~ structure is also approved by the department. However,
749 the department may ~~shall~~ not contravene setback requirements or
750 zoning or building codes established by a county or municipality
751 which are equal to, or more strict than, the ~~those~~ requirements
752 provided in this subsection ~~herein~~. This paragraph does not
753 prohibit the department from requiring structures to meet design
754 and siting criteria established in paragraph (a) or in

585-02381-10

20101412c1

755 subsection (1) or subsection (2).

756 (c) The department may condition the nature, timing, and
757 sequence of construction of permitted activities to provide
758 protection to nesting sea turtles and hatchlings and their
759 habitat, pursuant to s. 379.2431, and to native salt-resistant
760 vegetation and endangered plant communities.

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

764 (e) The department shall limit the construction of
765 structures that ~~which~~ interfere with public access along the
766 beach. However, the department may require, as a condition of ~~to~~
767 granting permits, the provision of alternative access if ~~when~~
768 interference with public access along the beach is unavoidable.
769 The width of the ~~such~~ alternate access may not be required to
770 exceed the width of the access that will be obstructed ~~as a~~
771 ~~result of the permit being granted.~~

772 (f) The department may, as a condition of ~~to~~ the granting
773 of a permit ~~under this section~~, require mitigation, financial,
774 or other assurances acceptable to the department ~~as may be~~
775 ~~necessary~~ to ensure ~~assure~~ performance of conditions of a permit
776 or enter into contractual agreements to best assure compliance
777 with any permit conditions. The department may also require
778 notice of the permit conditions required and the contractual
779 agreements entered into ~~pursuant to the provisions of this~~
780 ~~subsection~~ to be filed in the public records of the county in
781 which the permitted activity is located.

782 (5) ~~(6)~~ (a) As used in this subsection, the term:

783 1. "Frontal dune" means the first natural or manmade mound

585-02381-10

20101412c1

784 or bluff of sand which is located landward of the beach and
785 which has sufficient vegetation, height, continuity, and
786 configuration to offer protective value.

787 2. "Seasonal high-water line" means the line formed by the
788 intersection of the rising shore and the elevation of 150
789 percent of the local mean tidal range above local mean high
790 water.

791 (b) After October 1, 1985, and notwithstanding any other
792 provision of this part, the department, or a local government to
793 which the department has delegated permitting authority pursuant
794 to subsections (3) ~~(4)~~ and (15) ~~(16)~~, may ~~shall~~ not issue a ~~any~~
795 permit for any structure, other than a coastal or shore
796 protection structure, minor structure, or pier, meeting the
797 requirements of this part, or other than intake and discharge
798 structures for a facility sited pursuant to part II of chapter
799 403, which is proposed for a location that ~~which~~, based on the
800 department's projections of erosion in the area, will be seaward
801 of the seasonal high-water line within 30 years after the date
802 of application for the ~~such~~ permit. The procedures for
803 determining such erosion shall be established by rule. In
804 determining the area that ~~which~~ will be seaward of the seasonal
805 high-water line in 30 years, the department may ~~shall~~ not
806 include any areas landward of a coastal construction control
807 line.

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

812 1. The parcel ~~for which the single-family dwelling is~~

585-02381-10

20101412c1

813 ~~proposed~~ was platted or subdivided by metes and bounds before
814 the effective date of this section;

815 2. The owner of the parcel ~~for which the single-family~~
816 ~~dwelling is proposed~~ does not own another parcel immediately
817 adjacent to and landward of the parcel for which the dwelling is
818 proposed;

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

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

824 (d) In determining the land areas that ~~which~~ will be below
825 the seasonal high-water line within 30 years after the permit
826 application date, the department shall consider the effect
827 ~~impact~~ on the erosion rates of an existing beach nourishment or
828 restoration project or of a beach nourishment or restoration
829 project for which all funding arrangements have been made and
830 all permits have been issued at the time the application is
831 submitted. The department shall consider each year there is sand
832 seaward of the erosion control line whether ~~that no~~ erosion took
833 place that year. However, the seaward extent of the beach
834 nourishment or restoration project beyond the erosion control
835 line may ~~shall~~ not be considered in determining the applicable
836 erosion rates. ~~Nothing in~~ This subsection does not ~~shall~~
837 prohibit the department from requiring structures to meet the
838 criteria established in subsection (1), subsection (2), or
839 subsection (4) ~~(5)~~ or to be further landward than required by
840 this subsection based on the criteria established in subsection
841 (1), subsection (2), or subsection (4) ~~(5)~~.

585-02381-10

20101412c1

842 (e) The department shall annually report to the Legislature
843 the status of this program, including any changes to the
844 previously adopted procedures for determining erosion
845 projections.

846 (6)~~(7)~~ Any coastal structure erected, or excavation
847 created, in violation of ~~the provisions of~~ this section is
848 ~~hereby~~ declared to be a public nuisance~~;~~ and such structure
849 shall be ~~forthwith~~ removed or such excavation shall be ~~forthwith~~
850 refilled after written notice by the department directing such
851 removal or filling. If ~~In the event~~ the structure is not removed
852 or the excavation refilled within a reasonable time as directed,
853 the department may remove such structure or fill such excavation
854 at its own expense~~;~~ and the costs thereof shall become a lien on
855 ~~upon~~ the property of the upland owner upon which the ~~such~~
856 unauthorized structure or excavation is located.

857 (7)~~(8)~~ Any person, firm, corporation, or agent thereof who
858 violates this section commits ~~is guilty of~~ a misdemeanor of the
859 first degree, punishable as provided in s. 775.082 or s.
860 775.083,~~;~~ except that a person driving a ~~any~~ vehicle on, over,
861 or across a ~~any~~ sand dune and damaging or causing to be damaged
862 such sand dune or the vegetation growing thereon in violation of
863 this section commits ~~is guilty of~~ a misdemeanor of the second
864 degree, punishable as provided in s. 775.082 or s. 775.083. A
865 person, firm, corporation, or agent thereof commits ~~shall be~~
866 ~~deemed guilty of~~ a separate offense for each day during any
867 portion of which a ~~any~~ violation of this section is committed or
868 continued.

869 (8)~~(9)~~ ~~The provisions of~~ This section does ~~de~~ not apply to
870 structures intended for shore protection purposes which are

585-02381-10

20101412c1

871 regulated by s. 161.041 or to structures existing or under
872 construction before ~~prior to~~ the establishment of the coastal
873 construction control line if the ~~as provided herein, provided~~
874 ~~such~~ structures are ~~may not be~~ materially altered except as
875 provided in subsection (4) ~~(5)~~. Except for structures that have
876 been materially altered, structures ~~determined to be~~ under
877 construction at the time of the establishment or reestablishment
878 of the coastal construction control line are ~~shall be~~ exempt
879 from the provisions of this section. However, unless such an
880 exemption has been judicially confirmed to exist before ~~prior to~~
881 April 10, 1992, the exemption shall last only for a period of 3
882 years from ~~either~~ the date of the determination of the exemption
883 or April 10, 1992, whichever occurs later. The department may
884 extend the exemption period for structures that require longer
885 periods for completion if ~~of their construction, provided that~~
886 construction during the initial exemption period is ~~has been~~
887 continuous. For purposes of this subsection, the term
888 "continuous" means following a reasonable sequence of
889 construction without significant or unreasonable periods of work
890 stoppage.

891 (9) ~~(10)~~ The department may ~~by regulation~~ exempt
892 specifically described portions of the coastline from the
893 provisions of this section if, when in its judgment, such
894 portions of coastline because of their nature are not subject to
895 erosion of a substantially damaging effect to the public.

896 (10) ~~(11)~~ Pending the establishment of coastal construction
897 control lines as provided herein, the provisions of s. 161.052
898 shall remain in force. However, upon the establishment of
899 coastal construction control lines, or the establishment of

585-02381-10

20101412c1

900 coastal construction zoning and building codes as provided in
901 subsection (3) ~~(4)~~, ~~the provisions of~~ s. 161.052 shall be
902 superseded by the provisions of this section.

903 ~~(11)-(12)~~(a) The coastal construction control requirements
904 defined in subsection (1) and the requirements of the erosion
905 projections in ~~pursuant to~~ subsection (5) ~~(6)~~ do not apply to
906 any modification, maintenance, or repair of ~~to~~ any existing
907 structure within the limits of the existing foundation which
908 does not require, involve, or include any additions to, or
909 repair or modification of, the existing foundation of that
910 structure. Specifically excluded from this exemption are
911 seawalls or other rigid coastal or shore protection structures
912 and any additions or enclosures added, constructed, or installed
913 below the first dwelling floor or lowest deck of the existing
914 structure.

915 (b) Activities seaward of the coastal construction control
916 line which are determined by the department not to cause a
917 measurable interference with the natural functioning of the
918 coastal system are exempt from the requirements of ~~in~~ subsection
919 (4) ~~(5)~~.

920 (c) The department may establish exemptions from the
921 requirements of this section for minor activities determined by
922 the department not to have an adverse effect ~~impacts~~ on the
923 coastal system. Examples of such activities include, but are not
924 limited to:

- 925 1. Boat moorings;
- 926 2. Maintenance of existing beach-dune ~~beach/dune~~
927 vegetation;
- 928 3. The burial of seaweed, dead fish, whales, or other

585-02381-10

20101412c1

929 marine animals on the unvegetated beach;

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

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

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

937 7. Construction of a ~~any~~ new roof overhang extending no
938 more than 4 feet beyond the confines of the existing foundation
939 during modification, renovation, or reconstruction of a
940 habitable structure within the confines of the existing
941 foundation of that structure which does not include any
942 additions to or modification of the existing foundation of that
943 structure;

944 8. Minor and temporary excavation for the purpose of
945 repairs to existing subgrade residential service utilities
946 (e.g., water and sewer lines, septic tanks and drainfields,
947 electrical and telephone cables, and gas lines), if provided
948 ~~that~~ there is minimal disturbance and the ~~that~~ grade is restored
949 with fill compatible in both coloration and grain size to the
950 onsite material and any damaged or destroyed vegetation is
951 restored using similar vegetation; and

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

954 (12) ~~(13)~~ (a) Notwithstanding the coastal construction
955 control requirements defined in subsection (1) or the erosion
956 projection determined pursuant to subsection (5) ~~(6)~~, the
957 department may, ~~at its discretion,~~ issue a permit for the repair

585-02381-10

20101412c1

958 or rebuilding within the confines of the original foundation of
959 a major structure pursuant to ~~the provisions of~~ subsection (4)
960 ~~(5)~~. Alternatively, the department may also, ~~at its discretion,~~
961 issue a permit for a more landward relocation or rebuilding of a
962 damaged or existing structure if such relocation or rebuilding
963 would not cause further harm to the beach-dune system, and if,
964 in the case of rebuilding, the ~~such~~ rebuilding complies with ~~the~~
965 ~~provisions of~~ subsection (4) ~~(5)~~, and otherwise complies with
966 ~~the provisions of~~ this subsection.

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

971 (c) In reviewing applications for relocation or rebuilding,
972 the department shall specifically consider changes in shoreline
973 conditions, the availability of other relocation or rebuilding
974 options, and the design adequacy of the project sought to be
975 rebuilt.

976 (d) Permits issued under this subsection are ~~shall not be~~
977 considered precedential as to the issuance of subsequent
978 permits.

979 (13) ~~(14)~~ Concurrent with the establishment of a coastal
980 construction control line and the ongoing administration of this
981 chapter, the secretary of the department shall make
982 recommendations to the Board of Trustees of the Internal
983 Improvement Trust Fund concerning the purchase of the fee or any
984 lesser interest in any lands seaward of the control line
985 pursuant to the state's Save Our Coast, Conservation and
986 Recreation Lands, or Outdoor Recreation Land acquisition

585-02381-10

20101412c1

987 programs; and, with respect to those control lines established
988 pursuant to this section before ~~prior to~~ June 14, 1978, the
989 secretary may make such recommendations.

990 ~~(14)-(15)~~ A coastal county or municipality fronting on the
991 Gulf of Mexico, the Atlantic Ocean, or the Straits of Florida
992 shall advise the department within 5 days after receipt of any
993 permit application for construction or other activities proposed
994 to be located seaward of the line established by the department
995 pursuant to ~~the provisions of~~ this section. Within 5 days after
996 receipt of such application, the county or municipality shall
997 notify the applicant of the requirements for state permits.

998 ~~(15)-(16)~~ In keeping with the intent of subsection (3) ~~(4)~~,
999 ~~and at the discretion of the department~~, authority for
1000 permitting certain types of activities that ~~which~~ have been
1001 defined by the department may be delegated by the department to
1002 a coastal county or coastal municipality. Such partial
1003 delegation shall be narrowly construed to those particular
1004 activities specifically named in the delegation and agreed to by
1005 the affected county or municipality, ~~and~~ The delegation may be
1006 revoked by the department at any time if it is determined that
1007 the delegation is improperly or inadequately administered.

1008 ~~(16)-(17)~~ The department may, at the request of a property
1009 owner, contract with the ~~such~~ property owner for an agreement,
1010 or modify an existing contractual agreement regulating
1011 development activities landward of a coastal construction
1012 control line, if ~~provided that nothing within~~ the contractual
1013 agreement is consistent ~~shall be inconsistent~~ with the design
1014 and siting provisions of this section. ~~In no case shall~~ The
1015 contractual agreement may not bind either party for a period

585-02381-10

20101412c1

1016 longer than 5 years following ~~from~~ its date of execution. Before
1017 ~~Prior to~~ beginning a any construction activity covered by the
1018 agreement, the property owner must ~~shall~~ obtain the necessary
1019 authorization required by the agreement. The agreement may ~~shall~~
1020 not authorize construction for:

1021 (a) Major habitable structures that ~~which would~~ require
1022 construction beyond the expiration of the agreement, unless such
1023 construction is above the completed foundation; or

1024 (b) Nonhabitable major structures or minor structures,
1025 unless such construction is ~~was~~ authorized at the same time as
1026 the habitable major structure.

1027 ~~(17)-(18)~~ The department may ~~is authorized to~~ grant areawide
1028 permits to local governments, other governmental agencies, and
1029 utility companies for special classes of activities in areas
1030 under their general jurisdiction or responsibility if, ~~so long~~
1031 ~~as~~ these activities, due to the type, size, or temporary nature
1032 of the activity, will not cause measurable interference with the
1033 natural functioning of the beach-dune ~~beach-dune~~ system or with
1034 marine turtles or their nesting sites. Such activities ~~shall~~
1035 include, but are not ~~be~~ limited to: road repairs, not including
1036 new construction; utility repairs and replacements, or other
1037 minor activities necessary to provide utility services; beach
1038 cleaning; and emergency response. The department may adopt rules
1039 to establish criteria and guidelines for ~~use by~~ permit
1040 applicants. The department must ~~shall~~ require notice provisions
1041 appropriate to the type and nature of the activities for which
1042 the areawide permits are sought.

1043 ~~(18)-(19)~~ The department may ~~is authorized to~~ grant general
1044 permits for projects, including dune walkovers, decks, fences,

585-02381-10

20101412c1

1045 landscaping, sidewalks, driveways, pool resurfacing, minor pool
1046 repairs, and other nonhabitable structures, if the ~~so long as~~
1047 ~~these~~ projects, due to ~~the~~ type, size, or temporary nature ~~of~~
1048 ~~the project~~, will not cause a measurable interference with the
1049 natural functioning of the beach-dune ~~beach-dune~~ system or with
1050 marine turtles or their nesting sites. ~~In no event shall~~
1051 Multifamily habitable structures do not qualify for general
1052 permits. However, single-family habitable structures that ~~which~~
1053 do not advance the line of existing construction and satisfy all
1054 siting and design requirements of this section may be eligible
1055 for a general permit ~~pursuant to this subsection~~. The department
1056 may adopt rules to establish criteria and guidelines for ~~use by~~
1057 permit applicants.

1058 (a) Persons wishing to use the general permits must ~~set~~
1059 ~~forth in this subsection shall~~, at least 30 days before
1060 beginning any work, notify the department in writing on forms
1061 adopted by the department. The notice must ~~shall~~ include a
1062 description of the proposed project and supporting documents
1063 depicting the proposed project, its location, and other
1064 pertinent information as required by rule, to demonstrate that
1065 the proposed project qualifies for the requested general permit.
1066 Persons who undertake projects without proof of notice to the
1067 department, but whose projects would otherwise qualify for
1068 general permits, shall be considered to have ~~as being~~ undertaken
1069 a project without a permit and are ~~shall be~~ subject to
1070 enforcement pursuant to s. 161.121.

1071 (b) Persons wishing to use a general permit must provide
1072 notice as required by the applicable local building code where
1073 the project will be located. If a building code requires no

585-02381-10

20101412c1

1074 notice, any person wishing to use a general permit must, at a
1075 minimum, post a sign describing the project on the property at
1076 least 5 days before commencing ~~prior to the commencement of~~
1077 construction. The a sign must be at least ~~no smaller than~~ 88
1078 square inches, with letters no smaller than one-quarter inch,
1079 ~~describing the project.~~

1080 (19)~~(20)~~(a) The department may suspend or revoke the use of
1081 a general or areawide permit for good cause, including:
1082 submission of false or inaccurate information in the
1083 notification for use of a general or areawide permit; violation
1084 of law, department orders, or rules relating to permit
1085 conditions; deviation from the specified activity or project
1086 indicated or the conditions for undertaking the activity or
1087 project; refusal of lawful inspection; or any other act by ~~on~~
1088 the permittee ~~permittee's part in using the general or areawide~~
1089 ~~permit~~ which results or may result in harm or injury to human
1090 health or welfare, or which causes harm or injury to animal,
1091 plant, or aquatic life or to property.

1092 (b) The department shall have access to the permitted
1093 activity or project at reasonable times to inspect and determine
1094 compliance with the permit and department rules.

1095 (20)~~(21)~~ The department may ~~is authorized to~~ adopt rules
1096 related to the ~~following provisions of this section:~~
1097 establishment of coastal construction control lines; activities
1098 seaward of the coastal construction control line; exemptions;
1099 property owner agreements; delegation of the program; permitting
1100 programs; and violations and penalties.

1101 (21)~~(22)~~ In accordance with ss. 553.73 and 553.79, and upon
1102 the effective date of the Florida Building Code, the provisions

585-02381-10

20101412c1

1103 of this section which pertain to and govern the design,
1104 construction, erection, alteration, modification, repair, and
1105 demolition of public and private buildings, structures, and
1106 facilities shall be incorporated into the Florida Building Code.
1107 The Florida Building Commission may ~~shall have the authority to~~
1108 adopt rules pursuant to ss. 120.536 and 120.54 ~~in order to~~
1109 administer ~~implement~~ those provisions. This subsection does not
1110 limit or abrogate the right and authority of the department to
1111 require permits or to adopt and enforce environmental standards,
1112 including, but not limited to, standards for ensuring the
1113 protection of the beach-dune system, proposed or existing
1114 structures, adjacent properties, marine turtles, native salt-
1115 resistant vegetation, endangered plant communities, and the
1116 preservation of public beach access.

1117 Section 41. Subsection (2) of section 161.161, Florida
1118 Statutes, is amended to read:

1119 161.161 Procedure for approval of projects.-

1120 (2) Annually ~~Upon approval of the beach management plan,~~
1121 the secretary shall present to the Legislature ~~President of the~~
1122 ~~Senate, the Speaker of the House of Representatives, and the~~
1123 ~~chairs of the legislative appropriations committees~~
1124 recommendations for funding ~~of~~ beach erosion control projects
1125 prioritized according to the. ~~Such recommendations shall be~~
1126 ~~presented to such members of the Legislature in the priority~~
1127 ~~order specified in the plan and established pursuant to criteria~~
1128 established ~~contained~~ in s. 161.101(14).

1129 Section 42. Section 163.2526, Florida Statutes, is
1130 repealed.

1131 Section 43. Subsection (2) of section 163.3167, Florida

585-02381-10

20101412c1

1132 Statutes, is amended to read:

1133 163.3167 Scope of act.—

1134 (2) Each local government shall prepare a comprehensive
1135 plan of the type and in the manner set out in this part ~~act~~ or
1136 ~~shall~~ prepare amendments to its existing comprehensive plan to
1137 conform it to the requirements of this part and in the manner
1138 set out in this part. ~~Each local government,~~ In accordance with
1139 ~~the procedures in~~ s. 163.3184, each local government shall
1140 submit to the state land planning agency its complete proposed
1141 comprehensive plan or its complete comprehensive plan as
1142 proposed to be amended ~~to the state land planning agency by the~~
1143 ~~date specified in the rule adopted by the state land planning~~
1144 ~~agency pursuant to this subsection. The state land planning~~
1145 ~~agency shall, prior to October 1, 1987, adopt a schedule of~~
1146 ~~local governments required to submit complete proposed~~
1147 ~~comprehensive plans or comprehensive plans as proposed to be~~
1148 ~~amended. Such schedule shall specify the exact date of~~
1149 ~~submission for each local government, shall establish equal,~~
1150 ~~staggered submission dates, and shall be consistent with the~~
1151 ~~following time periods:~~

1152 ~~(a) Beginning on July 1, 1988, and on or before July 1,~~
1153 ~~1990, each county that is required to include a coastal~~
1154 ~~management element in its comprehensive plan and each~~
1155 ~~municipality in such a county; and~~

1156 ~~(b) Beginning on July 1, 1989, and on or before July 1,~~
1157 ~~1991, all other counties or municipalities.~~

1158
1159 ~~Nothing herein shall preclude the state land planning agency~~
1160 ~~from permitting by rule a county together with each municipality~~

585-02381-10

20101412c1

1161 ~~in the county from submitting a proposed comprehensive plan~~
1162 ~~earlier than the dates established in paragraphs (a) and (b).~~
1163 ~~Any county or municipality that fails to meet the schedule set~~
1164 ~~for submission of its proposed comprehensive plan by more than~~
1165 ~~90 days shall be subject to the sanctions described in s.~~
1166 ~~163.3184(11)(a) imposed by the Administration Commission.~~
1167 ~~Notwithstanding the time periods established in this subsection,~~
1168 ~~the state land planning agency may establish later deadlines for~~
1169 ~~the submission of proposed comprehensive plans or comprehensive~~
1170 ~~plans as proposed to be amended for a county or municipality~~
1171 ~~which has all or a part of a designated area of critical state~~
1172 ~~concern within its boundaries; however, such deadlines shall not~~
1173 ~~be extended to a date later than July 1, 1991, or the time of~~
1174 ~~de-designation, whichever is earlier.~~

1175 Section 44. Paragraph (h) of subsection (6) and paragraph
1176 (k) of subsection (10) of section 163.3177, Florida Statutes,
1177 are amended to read:

1178 163.3177 Required and optional elements of comprehensive
1179 plan; studies and surveys.—

1180 (6) In addition to the requirements of subsections (1)-(5)
1181 and (12), the comprehensive plan shall include the following
1182 elements:

1183 (h)1. An intergovernmental coordination element showing
1184 relationships and stating principles and guidelines to be used
1185 in coordinating ~~the accomplishment of coordination of~~ the
1186 adopted comprehensive plan with the plans of school boards,
1187 regional water supply authorities, and other units of local
1188 government providing services but not having regulatory
1189 authority over the use of land, with the comprehensive plans of

585-02381-10

20101412c1

1190 adjacent municipalities, the county, adjacent counties, or the
1191 region, with the state comprehensive plan and with the
1192 applicable regional water supply plan approved pursuant to s.
1193 373.0361, as the case may require and as such adopted plans or
1194 plans in preparation may exist. This element of the local
1195 comprehensive plan must ~~shall~~ demonstrate consideration of the
1196 particular effects of the local plan, when adopted, upon the
1197 development of adjacent municipalities, the county, adjacent
1198 counties, or the region, or upon the state comprehensive plan,
1199 as the case may require.

1200 a. The intergovernmental coordination element must ~~shall~~
1201 provide procedures for identifying and implementing ~~to identify~~
1202 ~~and implement~~ joint planning areas, especially for the purpose
1203 of annexation, municipal incorporation, and joint infrastructure
1204 service areas.

1205 b. The intergovernmental coordination element must ~~shall~~
1206 provide for recognition of campus master plans prepared pursuant
1207 to s. 1013.30 and airport master plans under paragraph (k).

1208 c. The intergovernmental coordination element shall provide
1209 for a dispute resolution process, as established pursuant to s.
1210 186.509, ~~for bringing to closure in a timely manner~~
1211 intergovernmental disputes to closure in a timely manner.

1212 d. The intergovernmental coordination element shall provide
1213 for interlocal agreements as established pursuant to s.
1214 333.03(1)(b).

1215 2. The intergovernmental coordination element shall also
1216 ~~further~~ state principles and guidelines to be used in
1217 coordinating the accomplishment of coordination of the adopted
1218 comprehensive plan with the plans of school boards and other

585-02381-10

20101412c1

1219 units of local government providing facilities and services but
1220 not having regulatory authority over the use of land. In
1221 addition, the intergovernmental coordination element must ~~shall~~
1222 describe joint processes for collaborative planning and
1223 decisionmaking on population projections and public school
1224 siting, the location and extension of public facilities subject
1225 to concurrency, and siting facilities with countywide
1226 significance, including locally unwanted land uses whose nature
1227 and identity are established in an agreement. Within 1 year
1228 after ~~of~~ adopting their intergovernmental coordination elements,
1229 each county, all the municipalities within that county, the
1230 district school board, and any unit of local government service
1231 providers in that county shall establish by interlocal or other
1232 formal agreement executed by all affected entities, the joint
1233 processes described in this subparagraph consistent with their
1234 adopted intergovernmental coordination elements.

1235 3. To foster coordination between special districts and
1236 local general-purpose governments as local general-purpose
1237 governments implement local comprehensive plans, each
1238 independent special district must submit a public facilities
1239 report to the appropriate local government as required by s.
1240 189.415.

1241 4. ~~a.~~ Local governments shall execute an interlocal
1242 agreement with the district school board, the county, and
1243 nonexempt municipalities pursuant to s. 163.31777. The local
1244 government shall amend the intergovernmental coordination
1245 element to ensure ~~provide~~ that coordination between the local
1246 government and school board is pursuant to the agreement and
1247 shall state the obligations of the local government under the

585-02381-10

20101412c1

1248 agreement.

1249 ~~b.~~ Plan amendments that comply with this subparagraph are
1250 exempt from the provisions of s. 163.3187(1).

1251 ~~5. The state land planning agency shall establish a~~
1252 ~~schedule for phased completion and transmittal of plan~~
1253 ~~amendments to implement subparagraphs 1., 2., and 3. from all~~
1254 ~~jurisdictions so as to accomplish their adoption by December 31,~~
1255 ~~1999. A local government may complete and transmit its plan~~
1256 ~~amendments to carry out these provisions prior to the scheduled~~
1257 ~~date established by the state land planning agency. The plan~~
1258 ~~amendments are exempt from the provisions of s. 163.3187(1).~~

1259 ~~5.6.~~ By January 1, 2004, any county having a population
1260 greater than 100,000, and the municipalities and special
1261 districts within that county, shall submit a report to the
1262 Department of Community Affairs which identifies:

1263 a. ~~Identifies~~ All existing or proposed interlocal service
1264 delivery agreements relating to ~~regarding the following~~:
1265 education; sanitary sewer; public safety; solid waste; drainage;
1266 potable water; parks and recreation; and transportation
1267 facilities.

1268 b. ~~Identifies~~ Any deficits or duplication in the provision
1269 of services within its jurisdiction, whether capital or
1270 operational. Upon request, the Department of Community Affairs
1271 shall provide technical assistance to the local governments in
1272 identifying deficits or duplication.

1273 ~~6.7.~~ Within 6 months after submission of the report, the
1274 Department of Community Affairs shall, through the appropriate
1275 regional planning council, coordinate a meeting of all local
1276 governments within the regional planning area to discuss the

585-02381-10

20101412c1

1277 reports and potential strategies to remedy any identified
1278 deficiencies or duplications.

1279 ~~7.8.~~ Each local government shall update its
1280 intergovernmental coordination element based upon the findings
1281 in the report submitted pursuant to subparagraph 5. 6. The
1282 report may be used as supporting data and analysis for the
1283 intergovernmental coordination element.

1284 (10) The Legislature recognizes the importance and
1285 significance of chapter 9J-5, Florida Administrative Code, the
1286 Minimum Criteria for Review of Local Government Comprehensive
1287 Plans and Determination of Compliance of the Department of
1288 Community Affairs that will be used to determine compliance of
1289 local comprehensive plans. The Legislature reserved unto itself
1290 the right to review chapter 9J-5, Florida Administrative Code,
1291 and to reject, modify, or take no action relative to this rule.
1292 Therefore, pursuant to subsection (9), the Legislature hereby
1293 has reviewed chapter 9J-5, Florida Administrative Code, and
1294 expresses the following legislative intent:

1295 (k) In order for ~~So that~~ local governments ~~are able~~ to
1296 prepare and adopt comprehensive plans with knowledge of the
1297 rules that are ~~will be~~ applied to determine consistency of the
1298 plans with ~~provisions of this part, it is the intent of the~~
1299 ~~Legislature that~~ there should be no doubt as to the legal
1300 standing of chapter 9J-5, Florida Administrative Code, at the
1301 close of the 1986 legislative session. Therefore, the
1302 Legislature declares that changes made to chapter 9J-5 before,
1303 ~~Florida Administrative Code, prior to~~ October 1, 1986, are shall
1304 not ~~be~~ subject to rule challenges under s. 120.56(2), or to
1305 drawout proceedings under s. 120.54(3)(c)2. The entire chapter

585-02381-10

20101412c1

1306 9J-5, Florida Administrative Code, as amended, is ~~shall be~~
1307 subject to rule challenges under s. 120.56(3), as nothing herein
1308 indicates ~~shall be construed to indicate~~ approval or disapproval
1309 of any portion of chapter 9J-5, ~~Florida Administrative Code,~~ not
1310 specifically addressed herein. ~~No challenge pursuant to s.~~
1311 ~~120.56(3) may be filed from July 1, 1987, through April 1, 1993.~~
1312 ~~Any amendments to chapter 9J-5, Florida Administrative Code,~~
1313 ~~exclusive of the amendments adopted prior to October 1, 1986,~~
1314 ~~pursuant to this act, shall be subject to the full chapter 120~~
1315 ~~process. All amendments shall have effective dates as provided~~
1316 ~~in chapter 120 and submission to the President of the Senate and~~
1317 ~~Speaker of the House of Representatives shall not be required.~~

1318 Section 45. Subsection (6) of section 163.3178, Florida
1319 Statutes, is amended to read:

1320 163.3178 Coastal management.—

1321 (6) Local governments are encouraged to adopt countywide
1322 marina siting plans to designate sites for existing and future
1323 marinas. The Coastal Resources Interagency Management Committee,
1324 at the direction of the Legislature, shall identify incentives
1325 to encourage local governments to adopt such siting plans and
1326 uniform criteria and standards to be used by local governments
1327 to implement state goals, objectives, and policies relating to
1328 marina siting. These criteria must ensure that priority is given
1329 to water-dependent land uses. ~~The Coastal Resources Interagency~~
1330 ~~Management Committee shall submit its recommendations regarding~~
1331 ~~local government incentives to the Legislature by December 1,~~
1332 ~~1993.~~ Countywide marina siting plans must be consistent with
1333 state and regional environmental planning policies and
1334 standards. Each local government in the coastal area which

585-02381-10

20101412c1

1335 participates in the adoption of a countywide marina siting plan
1336 shall incorporate the plan into the coastal management element
1337 of its local comprehensive plan.

1338 Section 46. Subsection (12) of section 163.519, Florida
1339 Statutes, is repealed.

1340 Section 47. Subsection (9) of section 186.007, Florida
1341 Statutes, is repealed.

1342 Section 48. Subsection (5) of section 189.4035, Florida
1343 Statutes, is amended to read:

1344 189.4035 Preparation of official list of special
1345 districts.—

1346 (5) The official list of special districts shall be
1347 available on the department's website ~~distributed by the~~
1348 ~~department on October 1 of each year to the President of the~~
1349 ~~Senate, the Speaker of the House of Representatives, the Auditor~~
1350 ~~General, the Department of Revenue, the Department of Financial~~
1351 ~~Services, the Department of Management Services, the State Board~~
1352 ~~of Administration, counties, municipalities, county property~~
1353 ~~appraisers, tax collectors, and supervisors of elections and to~~
1354 ~~all interested parties who request the list.~~

1355 Section 49. Subsection (2) of section 189.412, Florida
1356 Statutes, is amended to read:

1357 189.412 Special District Information Program; duties and
1358 responsibilities.—The Special District Information Program of
1359 the Department of Community Affairs is created and has the
1360 following special duties:

1361 (2) The maintenance of a master list of independent and
1362 dependent special districts which shall be available on the
1363 department's website ~~annually updated and distributed to the~~

585-02381-10

20101412c1

1364 ~~appropriate officials in state and local governments.~~

1365 Section 50. Paragraph (b) of subsection (1) of section
1366 206.606, Florida Statutes, is amended to read:

1367 206.606 Distribution of certain proceeds.—

1368 (1) Moneys collected pursuant to ss. 206.41(1)(g) and
1369 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust
1370 Fund. Such moneys, after deducting the service charges imposed
1371 by s. 215.20, the refunds granted pursuant to s. 206.41, and the
1372 administrative costs incurred by the department in collecting,
1373 administering, enforcing, and distributing the tax, which
1374 administrative costs may not exceed 2 percent of collections,
1375 shall be distributed monthly to the State Transportation Trust
1376 Fund, except that:

1377 (b) Annually, \$2.5 million shall be transferred to the
1378 State Game Trust Fund in the Fish and Wildlife Conservation
1379 Commission ~~in each fiscal year~~ and used for recreational boating
1380 activities, and freshwater fisheries management and research.
1381 The transfers must be made in equal monthly amounts beginning on
1382 July 1 of each fiscal year. The commission shall annually
1383 determine where unmet needs exist for boating-related
1384 activities, and may fund such activities in counties where, due
1385 to the number of vessel registrations, sufficient financial
1386 resources are unavailable.

1387 1. A minimum of \$1.25 million shall be used to fund local
1388 projects to provide recreational channel marking and other
1389 uniform waterway markers, public boat ramps, lifts, and hoists,
1390 marine railways, and other public launching facilities, derelict
1391 vessel removal, and other local boating-related activities. In
1392 funding the projects, the commission shall give priority

585-02381-10

20101412c1

1393 consideration to ~~as follows~~:

1394 a. Unmet needs in counties having ~~with~~ populations of
1395 100,000 or fewer ~~less~~.

1396 b. Unmet needs in coastal counties having ~~with~~ a high level
1397 of boating-related activities from individuals residing in other
1398 counties.

1399 2. The remaining \$1.25 million may be used for recreational
1400 boating activities and freshwater fisheries management and
1401 research.

1402 3. The commission may ~~is authorized to~~ adopt rules pursuant
1403 ~~to ss. 120.536(1) and 120.54~~ to administer ~~implement~~ a Florida
1404 Boating Improvement Program.

1405
1406 ~~On February 1 of each year,~~ The commission shall prepare and
1407 make available on its Internet website ~~file~~ an annual report
1408 ~~with the President of the Senate and the Speaker of the House of~~
1409 ~~Representatives~~ outlining the status of its Florida Boating
1410 Improvement Program, including the projects funded, and a list
1411 of counties whose needs are unmet due to insufficient financial
1412 resources from vessel registration fees.

1413 Section 51. Paragraph (b) of subsection (4) of section
1414 212.054, Florida Statutes, is amended to read:

1415 212.054 Discretionary sales surtax; limitations,
1416 administration, and collection.—

1417 (4)

1418 (b) The proceeds of a discretionary sales surtax collected
1419 by the selling dealer located in a county imposing ~~which imposes~~
1420 the surtax shall be returned, less the cost of administration,
1421 to the county where the selling dealer is located. The proceeds

585-02381-10

20101412c1

1422 shall be transferred to the Discretionary Sales Surtax Clearing
1423 Trust Fund. A separate account shall be established in the ~~such~~
1424 trust fund for each county imposing a discretionary surtax. The
1425 amount deducted for the costs of administration may ~~shall~~ not
1426 exceed 3 percent of the total revenue generated for all counties
1427 levying a surtax authorized in s. 212.055. The amount deducted
1428 for the costs of administration may ~~shall~~ be used only for ~~those~~
1429 costs that ~~which~~ are solely and directly attributable to the
1430 surtax. The total cost of administration shall be prorated among
1431 those counties levying the surtax on the basis of the amount
1432 collected for a particular county to the total amount collected
1433 for all counties. ~~No later than March 1 of each year, the~~
1434 ~~department shall submit a written report which details the~~
1435 ~~expenses and amounts deducted for the costs of administration to~~
1436 ~~the President of the Senate, the Speaker of the House of~~
1437 ~~Representatives, and the governing authority of each county~~
1438 ~~levying a surtax.~~ The department shall distribute the moneys in
1439 the trust fund ~~each month~~ to the appropriate counties each
1440 month, unless otherwise provided in s. 212.055.

1441 Section 52. Paragraph (j) of subsection (5) of section
1442 212.08, Florida Statutes, is amended to read:

1443 212.08 Sales, rental, use, consumption, distribution, and
1444 storage tax; specified exemptions.—The sale at retail, the
1445 rental, the use, the consumption, the distribution, and the
1446 storage to be used or consumed in this state of the following
1447 are hereby specifically exempt from the tax imposed by this
1448 chapter.

1449 (5) EXEMPTIONS; ACCOUNT OF USE.—

1450 (j) *Machinery and equipment used in semiconductor, defense,*

585-02381-10

20101412c1

1451 *or space technology production.*—

1452 1.a. Industrial machinery and equipment used in
1453 semiconductor technology facilities certified under subparagraph
1454 5. to manufacture, process, compound, or produce semiconductor
1455 technology products for sale or for use by these facilities are
1456 exempt from the tax imposed by this chapter. For purposes of
1457 this paragraph, industrial machinery and equipment includes
1458 molds, dies, machine tooling, other appurtenances or accessories
1459 to machinery and equipment, testing equipment, test beds,
1460 computers, and software, whether purchased or self-fabricated,
1461 and, if self-fabricated, includes materials and labor for
1462 design, fabrication, and assembly.

1463 b. Industrial machinery and equipment used in defense or
1464 space technology facilities certified under subparagraph 5. to
1465 design, manufacture, assemble, process, compound, or produce
1466 defense technology products or space technology products for
1467 sale or for use by these facilities are exempt from the tax
1468 imposed by this chapter.

1469 2. Building materials purchased for use in manufacturing or
1470 expanding clean rooms in semiconductor-manufacturing facilities
1471 are exempt from the tax imposed by this chapter.

1472 3. In addition to meeting the criteria mandated by
1473 subparagraph 1. or subparagraph 2., a business must be certified
1474 by the Office of Tourism, Trade, and Economic Development ~~as~~
1475 ~~authorized in this paragraph~~ in order to qualify for exemption
1476 under this paragraph.

1477 4. For items purchased tax-exempt pursuant to this
1478 paragraph, possession of a written certification from the
1479 purchaser, certifying the purchaser's entitlement to the

585-02381-10

20101412c1

1480 exemption ~~pursuant to this paragraph~~, relieves the seller of the
1481 responsibility of collecting the tax on the sale of such items,
1482 and the department shall look solely to the purchaser for
1483 recovery of the tax if it determines that the purchaser was not
1484 entitled to the exemption.

1485 5.a. To be eligible to receive the exemption provided by
1486 subparagraph 1. or subparagraph 2., a qualifying business entity
1487 shall ~~apply~~ initially apply to Enterprise Florida, Inc. The
1488 original certification is ~~shall be~~ valid for a period of 2
1489 years. In lieu of submitting a new application, the original
1490 certification may be renewed biennially by submitting to the
1491 Office of Tourism, Trade, and Economic Development a statement,
1492 certified under oath, that there has been no material change in
1493 the conditions or circumstances entitling the business entity to
1494 the original certification. The initial application and the
1495 certification renewal statement shall be developed by the Office
1496 of Tourism, Trade, and Economic Development in consultation with
1497 Enterprise Florida, Inc.

1498 b. Enterprise Florida, Inc., shall review each submitted
1499 initial application ~~and information~~ and determine whether or not
1500 the application is complete within 5 working days. Once ~~an~~
1501 ~~application is~~ complete, Enterprise Florida, Inc., shall, within
1502 10 working days, evaluate the application and recommend approval
1503 or disapproval ~~of the application~~ to the Office of Tourism,
1504 Trade, and Economic Development.

1505 c. Upon receipt of the initial application and
1506 recommendation from Enterprise Florida, Inc., or upon receipt of
1507 a certification renewal statement, the Office of Tourism, Trade,
1508 and Economic Development shall certify within 5 working days

585-02381-10

20101412c1

1509 those applicants who are found to meet the requirements of this
1510 section and notify the applicant, Enterprise Florida, Inc., and
1511 the department of the original certification or certification
1512 renewal. If the Office of Tourism, Trade, and Economic
1513 Development finds that the applicant does not meet the
1514 requirements ~~of this section~~, it shall notify the applicant and
1515 Enterprise Florida, Inc., within 10 working days that the
1516 application for certification has been denied and the reasons
1517 for denial. The Office of Tourism, Trade, and Economic
1518 Development has final approval authority for certification under
1519 this section.

1520 d. The initial application and certification renewal
1521 statement must indicate, for program evaluation purposes only,
1522 the average number of full-time equivalent employees at the
1523 facility over the preceding calendar year, the average wage and
1524 benefits paid to those employees over the preceding calendar
1525 year, the total investment made in real and tangible personal
1526 property over the preceding calendar year, and the total value
1527 of tax-exempt purchases and taxes exempted during the previous
1528 year. The department shall assist the Office of Tourism, Trade,
1529 and Economic Development in evaluating and verifying information
1530 provided in the application for exemption.

1531 e. The Office of Tourism, Trade, and Economic Development
1532 may use the information reported on the initial application and
1533 certification renewal statement for evaluation purposes only ~~and~~
1534 ~~shall prepare an annual report on the exemption program and its~~
1535 ~~cost and impact. The annual report for the preceding fiscal year~~
1536 ~~shall be submitted to the Governor, the President of the Senate,~~
1537 ~~and the Speaker of the House of Representatives by September 30~~

585-02381-10

20101412c1

1538 ~~of each fiscal year.~~

1539 6. A business certified to receive this exemption may elect
1540 to designate one or more state universities or community
1541 colleges as recipients of up to 100 percent of the amount of the
1542 exemption ~~for which they may qualify~~. To receive these funds,
1543 the institution must agree to match the funds ~~so earned~~ with
1544 equivalent cash, programs, services, or other in-kind support on
1545 a one-to-one basis for ~~in the pursuit of~~ research and
1546 development projects ~~as~~ requested by the certified business. The
1547 rights to any patents, royalties, or real or intellectual
1548 property must be vested in the business unless otherwise agreed
1549 to by the business and the university or community college.

1550 7. As used in this paragraph, the term:

1551 a. "Semiconductor technology products" means raw
1552 semiconductor wafers or semiconductor thin films that are
1553 transformed into semiconductor memory or logic wafers, including
1554 wafers containing mixed memory and logic circuits; related
1555 assembly and test operations; active-matrix flat panel displays;
1556 semiconductor chips; semiconductor lasers; optoelectronic
1557 elements; and related semiconductor technology products as
1558 determined by the Office of Tourism, Trade, and Economic
1559 Development.

1560 b. "Clean rooms" means manufacturing facilities enclosed in
1561 a manner that meets the clean manufacturing requirements
1562 necessary for high-technology semiconductor-manufacturing
1563 environments.

1564 c. "Defense technology products" means products that have a
1565 military application, including, but not limited to, weapons,
1566 weapons systems, guidance systems, surveillance systems,

585-02381-10

20101412c1

1567 communications or information systems, munitions, aircraft,
1568 vessels, or boats, or components thereof, which are intended for
1569 military use and manufactured in performance of a contract with
1570 the United States Department of Defense or the military branch
1571 of a recognized foreign government or a subcontract thereunder
1572 which relates to matters of national defense.

1573 d. "Space technology products" means products that are
1574 specifically designed or manufactured for application in space
1575 activities, including, but not limited to, space launch
1576 vehicles, space flight vehicles, missiles, satellites or
1577 research payloads, avionics, and associated control systems and
1578 processing systems and components of any of the foregoing. The
1579 term does not include products that are designed or manufactured
1580 for general commercial aviation or other uses even though those
1581 products may also serve an incidental use in space applications.

1582 Section 53. Section 213.0452, Florida Statutes, is
1583 repealed.

1584 Section 54. Section 213.054, Florida Statutes, is repealed.

1585 Section 55. Subsection (3) of section 215.70, Florida
1586 Statutes, is amended to read:

1587 215.70 State Board of Administration to act in case of
1588 defaults.—

1589 (3) ~~It shall be the duty of~~ The State Board of
1590 Administration shall ~~to~~ monitor the debt service accounts for
1591 bonds issued pursuant to this act. The board shall advise the
1592 Governor and Legislature of any projected need to appropriate
1593 funds to honor the pledge of full faith and credit of the state.
1594 The report must ~~shall~~ include the estimated amount of
1595 appropriations needed, the estimated maximum amount of

585-02381-10

20101412c1

1596 appropriations needed, and a contingency appropriation request
1597 for each bond issue.

1598 Section 56. Paragraph (z) of subsection (1) of section
1599 216.011, Florida Statutes, is amended to read:

1600 216.011 Definitions.—

1601 (1) For the purpose of fiscal affairs of the state,
1602 appropriations acts, legislative budgets, and approved budgets,
1603 each of the following terms has the meaning indicated:

1604 (z) "Long-range program plan" means a plan developed
1605 pursuant to s. 216.013 ~~on an annual basis by each state agency~~
1606 ~~that is policy based, priority driven, accountable, and~~
1607 ~~developed through careful examination and justification of all~~
1608 ~~programs and their associated costs. Each plan is developed by~~
1609 ~~examining the needs of agency customers and clients and~~
1610 ~~proposing programs and associated costs to address those needs~~
1611 ~~based on state priorities as established by law, the agency~~
1612 ~~mission, and legislative authorization. The plan provides the~~
1613 ~~framework and context for preparing the legislative budget~~
1614 ~~request and includes performance indicators for evaluating the~~
1615 ~~impact of programs and agency performance.~~

1616 Section 57. Paragraph (c) of subsection (10) of section
1617 216.181, Florida Statutes, is repealed.

1618 Section 58. Subsection (5) of section 252.55, Florida
1619 Statutes, is amended to read:

1620 252.55 Civil Air Patrol, Florida Wing.—

1621 (5) The wing commander of the Florida Wing of the Civil Air
1622 Patrol shall biennially furnish the Bureau of Emergency
1623 Management a 2-year ~~an annual~~ projection of the goals and
1624 objectives of the Civil Air Patrol which shall ~~for the following~~

585-02381-10

20101412c1

1625 ~~year. These will be reported to the Governor in the division's~~
1626 ~~biennial annual report submitted pursuant to s. 252.35 of the~~
1627 ~~division on February 1 of each year.~~

1628 Section 59. Subsection (1) of section 253.7825, Florida
1629 Statutes, is amended to read:

1630 253.7825 Recreational uses.—

1631 (1) The Cross Florida Greenways State Recreation and
1632 Conservation Area must be managed as a multiple-use area
1633 pursuant to s. 253.034(2)(a), and as ~~further~~ provided in this
1634 section herein. ~~The University of Florida Management Plan~~
1635 ~~provides a conceptual recreational plan that may ultimately be~~
1636 ~~developed at various locations throughout the greenways~~
1637 ~~corridor. The plan proposes to locate a number of the larger,~~
1638 ~~more comprehensive and complex recreational facilities in~~
1639 ~~sensitive, natural resource areas.~~ Future site-specific studies
1640 and investigations must be conducted by the department to
1641 determine compatibility with, and potential for adverse impact
1642 to, existing natural resources, need for the facility, the
1643 availability of other alternative locations with reduced adverse
1644 impacts to existing natural resources, and the proper specific
1645 sites and locations for the more comprehensive and complex
1646 facilities. Furthermore, it is appropriate, with the approval of
1647 the department, to allow more fishing docks, boat launches, and
1648 other user-oriented facilities to be developed and maintained by
1649 local governments.

1650 Section 60. Section 253.7826, Florida Statutes, is
1651 repealed.

1652 Section 61. Section 253.7829, Florida Statutes, is
1653 repealed.

585-02381-10

20101412c1

1654 Section 62. Subsection (4) of section 259.037, Florida
1655 Statutes, is amended to read:

1656 259.037 Land Management Uniform Accounting Council.—

1657 (4) The council shall provide a report of the agencies'
1658 expenditures pursuant to the adopted categories ~~to the President~~
1659 ~~of the Senate and the Speaker of the House of Representatives~~
1660 ~~annually, beginning July 1, 2001. The council shall also provide~~
1661 ~~this report~~ to the Acquisition and Restoration Council and the
1662 division for inclusion in its annual report required pursuant to
1663 s. 259.036.

1664 Section 63. Subsection (4) of section 267.074, Florida
1665 Statutes, is repealed.

1666 Section 64. Subsection (3) of section 284.50, Florida
1667 Statutes, is repealed.

1668 Section 65. Subsection (11) of section 287.045, Florida
1669 Statutes, is repealed.

1670 Section 66. Subsection (7) of section 288.108, Florida
1671 Statutes, is repealed.

1672 Section 67. Section 288.1185, Florida Statutes, is
1673 repealed.

1674 Section 68. Paragraph (e) of subsection (8) of section
1675 288.1229, Florida Statutes, is amended to read:

1676 288.1229 Promotion and development of sports-related
1677 industries and amateur athletics; direct-support organization;
1678 powers and duties.—

1679 (8) To promote amateur sports and physical fitness, the
1680 direct-support organization shall:

1681 (e) Promote Florida as a host for national and
1682 international amateur athletic competitions. ~~As part of this~~

585-02381-10

20101412c1

1683 ~~effort, the direct support organization shall:~~

1684 ~~1. Assist and support Florida cities or communities bidding~~
1685 ~~or seeking to host the Summer Olympics or Pan American Games.~~

1686 ~~2. Annually report to the Governor, the President of the~~
1687 ~~Senate, and the Speaker of the House of Representatives on the~~
1688 ~~status of the efforts of cities or communities bidding to host~~
1689 ~~the Summer Olympics or Pan American Games, including, but not~~
1690 ~~limited to, current financial and infrastructure status,~~
1691 ~~projected financial and infrastructure needs, and~~
1692 ~~recommendations for satisfying the unmet needs and fulfilling~~
1693 ~~the requirements for a successful bid in any year that the~~
1694 ~~Summer Olympics or Pan American Games are held in this state.~~

1695 Section 69. Subsection (4) of section 288.7015, Florida
1696 Statutes, is repealed.

1697 Section 70. Section 288.7771, Florida Statutes, is amended
1698 to read:

1699 288.7771 Annual report of Florida Export Finance
1700 Corporation. By March 31 of each year, The corporation shall
1701 annually prepare and submit to Enterprise Florida, Inc., for
1702 inclusion in its annual report required by s. 288.095 the
1703 Governor, the President of the Senate, the Speaker of the House
1704 of Representatives, the Senate Minority Leader, and the House
1705 Minority Leader a complete and detailed report setting forth:

1706 (1) The report required in s. 288.776(3).

1707 (2) Its assets and liabilities at the end of its most
1708 recent fiscal year.

1709 Section 71. Subsections (8), (10), and (11) of section
1710 288.8175, Florida Statutes, are repealed.

1711 Section 72. Subsection (5) of section 288.853, Florida

585-02381-10

20101412c1

1712 Statutes, is repealed.

1713 Section 73. Subsection (5) of section 288.95155, Florida
1714 Statutes, is amended to read:

1715 288.95155 Florida Small Business Technology Growth
1716 Program.—

1717 (5) ~~By January 1 of each year, Enterprise Florida, Inc.,~~
1718 ~~shall prepare and include in its annual report required by s.~~
1719 ~~288.095 a report on the financial status of the program and the~~
1720 ~~account and shall submit a copy of the report to the board of~~
1721 ~~directors of Enterprise Florida, Inc., the appropriate~~
1722 ~~legislative committees responsible for economic development~~
1723 ~~oversight, and the appropriate legislative appropriations~~
1724 ~~subcommittees. The report must ~~shall~~ specify the assets and~~
1725 ~~liabilities of the program ~~account~~ within the current fiscal~~
1726 ~~year and must ~~shall~~ include a portfolio update that lists all of~~
1727 ~~the businesses assisted, the private dollars leveraged by each~~
1728 ~~business assisted, and the growth in sales and in employment of~~
1729 ~~each business assisted.~~

1730 Section 74. Paragraph (c) of subsection (4) of section
1731 288.9604, Florida Statutes, is amended to read:

1732 288.9604 Creation of the authority.—

1733 (4)

1734 (c) The directors of the corporation shall annually elect
1735 one of their members as chair and one as vice chair. The
1736 corporation may employ a president, technical experts, and such
1737 other agents and employees, permanent and temporary, as it
1738 requires and determine their qualifications, duties, and
1739 compensation. For such legal services as it requires, the
1740 corporation may employ or retain its own counsel and legal

585-02381-10

20101412c1

1741 ~~staff. The corporation shall file with the governing body of~~
1742 ~~each public agency with which it has entered into an interlocal~~
1743 ~~agreement and with the Governor, the Speaker of the House of~~
1744 ~~Representatives, the President of the Senate, the Minority~~
1745 ~~Leaders of the Senate and House of Representatives, and the~~
1746 ~~Auditor General, on or before 90 days after the close of the~~
1747 ~~fiscal year of the corporation, a report of its activities for~~
1748 ~~the preceding fiscal year, which report shall include a complete~~
1749 ~~financial statement setting forth its assets, liabilities,~~
1750 ~~income, and operating expenses as of the end of such fiscal~~
1751 ~~year.~~

1752 Section 75. Section 288.9610, Florida Statutes, is amended
1753 to read:

1754 288.9610 Annual reports of Florida Development Finance
1755 Corporation.—On or before 90 days after the close of ~~By December~~
1756 ~~1 of each year,~~ the Florida Development Finance Corporation's
1757 fiscal year, the corporation shall submit to the Governor, the
1758 Legislature ~~President of the Senate, the Speaker of the House of~~
1759 ~~Representatives, the Senate Minority Leader, the House Minority~~
1760 ~~Leader, the Auditor General,~~ and the governing body of each
1761 public entity with which it has entered into an interlocal
1762 agreement ~~city or county activating the Florida Development~~
1763 ~~Finance Corporation~~ a complete and detailed report setting
1764 forth:

1765 (1) The results of any audit conducted pursuant to s. 11.45
1766 ~~evaluation required in s. 11.45(3)(j).~~

1767 (2) The activities, operations, and accomplishments of the
1768 Florida Development Finance Corporation, including the number of
1769 businesses assisted by the corporation.

585-02381-10

20101412c1

1770 (3) Its assets, ~~and~~ liabilities, income, and operating
1771 expenses at the end of its most recent fiscal year, including a
1772 description of all of its outstanding revenue bonds.

1773 Section 76. Subsection (6) of section 292.05, Florida
1774 Statutes, is amended to read:

1775 292.05 Duties of Department of Veterans' Affairs.—

1776 (6) The department shall, by ~~on~~ December 31 of each year,
1777 submit ~~make~~ an annual written report to the Governor, the
1778 Cabinet, and the Legislature which describes: ~~of the state, the~~
1779 ~~Speaker of the House of Representatives, and the President of~~
1780 ~~the Senate, which report shall show~~

1781 (a) The expenses incurred in veteran service work in the
1782 state; the number, nature, and kind of cases handled by the
1783 department and by county and city veteran service officers of
1784 the state; the amounts of benefits obtained for veterans; the
1785 names and addresses of all certified veteran service officers,
1786 including county and city veteran service officers. The report
1787 must ~~shall~~ also describe the actions taken by the department in
1788 implementing subsections (4), (5), and (7) and include ~~shall~~
1789 ~~contain such~~ other information and recommendations as ~~may appear~~
1790 ~~to~~ the department requires ~~to be right and proper.~~

1791 (b) The current status of the department's domiciliary and
1792 nursing homes established pursuant to chapter 296, including all
1793 receipts and expenditures, the condition of the homes, the
1794 number of residents received and discharged during the preceding
1795 year, occupancy rates, staffing, and any other information
1796 necessary to provide an understanding of the management,
1797 conduct, and operation of the homes.

1798 Section 77. Section 296.16, Florida Statutes, is repealed.

585-02381-10

20101412c1

1799 Section 78. Section 296.39, Florida Statutes, is repealed.

1800 Section 79. Paragraph (c) of subsection (12) of section
1801 315.03, Florida Statutes, is repealed.

1802 Section 80. Subsection (2) of section 319.324, Florida
1803 Statutes, is amended to read:

1804 319.324 Odometer fraud prevention and detection; funding.—

1805 (2) Moneys deposited into the Highway Safety Operating
1806 Trust Fund under this section shall be used to implement and
1807 maintain efforts by the department to prevent and detect
1808 odometer fraud, including the prompt investigation of alleged
1809 instances of odometer mileage discrepancies reported by licensed
1810 motor vehicle dealers, auctions, or purchasers of motor
1811 vehicles. ~~Such moneys shall also be used to fund an annual~~
1812 ~~report to the Legislature by the Department of Highway Safety~~
1813 ~~and Motor Vehicles, summarizing the department's investigations~~
1814 ~~and findings.~~ In addition, moneys deposited into the fund may be
1815 used by the department for general operations.

1816 Section 81. Section 322.181, Florida Statutes, is repealed.

1817 Section 82. Paragraph (c) of subsection (7) of section
1818 322.251, Florida Statutes, is repealed.

1819 Section 83. Section 373.0391, Florida Statutes, is amended
1820 to read:

1821 373.0391 Technical assistance to local governments.—

1822 ~~(1)~~ The water management districts shall assist local
1823 governments in the development and future revision of local
1824 government comprehensive plan elements or public facilities
1825 report as required by s. 189.415, related to water resource
1826 issues.

1827 ~~(2) By July 1, 1991, each water management district shall~~

585-02381-10

20101412c1

1828 ~~prepare and provide information and data to assist local~~
1829 ~~governments in the preparation and implementation of their local~~
1830 ~~government comprehensive plans or public facilities report as~~
1831 ~~required by s. 189.415, whichever is applicable. Such~~
1832 ~~information and data shall include, but not be limited to:~~

1833 ~~(a) All information and data required in a public~~
1834 ~~facilities report pursuant to s. 189.415.~~

1835 ~~(b) A description of regulations, programs, and schedules~~
1836 ~~implemented by the district.~~

1837 ~~(c) Identification of regulations, programs, and schedules~~
1838 ~~undertaken or proposed by the district to further the State~~
1839 ~~Comprehensive Plan.~~

1840 ~~(d) A description of surface water basins, including~~
1841 ~~regulatory jurisdictions, flood-prone areas, existing and~~
1842 ~~projected water quality in water management district operated~~
1843 ~~facilities, as well as surface water runoff characteristics and~~
1844 ~~topography regarding flood plains, wetlands, and recharge areas.~~

1845 ~~(e) A description of groundwater characteristics, including~~
1846 ~~existing and planned wellfield sites, existing and anticipated~~
1847 ~~cones of influence, highly productive groundwater areas, aquifer~~
1848 ~~recharge areas, deep well injection zones, contaminated areas,~~
1849 ~~an assessment of regional water resource needs and sources for~~
1850 ~~the next 20 years, and water quality.~~

1851 ~~(f) The identification of existing and potential water~~
1852 ~~management district land acquisitions.~~

1853 ~~(g) Information reflecting the minimum flows for surface~~
1854 ~~watercourses to avoid harm to water resources or the ecosystem~~
1855 ~~and information reflecting the minimum water levels for aquifers~~
1856 ~~to avoid harm to water resources or the ecosystem.~~

585-02381-10

20101412c1

1857 Section 84. Subsection (4) of section 373.046, Florida
1858 Statutes, is amended to read:

1859 373.046 Interagency agreements.—

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

585-02381-10

20101412c1

1886 duplication in the administration of part IV of this chapter by
1887 designating ~~certain~~ activities that ~~which~~ will be regulated by
1888 either the water management districts or the department. In
1889 developing such interagency agreements, the water management
1890 districts and the department shall consider ~~should take into~~
1891 ~~consideration~~ the technical and fiscal ability of each water
1892 management district to implement all or some of the provisions
1893 of part IV of this chapter. This subsection does not rescind or
1894 restrict ~~Nothing herein rescinds or restricts~~ the authority of
1895 the districts to regulate silviculture and agriculture pursuant
1896 to part IV of this chapter or s. 403.927. ~~By December 10, 1993,~~
1897 ~~the secretary of the department shall submit a report to the~~
1898 ~~President of the Senate and the Speaker of the House of~~
1899 ~~Representatives regarding the efficiency of the procedures and~~
1900 ~~the division of responsibilities contemplated by this subsection~~
1901 ~~and regarding progress toward the execution of further~~
1902 ~~interagency agreements and the integration of permitting with~~
1903 ~~sovereignty lands approval. The report also will consider the~~
1904 ~~feasibility of improving the protection of the environment~~
1905 ~~through comprehensive criteria for protection of natural~~
1906 ~~systems.~~

1907 Section 85. Subsection (14) of section 376.121, Florida
1908 Statutes, is repealed.

1909 Section 86. Section 376.17, Florida Statutes, is repealed.

1910 Section 87. Subsection (5) of section 376.30713, Florida
1911 Statutes, is repealed.

1912 Section 88. Subsection (2) of section 379.2211, Florida
1913 Statutes, is amended to read:

1914 379.2211 Florida waterfowl permit revenues.-

585-02381-10

20101412c1

1915 (2) The intent of this section is to expand waterfowl
1916 research and management and increase waterfowl populations in
1917 the state without detracting from other programs. The commission
1918 shall prepare and make available on its Internet website an
1919 annual report documenting the use of funds generated under ~~the~~
1920 ~~provisions of this section, to be submitted to the Governor, the~~
1921 ~~Speaker of the House of Representatives, and the President of~~
1922 ~~the Senate on or before September 1 of each year.~~

1923 Section 89. Subsection (2) of section 379.2212, Florida
1924 Statutes, is amended to read:

1925 379.2212 Florida wild turkey permit revenues.—

1926 (2) The intent of this section is to expand wild turkey
1927 research and management and to increase wild turkey populations
1928 in the state without detracting from other programs. The
1929 commission shall prepare and make available on its Internet
1930 website an annual report documenting the use of funds generated
1931 ~~under the provisions of this section, to be submitted to the~~
1932 ~~Governor, the Speaker of the House of Representatives, and the~~
1933 ~~President of the Senate on or before September 1 of each year.~~

1934 Section 90. Subsection (8) of section 379.2523, Florida
1935 Statutes, is repealed.

1936 Section 91. Paragraph (a) of subsection (2) of section
1937 380.06, Florida Statutes, is amended to read:

1938 380.06 Developments of regional impact.—

1939 (2) STATEWIDE GUIDELINES AND STANDARDS.—

1940 (a) The state land planning agency shall recommend to the
1941 Administration Commission specific statewide guidelines and
1942 standards for adoption pursuant to this subsection. The
1943 Administration Commission shall by rule adopt statewide

585-02381-10

20101412c1

1944 guidelines and standards to be used in determining whether
1945 particular developments shall undergo development-of-regional-
1946 impact review. The statewide guidelines and standards previously
1947 adopted by the Administration Commission and approved by the
1948 Legislature shall remain in effect unless revised pursuant to
1949 this section or superseded by other provisions of law. ~~Revisions~~
1950 ~~to the present statewide guidelines and standards, after~~
1951 ~~adoption by the Administration Commission, shall be transmitted~~
1952 ~~on or before March 1 to the President of the Senate and the~~
1953 ~~Speaker of the House of Representatives for presentation at the~~
1954 ~~next regular session of the Legislature. Unless approved by law~~
1955 ~~by the Legislature, the revisions to the present guidelines and~~
1956 ~~standards shall not become effective.~~

1957 Section 92. Subsection (3) of section 380.0677, Florida
1958 Statutes, is repealed.

1959 Section 93. Subsection (3) of section 381.0011, Florida
1960 Statutes, is repealed.

1961 Section 94. Section 381.0036, Florida Statutes, is
1962 repealed.

1963 Section 95. Section 381.731, Florida Statutes, is repealed.

1964 Section 96. Section 381.795, Florida Statutes, is amended
1965 to read:

1966 381.795 Long-term community-based supports.—The department
1967 shall, contingent upon specific appropriations for these
1968 purposes, establish÷

1969 ~~(1) Study the long-term needs for community-based supports~~
1970 ~~and services for individuals who have sustained traumatic brain~~
1971 ~~or spinal cord injuries. The purpose of this study is to prevent~~
1972 ~~inappropriate residential and institutional placement of these~~

585-02381-10

20101412c1

1973 individuals, and promote placement in the most cost effective
1974 and least restrictive environment. Any placement recommendations
1975 for these individuals shall ensure full utilization of and
1976 collaboration with other state agencies, programs, and community
1977 partners. This study shall be submitted to the Governor, the
1978 President of the Senate, and the Speaker of the House of
1979 Representatives not later than December 31, 2000.

1980 ~~(2)~~ Based upon the results of this study, establish a plan
1981 for the implementation of a program of long-term community-based
1982 supports and services for individuals who have sustained
1983 traumatic brain or spinal cord injuries and who may be subject
1984 to inappropriate residential and institutional placement as a
1985 direct result of such injuries.

1986 (1)(a) The program shall be payor of last resort for
1987 program services, and expenditures for ~~such~~ services shall be
1988 considered funded services for purposes of s. 381.785; however,
1989 notwithstanding s. 381.79(5), proceeds resulting from this
1990 subsection shall be used solely for this program.

1991 (2)(b) The department shall adopt ~~create~~, by rule,
1992 procedures to ensure, that if in the event the program is unable
1993 to directly or indirectly provide ~~such~~ services to all eligible
1994 individuals due to lack of funds, those individuals most at risk
1995 of suffering to suffer the greatest harm from an imminent
1996 inappropriate residential or institutional placement are served
1997 first.

1998 (3)(e) Every applicant or recipient of the long-term
1999 community-based supports and services program must ~~shall~~ have
2000 been a resident of the state for 1 year immediately preceding
2001 application and be a resident of the state at the time of

585-02381-10

20101412c1

2002 application.

2003 ~~(4)(d)~~ The department shall adopt rules pursuant to ss.
2004 ~~120.536(1) and 120.54~~ to administer ~~implement the provision of~~
2005 this section ~~subsection~~.

2006 Section 97. Section 381.931, Florida Statutes, is amended
2007 to read:

2008 381.931 Annual report on Medicaid expenditures.—The
2009 Department of Health and the Agency for Health Care
2010 Administration shall monitor the total Medicaid expenditures for
2011 services made under this act. If Medicaid expenditures are
2012 projected to exceed the amount appropriated by the Legislature,
2013 the Department of Health shall limit the number of screenings to
2014 ensure Medicaid expenditures do not exceed the amount
2015 appropriated. ~~The Department of Health, in cooperation with the~~
2016 ~~Agency for Health Care Administration, shall prepare an annual~~
2017 ~~report that must include the number of women screened; the~~
2018 ~~percentage of positive and negative outcomes; the number of~~
2019 ~~referrals to Medicaid and other providers for treatment~~
2020 ~~services; the estimated number of women who are not screened or~~
2021 ~~not served by Medicaid due to funding limitations, if any; the~~
2022 ~~cost of Medicaid treatment services; and the estimated cost of~~
2023 ~~treatment services for women who were not screened or referred~~
2024 ~~for treatment due to funding limitations. The report shall be~~
2025 ~~submitted to the President of the Senate, the Speaker of the~~
2026 ~~House of Representatives, and the Executive Office of the~~
2027 ~~Governor by March 1 of each year.~~

2028 Section 98. Subsection (6) of section 383.19, Florida
2029 Statutes, is amended to read:

2030 383.19 Standards; funding; ineligibility.—

585-02381-10

20101412c1

2031 (6) Each hospital that ~~which~~ contracts with the department
2032 to provide services under the terms of ss. 383.15-383.21 shall
2033 prepare and submit to the department an annual report that
2034 includes, but is not limited to, the number of clients served
2035 and the costs of services in the center. The department shall
2036 annually conduct a programmatic and financial evaluation of each
2037 center.

2038 Section 99. Section 383.21, Florida Statutes, is repealed.

2039 Section 100. Section 383.2161, Florida Statutes, is amended
2040 to read:

2041 383.2161 Maternal and child health report.—The Department
2042 of Health ~~annually~~ shall annually compile and analyze the risk
2043 information collected by the Office of Vital Statistics and the
2044 district prenatal and infant care coalitions and shall maintain
2045 county and statewide data on ~~prepare and submit to the~~
2046 ~~Legislature by January 2 a report that includes, but is not~~
2047 ~~limited to:~~

2048 (1) The number of families identified as families at
2049 potential risk;

2050 (2) The number of families receiving ~~that receive~~ family
2051 outreach services;

2052 (3) The increase in demand for services; and

2053 (4) The unmet need for services for identified target
2054 groups.

2055 Section 101. Subsection (4) of section 394.4573, Florida
2056 Statutes, is repealed.

2057 Section 102. Subsection (1) of section 394.4985, Florida
2058 Statutes, is amended to read:

2059 394.4985 Districtwide information and referral network;

585-02381-10

20101412c1

2060 implementation.—

2061 (1) Each service district of the Department of Children and
2062 Family Services shall develop a detailed implementation plan for
2063 a districtwide comprehensive child and adolescent mental health
2064 information and referral network to be operational by July 1,
2065 1999. The plan must include an operating budget that
2066 demonstrates cost efficiencies and identifies funding sources
2067 for the district information and referral network. ~~The plan must~~
2068 ~~be submitted by the department to the Legislature by October 1,~~
2069 ~~1998.~~ The district shall use existing district information and
2070 referral providers if, in the development of the plan, it is
2071 concluded that these providers would deliver information and
2072 referral services in a more efficient and effective manner when
2073 compared to other alternatives. The district information and
2074 referral network must include:

2075 (a) A resource file that contains information about the
2076 child and adolescent mental health services as described in s.
2077 394.495, including, but not limited to:

- 2078 1. Type of program;
- 2079 2. Hours of service;
- 2080 3. Ages of persons served;
- 2081 4. Program description;
- 2082 5. Eligibility requirements; and
- 2083 6. Fees.

2084 (b) Information about private providers and professionals
2085 in the community who ~~which~~ serve children and adolescents with
2086 an emotional disturbance.

2087 (c) A system to document requests for services which ~~that~~
2088 are received through the network referral process, including,

585-02381-10

20101412c1

2089 but not limited to:

2090 1. Number of calls by type of service requested;

2091 2. Ages of the children and adolescents for whom services
2092 are requested; and

2093 3. Type of referral made by the network.

2094 (d) The ability to share client information with the
2095 appropriate community agencies.

2096 ~~(e) The submission of an annual report to the department,~~
2097 ~~the Agency for Health Care Administration, and appropriate local~~
2098 ~~government entities, which contains information about the~~
2099 ~~sources and frequency of requests for information, types and~~
2100 ~~frequency of services requested, and types and frequency of~~
2101 ~~referrals made.~~

2102 Section 103. Section 394.82, Florida Statutes, is repealed.

2103 Section 104. Subsection (9) of section 394.9082, Florida
2104 Statutes, is repealed.

2105 Section 105. Section 394.9083, Florida Statutes, is
2106 repealed.

2107 Section 106. Paragraph (c) of subsection (2) of section
2108 395.807, Florida Statutes, is repealed.

2109 Section 107. Subsection (3) of section 397.332, Florida
2110 Statutes, is repealed.

2111 Section 108. Subsection (1) of section 397.94, Florida
2112 Statutes, is repealed.

2113 Section 109. Subsection (2) of section 400.148, Florida
2114 Statutes, is repealed.

2115 Section 110. Paragraph (a) of subsection (2) of section
2116 400.967, Florida Statutes, is amended to read:

2117 400.967 Rules and classification of deficiencies.—

585-02381-10

20101412c1

2118 (2) Pursuant to the intention of the Legislature, the
2119 agency, in consultation with the Agency for Persons with
2120 Disabilities and the Department of Elderly Affairs, shall adopt
2121 and enforce rules to administer this part and part II of chapter
2122 408, which shall include reasonable and fair criteria governing:

2123 (a) The location and construction of the facility;
2124 including fire and life safety, plumbing, heating, cooling,
2125 lighting, ventilation, and other housing conditions that ~~will~~
2126 ensure the health, safety, and comfort of residents. The agency
2127 shall establish standards for facilities and equipment to
2128 increase the extent to which new facilities and a new wing or
2129 floor added to an existing facility after July 1, 2000, are
2130 structurally capable of serving as shelters only for residents,
2131 staff, and families of residents and staff, and equipped to be
2132 self-supporting during and immediately following disasters. ~~The~~
2133 ~~Agency for Health Care Administration shall work with facilities~~
2134 ~~licensed under this part and report to the Governor and the~~
2135 ~~Legislature by April 1, 2000, its recommendations for cost-~~
2136 ~~effective renovation standards to be applied to existing~~
2137 ~~facilities. In making such rules, the agency shall be guided by~~
2138 ~~criteria recommended by nationally recognized, reputable~~
2139 ~~professional groups and associations having knowledge concerning~~
2140 ~~such subject matters.~~ The agency shall update or revise the such
2141 criteria as the need arises. All facilities must comply with
2142 those lifesafety code requirements and building code standards
2143 applicable at the time of approval of their construction plans.
2144 The agency may require alterations to a building if it
2145 determines that an existing condition constitutes a distinct
2146 hazard to life, health, or safety. The agency shall adopt fair

585-02381-10

20101412c1

2147 and reasonable rules setting forth conditions under which
2148 existing facilities undergoing additions, alterations,
2149 conversions, renovations, or repairs are required to comply with
2150 the most recent updated or revised standards.

2151 Section 111. Subsection (3) of section 402.3016, Florida
2152 Statutes, is repealed.

2153 Section 112. Subsection (9) of section 402.40, Florida
2154 Statutes, is repealed.

2155 Section 113. Subsection (1) of section 403.4131, Florida
2156 Statutes, is amended to read:

2157 403.4131 Litter control.—

2158 (1) The Department of Transportation shall establish an
2159 “adopt-a-highway” program to allow local organizations to be
2160 identified with specific highway cleanup and highway
2161 beautification projects authorized under s. 339.2405. ~~The~~
2162 ~~department shall report to the Governor and the Legislature on~~
2163 ~~the progress achieved and the savings incurred by the “adopt-a-~~
2164 ~~highway” program.~~ The department shall also monitor ~~and report~~
2165 ~~on~~ compliance with the provisions of the adopt-a-highway program
2166 to ensure that organizations participating ~~that participate~~ in
2167 the program comply with the goals identified by the department.

2168 Section 114. Paragraph (a) of subsection (4) of section
2169 406.02, Florida Statutes, is repealed.

2170 Section 115. Paragraph (g) of subsection (1) of section
2171 408.033, Florida Statutes, is amended to read:

2172 408.033 Local and state health planning.—

2173 (1) LOCAL HEALTH COUNCILS.—

2174 (g) Each local health council may ~~is authorized to~~ accept
2175 and receive, in furtherance of its health planning functions,

585-02381-10

20101412c1

2176 funds, grants, and services from governmental agencies and from
2177 private or civic sources and to perform studies related to local
2178 health planning in exchange for such funds, grants, or services.
2179 Each ~~local health~~ council shall, no later than January 30 of
2180 each year, render an accounting of the receipt and disbursement
2181 of such funds received by it to the Department of Health. ~~The~~
2182 ~~department shall consolidate all such reports and submit such~~
2183 ~~consolidated report to the Legislature no later than March 1 of~~
2184 ~~each year.~~

2185 Section 116. Subsection (4) of section 408.914, Florida
2186 Statutes, is repealed.

2187 Section 117. Paragraph (i) of subsection (3) of section
2188 408.915, Florida Statutes, is repealed.

2189 Section 118. Section 408.917, Florida Statutes, is
2190 repealed.

2191 Section 119. Paragraph (b) of subsection (7) of section
2192 409.1451, Florida Statutes, is amended to read:

2193 409.1451 Independent living transition services.—

2194 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The
2195 Secretary of Children and Family Services shall establish the
2196 Independent Living Services Advisory Council for the purpose of
2197 reviewing and making recommendations concerning the
2198 implementation and operation of the independent living
2199 transition services. This advisory council shall continue to
2200 function as specified in this subsection until the Legislature
2201 determines that the advisory council can no longer provide a
2202 valuable contribution to the department's efforts to achieve the
2203 goals of the independent living transition services.

2204 (b) The advisory council shall report to the secretary

585-02381-10

20101412c1

2205 ~~appropriate substantive committees of the Senate and the House~~
2206 ~~of Representatives~~ on the status of the implementation of the
2207 system of independent living transition services; efforts to
2208 publicize the availability of aftercare support services, the
2209 Road-to-Independence Program, and transitional support services;
2210 the success of the services; problems identified;
2211 recommendations for department or legislative action; and the
2212 department's implementation of the recommendations contained in
2213 the Independent Living Services Integration Workgroup Report
2214 submitted to the appropriate Senate and the House substantive
2215 committees of the Legislature by December 31, 2002. The
2216 department shall submit a report by December 31 of each year to
2217 the Governor and the Legislature ~~This advisory council report~~
2218 ~~shall be submitted by December 31 of each year that the council~~
2219 ~~is in existence and shall be accompanied by a report from the~~
2220 ~~department~~ which includes a summary of the factors reported on
2221 by the council and identifies the recommendations of the
2222 advisory council and either describes the department's actions
2223 to implement the ~~these~~ recommendations or provides the
2224 department's rationale for not implementing the recommendations.

2225 Section 120. Section 409.152, Florida Statutes, is
2226 repealed.

2227 Section 121. Subsections (1) and (2) of section 409.1679,
2228 Florida Statutes, are repealed.

2229 Section 122. Section 409.1685, Florida Statutes, is amended
2230 to read:

2231 409.1685 Children in foster care; annual report to
2232 Legislature.—The Department of Children and Family Services
2233 shall submit a written report to the Governor and ~~substantive~~

585-02381-10

20101412c1

2234 ~~committees~~ of the Legislature concerning the status of children
2235 in foster care and ~~concerning~~ the judicial review mandated by
2236 part X of chapter 39. The ~~This~~ report shall be submitted by May
2237 ~~March~~ 1 of each year and must ~~shall~~ include the following
2238 information for the prior calendar year:

2239 (1) The number of 6-month and annual judicial reviews
2240 completed during that period.

2241 (2) The number of children in foster care returned to a
2242 parent, guardian, or relative as a result of a 6-month or annual
2243 judicial review hearing during that period.

2244 (3) The number of termination of parental rights
2245 proceedings instituted during that period, including ~~which shall~~
2246 ~~include~~:

2247 (a) The number of termination of parental rights
2248 proceedings initiated pursuant to former s. 39.703; and

2249 (b) The total number of terminations of parental rights
2250 ordered.

2251 (4) The number of foster care children placed for adoption
2252 ~~during that period~~.

2253 Section 123. Paragraph (k) of subsection (4) of section
2254 409.221, Florida Statutes, is repealed.

2255 Section 124. Paragraph (a) of subsection (3) of section
2256 409.25575, Florida Statutes, is amended to read:

2257 409.25575 Support enforcement; privatization.—

2258 (3)(a) The department shall establish a quality assurance
2259 program for the privatization of services. ~~The quality assurance~~
2260 program must include standards for each specific component of
2261 these services. The department shall establish minimum
2262 thresholds for each component. Each program operated pursuant to

585-02381-10

20101412c1

2263 contract must be evaluated annually by the department or by an
2264 objective competent entity designated by the department under
2265 the provisions of the quality assurance program. The evaluation
2266 must be financed from cost savings associated with the
2267 privatization of services. ~~The department shall submit an annual~~
2268 ~~report regarding quality performance, outcome measure~~
2269 ~~attainment, and cost efficiency to the President of the Senate,~~
2270 ~~the Speaker of the House of Representatives, the Minority leader~~
2271 ~~of each house of the Legislature, and the Governor no later than~~
2272 ~~January 31 of each year, beginning in 1999.~~ The quality
2273 assurance program must be financed through administrative
2274 savings generated by this act.

2275 Section 125. Subsection (9) of section 409.2558, Florida
2276 Statutes, is amended to read:

2277 409.2558 Support distribution and disbursement.-

2278 (9) RULEMAKING AUTHORITY.-The department may adopt rules to
2279 administer this section. ~~The department shall provide a draft of~~
2280 ~~the proposed concepts for the rule for the undistributable~~
2281 ~~collections to interested parties for review and recommendations~~
2282 ~~prior to full development of the rule and initiating the formal~~
2283 ~~rule-development process. The department shall consider but is~~
2284 ~~not required to implement the recommendations. The department~~
2285 ~~shall provide a report to the President of the Senate and the~~
2286 ~~Speaker of the House of Representatives containing the~~
2287 ~~recommendations received from interested parties and the~~
2288 ~~department's response regarding incorporating the~~
2289 ~~recommendations into the rule.~~

2290 Section 126. Subsection (3) of section 409.441, Florida
2291 Statutes, is repealed.

585-02381-10

20101412c1

2292 Section 127. Subsection (24) of section 409.906, Florida
2293 Statutes, is amended to read:

2294 409.906 Optional Medicaid services.—Subject to specific
2295 appropriations, the agency may make payments for services which
2296 are optional to the state under Title XIX of the Social Security
2297 Act and are furnished by Medicaid providers to recipients who
2298 are determined to be eligible on the dates on which the services
2299 were provided. Any optional service that is provided shall be
2300 provided only when medically necessary and in accordance with
2301 state and federal law. Optional services rendered by providers
2302 in mobile units to Medicaid recipients may be restricted or
2303 prohibited by the agency. Nothing in this section shall be
2304 construed to prevent or limit the agency from adjusting fees,
2305 reimbursement rates, lengths of stay, number of visits, or
2306 number of services, or making any other adjustments necessary to
2307 comply with the availability of moneys and any limitations or
2308 directions provided for in the General Appropriations Act or
2309 chapter 216. If necessary to safeguard the state's systems of
2310 providing services to elderly and disabled persons and subject
2311 to the notice and review provisions of s. 216.177, the Governor
2312 may direct the Agency for Health Care Administration to amend
2313 the Medicaid state plan to delete the optional Medicaid service
2314 known as "Intermediate Care Facilities for the Developmentally
2315 Disabled." Optional services may include:

2316 (24) CHILD-WELFARE-TARGETED CASE MANAGEMENT.—The Agency for
2317 Health Care Administration, in consultation with the Department
2318 of Children and Family Services, may establish a targeted case-
2319 management project in those counties identified by the
2320 Department of Children and Family Services and for all counties

585-02381-10

20101412c1

2321 with a community-based child welfare project, as authorized
2322 under s. 409.1671, which have been specifically approved by the
2323 department. ~~Results of targeted case management projects shall~~
2324 ~~be reported to the Social Services Estimating Conference~~
2325 ~~established under s. 216.136.~~ The covered group of individuals
2326 who are eligible to receive targeted case management include
2327 children who are eligible for Medicaid; who are between the ages
2328 of birth through 21; and who are under protective supervision or
2329 postplacement supervision, under foster-care supervision, or in
2330 shelter care or foster care. The number of individuals who are
2331 eligible to receive targeted case management is ~~shall be~~ limited
2332 to the number for whom the Department of Children and Family
2333 Services has ~~available~~ matching funds to cover the costs. The
2334 general revenue funds required to match the funds for services
2335 provided by the community-based child welfare projects are
2336 limited to funds available for services described under s.
2337 409.1671. The Department of Children and Family Services may
2338 transfer the general revenue matching funds as billed by the
2339 Agency for Health Care Administration.

2340 Section 128. Subsections (29) and (44), and paragraph (c)
2341 of subsection (49) of section 409.912, Florida Statutes, are
2342 amended to read:

2343 409.912 Cost-effective purchasing of health care.—The
2344 agency shall purchase goods and services for Medicaid recipients
2345 in the most cost-effective manner consistent with the delivery
2346 of quality medical care. To ensure that medical services are
2347 effectively utilized, the agency may, in any case, require a
2348 confirmation or second physician's opinion of the correct
2349 diagnosis for purposes of authorizing future services under the

585-02381-10

20101412c1

2350 Medicaid program. This section does not restrict access to
2351 emergency services or poststabilization care services as defined
2352 in 42 C.F.R. part 438.114. Such confirmation or second opinion
2353 shall be rendered in a manner approved by the agency. The agency
2354 shall maximize the use of prepaid per capita and prepaid
2355 aggregate fixed-sum basis services when appropriate and other
2356 alternative service delivery and reimbursement methodologies,
2357 including competitive bidding pursuant to s. 287.057, designed
2358 to facilitate the cost-effective purchase of a case-managed
2359 continuum of care. The agency shall also require providers to
2360 minimize the exposure of recipients to the need for acute
2361 inpatient, custodial, and other institutional care and the
2362 inappropriate or unnecessary use of high-cost services. The
2363 agency shall contract with a vendor to monitor and evaluate the
2364 clinical practice patterns of providers in order to identify
2365 trends that are outside the normal practice patterns of a
2366 provider's professional peers or the national guidelines of a
2367 provider's professional association. The vendor must be able to
2368 provide information and counseling to a provider whose practice
2369 patterns are outside the norms, in consultation with the agency,
2370 to improve patient care and reduce inappropriate utilization.
2371 The agency may mandate prior authorization, drug therapy
2372 management, or disease management participation for certain
2373 populations of Medicaid beneficiaries, certain drug classes, or
2374 particular drugs to prevent fraud, abuse, overuse, and possible
2375 dangerous drug interactions. The Pharmaceutical and Therapeutics
2376 Committee shall make recommendations to the agency on drugs for
2377 which prior authorization is required. The agency shall inform
2378 the Pharmaceutical and Therapeutics Committee of its decisions

585-02381-10

20101412c1

2379 regarding drugs subject to prior authorization. The agency is
2380 authorized to limit the entities it contracts with or enrolls as
2381 Medicaid providers by developing a provider network through
2382 provider credentialing. The agency may competitively bid single-
2383 source-provider contracts if procurement of goods or services
2384 results in demonstrated cost savings to the state without
2385 limiting access to care. The agency may limit its network based
2386 on the assessment of beneficiary access to care, provider
2387 availability, provider quality standards, time and distance
2388 standards for access to care, the cultural competence of the
2389 provider network, demographic characteristics of Medicaid
2390 beneficiaries, practice and provider-to-beneficiary standards,
2391 appointment wait times, beneficiary use of services, provider
2392 turnover, provider profiling, provider licensure history,
2393 previous program integrity investigations and findings, peer
2394 review, provider Medicaid policy and billing compliance records,
2395 clinical and medical record audits, and other factors. Providers
2396 shall not be entitled to enrollment in the Medicaid provider
2397 network. The agency shall determine instances in which allowing
2398 Medicaid beneficiaries to purchase durable medical equipment and
2399 other goods is less expensive to the Medicaid program than long-
2400 term rental of the equipment or goods. The agency may establish
2401 rules to facilitate purchases in lieu of long-term rentals in
2402 order to protect against fraud and abuse in the Medicaid program
2403 as defined in s. 409.913. The agency may seek federal waivers
2404 necessary to administer these policies.

2405 (29) The agency shall perform enrollments and
2406 disenrollments for Medicaid recipients who are eligible for
2407 MediPass or managed care plans. Notwithstanding the prohibition

585-02381-10

20101412c1

2408 contained in paragraph (21) (f), managed care plans may perform
2409 preenrollments of Medicaid recipients under the supervision of
2410 the agency or its agents. For the purposes of this section, the
2411 term "preenrollment" means the provision of marketing and
2412 educational materials to a Medicaid recipient and assistance in
2413 completing the application forms, but does ~~shall~~ not include
2414 actual enrollment into a managed care plan. An application for
2415 enrollment may ~~shall~~ not be deemed complete until the agency or
2416 its agent verifies that the recipient made an informed,
2417 voluntary choice. The agency, in cooperation with the Department
2418 of Children and Family Services, may test new marketing
2419 initiatives to inform Medicaid recipients about their managed
2420 care options at selected sites. ~~The agency shall report to the~~
2421 ~~Legislature on the effectiveness of such initiatives.~~ The agency
2422 may contract with a third party to perform managed care plan and
2423 MediPass enrollment and disenrollment services for Medicaid
2424 recipients and may ~~is authorized to~~ adopt rules to administer
2425 ~~implement~~ such services. The agency may adjust the capitation
2426 rate only to cover the costs of a third-party enrollment and
2427 disenrollment contract, and for agency supervision and
2428 management of the managed care plan enrollment and disenrollment
2429 contract.

2430 (44) The Agency for Health Care Administration shall ensure
2431 that any Medicaid managed care plan as defined in s.
2432 409.9122(2) (f), whether paid on a capitated basis or a shared
2433 savings basis, is cost-effective. For purposes of this
2434 subsection, the term "cost-effective" means that a network's
2435 per-member, per-month costs to the state, including, but not
2436 limited to, fee-for-service costs, administrative costs, and

585-02381-10

20101412c1

2437 case-management fees, if any, must be no greater than the
2438 state's costs associated with contracts for Medicaid services
2439 established under subsection (3), which may be adjusted for
2440 health status. The agency shall conduct actuarially sound
2441 adjustments for health status in order to ensure such cost-
2442 effectiveness and shall annually publish the results on its
2443 Internet website ~~and submit the results annually to the~~
2444 ~~Governor, the President of the Senate, and the Speaker of the~~
2445 ~~House of Representatives no later than December 31 of each year.~~
2446 Contracts established pursuant to this subsection which are not
2447 cost-effective may not be renewed.

2448 (49) The agency shall contract with established minority
2449 physician networks that provide services to historically
2450 underserved minority patients. The networks must provide cost-
2451 effective Medicaid services, comply with the requirements to be
2452 a MediPass provider, and provide their primary care physicians
2453 with access to data and other management tools necessary to
2454 assist them in ensuring the appropriate use of services,
2455 including inpatient hospital services and pharmaceuticals.

2456 (c) For purposes of this subsection, the term "cost-
2457 effective" means that a network's per-member, per-month costs to
2458 the state, including, but not limited to, fee-for-service costs,
2459 administrative costs, and case-management fees, if any, must be
2460 no greater than the state's costs associated with contracts for
2461 Medicaid services established under subsection (3), which shall
2462 be actuarially adjusted for case mix, model, and service area.
2463 The agency shall conduct actuarially sound audits adjusted for
2464 case mix and model in order to ensure such cost-effectiveness
2465 and shall annually publish the audit results on its Internet

585-02381-10

20101412c1

2466 ~~website and submit the audit results annually to the Governor,~~
2467 ~~the President of the Senate, and the Speaker of the House of~~
2468 ~~Representatives no later than December 31.~~ Contracts established
2469 pursuant to this subsection which are not cost-effective may not
2470 be renewed.

2471 Section 129. Section 410.0245, Florida Statutes, is
2472 repealed.

2473 Section 130. Subsection (10) of section 410.604, Florida
2474 Statutes, is repealed.

2475 Section 131. Paragraph (d) of subsection (5) of section
2476 411.0102, Florida Statutes, is amended to read:

2477 411.0102 Child Care Executive Partnership Act; findings and
2478 intent; grant; limitation; rules.-

2479 (5)

2480 (d) Each early learning coalition shall ~~be required to~~
2481 establish a community child care task force for each child care
2482 purchasing pool. The task force must be composed of employers,
2483 parents, private child care providers, and one representative
2484 from the local children's services council, if one exists in the
2485 area of the purchasing pool. The early learning coalition is
2486 expected to recruit the task force members from existing child
2487 care councils, commissions, or task forces already operating in
2488 the area of a purchasing pool. A majority of the task force
2489 shall consist of employers. ~~Each task force shall develop a plan~~
2490 ~~for the use of child care purchasing pool funds. The plan must~~
2491 ~~show how many children will be served by the purchasing pool,~~
2492 ~~how many will be new to receiving child care services, and how~~
2493 ~~the early learning coalition intends to attract new employers~~
2494 ~~and their employees to the program.~~

585-02381-10

20101412c1

2495 Section 132. Section 411.221, Florida Statutes, is
2496 repealed.

2497 Section 133. Section 411.242, Florida Statutes, is
2498 repealed.

2499 Section 134. Section 414.14, Florida Statutes, is amended
2500 to read:

2501 414.14 Public assistance policy simplification.—To the
2502 extent possible, the department shall align the requirements for
2503 eligibility under this chapter with the food stamp program and
2504 medical assistance eligibility policies and procedures to
2505 simplify the budgeting process and reduce errors. If the
2506 department determines that s. 414.075, relating to resources, or
2507 s. 414.085, relating to income, is inconsistent with ~~related~~
2508 ~~provisions of federal law governing which govern~~ the food stamp
2509 program or medical assistance, and that conformance to federal
2510 law would simplify administration of the WAGES Program or reduce
2511 errors without materially increasing the cost of the program to
2512 the state, the secretary of the department may propose a change
2513 in the resource or income requirements of the program by rule.
2514 ~~The secretary shall provide written notice to the President of~~
2515 ~~the Senate, the Speaker of the House of Representatives, and the~~
2516 ~~chairpersons of the relevant committees of both houses of the~~
2517 ~~Legislature summarizing the proposed modifications to be made by~~
2518 ~~rule and changes necessary to conform state law to federal law.~~
2519 ~~The proposed rule shall take effect 14 days after written notice~~
2520 ~~is given unless the President of the Senate or the Speaker of~~
2521 ~~the House of Representatives advises the secretary that the~~
2522 ~~proposed rule exceeds the delegated authority of the~~
2523 ~~Legislature.~~

585-02381-10

20101412c1

2524 Section 135. Subsection (1) of section 414.36, Florida
2525 Statutes, is repealed.

2526 Section 136. Subsection (3) of section 414.391, Florida
2527 Statutes, is repealed.

2528 Section 137. Subsection (6) of section 415.1045, Florida
2529 Statutes, is amended to read:

2530 415.1045 Photographs, videotapes, and medical examinations;
2531 abrogation of privileged communications; confidential records
2532 and documents.—

2533 (6) WORKING AGREEMENTS. ~~By March 1, 2004,~~ The department
2534 shall enter into working agreements with the jurisdictionally
2535 responsible county sheriff's ~~sheriffs'~~ office or local police
2536 department that will be the lead agency for ~~when~~ conducting any
2537 criminal investigation arising from an allegation of abuse,
2538 neglect, or exploitation of a vulnerable adult. The working
2539 agreement must specify how the requirements of this chapter will
2540 be met. ~~The Office of Program Policy Analysis and Government~~
2541 ~~Accountability shall conduct a review of the efficacy of the~~
2542 ~~agreements and report its findings to the Legislature by March~~
2543 ~~1, 2005.~~ For the purposes of such agreement, the
2544 jurisdictionally responsible law enforcement entity may ~~is~~
2545 ~~authorized to~~ share Florida criminal history and local criminal
2546 history information that is not otherwise exempt from s.
2547 119.07(1) with the district personnel. A law enforcement entity
2548 entering into such agreement must comply with s. 943.0525.
2549 Criminal justice information provided by the ~~such~~ law
2550 enforcement entity may ~~shall~~ be used only for the purposes
2551 specified in the agreement and shall be provided at no charge.
2552 Notwithstanding any other provision of law, the Department of

585-02381-10

20101412c1

2553 Law Enforcement shall provide to the department electronic
2554 access to Florida criminal justice information that ~~which~~ is
2555 lawfully available and not exempt from s. 119.07(1), only for
2556 the purpose of protective investigations and emergency
2557 placement. As a condition of access to the ~~such~~ information, the
2558 department shall ~~be required to~~ execute an appropriate user
2559 agreement addressing the access, use, dissemination, and
2560 destruction of such information and ~~to~~ comply with all
2561 applicable laws and rules of the Department of Law Enforcement.

2562 Section 138. Subsection (9) of section 420.622, Florida
2563 Statutes, is amended to read:

2564 420.622 State Office on Homelessness; Council on
2565 Homelessness.—

2566 (9) The council shall, by June 30 of each year, beginning
2567 in 2010, provide ~~issue~~ to the Governor, the Legislature
2568 ~~President of the Senate, the Speaker of the House of~~
2569 ~~Representatives,~~ and the Secretary of Children and Family
2570 Services ~~an evaluation of the executive director's performance~~
2571 ~~in fulfilling the statutory duties of the office,~~ a report
2572 summarizing the extent of homelessness in the state and the
2573 ~~council's recommendations to the office and the corresponding~~
2574 ~~actions taken by the office, and any recommendations to the~~
2575 ~~Legislature for~~ reducing ~~proposals to reduce~~ homelessness in
2576 this state.

2577 Section 139. Subsection (4) of section 420.623, Florida
2578 Statutes, is repealed.

2579 Section 140. Subsection (9) of section 427.704, Florida
2580 Statutes, is amended to read:

2581 427.704 Powers and duties of the commission.—

585-02381-10

20101412c1

2582 (9) The commission shall prepare ~~provide to the President~~
2583 ~~of the Senate and to the Speaker of the House of Representatives~~
2584 an annual report on the operation of the telecommunications
2585 access system which shall be available on the commission's
2586 Internet website. ~~The first report shall be provided no later~~
2587 ~~than January 1, 1992, and successive reports shall be provided~~
2588 ~~by January 1 of each year thereafter.~~ Reports must ~~shall~~ be
2589 prepared in consultation with the administrator and the advisory
2590 committee appointed pursuant to s. 427.706. The reports must
2591 ~~shall~~, at a minimum, briefly outline the status of developments
2592 in ~~of~~ the telecommunications access system, the number of
2593 persons served, the call volume, revenues and expenditures, the
2594 allocation of the revenues and expenditures between provision of
2595 specialized telecommunications devices to individuals and
2596 operation of statewide relay service, other major policy or
2597 operational issues, and proposals for improvements or changes to
2598 the telecommunications access system.

2599 Section 141. Subsection (2) of section 427.706, Florida
2600 Statutes, is amended to read:

2601 427.706 Advisory committee.—

2602 (2) The advisory committee shall provide the expertise,
2603 experience, and perspective of persons who are hearing impaired
2604 or speech impaired to the commission and to the administrator
2605 during all phases of the development and operation of the
2606 telecommunications access system. The advisory committee shall
2607 advise the commission and the administrator on ~~any matter~~
2608 ~~relating to~~ the quality and cost-effectiveness of the
2609 telecommunications relay service and the specialized
2610 telecommunications devices distribution system. The advisory

585-02381-10

20101412c1

2611 committee may submit material for inclusion in the annual report
2612 prepared pursuant to s. 427.704 ~~to the President of the Senate~~
2613 ~~and the Speaker of the House of Representatives.~~

2614 Section 142. Paragraph (b) of subsection (3) of section
2615 429.07, Florida Statutes, is amended to read:

2616 429.07 License required; fee.—

2617 (3) In addition to the requirements of s. 408.806, each
2618 license granted by the agency must state the type of care for
2619 which the license is granted. Licenses shall be issued for one
2620 or more of the following categories of care: standard, extended
2621 congregate care, limited nursing services, or limited mental
2622 health.

2623 (b) An extended congregate care license shall be issued to
2624 facilities providing, directly or through contract, services
2625 beyond those authorized in paragraph (a), including services
2626 performed by persons licensed under ~~acts performed pursuant to~~
2627 ~~part I of chapter 464 by persons licensed thereunder,~~ and
2628 supportive services, as defined by rule, to persons who would
2629 otherwise ~~would~~ be disqualified from continued residence in a
2630 facility licensed under this part.

2631 1. In order for extended congregate care services to be
2632 ~~provided in a facility licensed under this part,~~ the agency must
2633 first determine that all requirements established in law and
2634 rule are met and must specifically designate, on the facility's
2635 license, that such services may be provided and whether the
2636 designation applies to all or part of the ~~a~~ facility. Such
2637 designation may be made at the time of initial licensure or
2638 relicensure, or upon request in writing by a licensee under this
2639 part and part II of chapter 408. The notification of approval or

585-02381-10

20101412c1

2640 the denial of the ~~such~~ request shall be made in accordance with
2641 part II of chapter 408. Existing facilities qualifying to
2642 provide extended congregate care services must have maintained a
2643 standard license and may not have been subject to administrative
2644 sanctions during the previous 2 years, or since initial
2645 licensure if the facility has been licensed for less than 2
2646 years, for any of the following reasons:

2647 a. A class I or class II violation;

2648 b. Three or more repeat or recurring class III violations
2649 of identical or similar resident care standards ~~as specified in~~
2650 ~~rule~~ from which a pattern of noncompliance is found by the
2651 agency;

2652 c. Three or more class III violations that were not
2653 corrected in accordance with the corrective action plan approved
2654 by the agency;

2655 d. Violation of resident care standards which results in
2656 requiring the facility ~~resulting in a requirement~~ to employ the
2657 services of a consultant pharmacist or consultant dietitian;

2658 e. Denial, suspension, or revocation of a license for
2659 another facility licensed under this part in which the applicant
2660 for an extended congregate care license has at least 25 percent
2661 ownership interest; or

2662 f. Imposition of a moratorium pursuant to this part or part
2663 II of chapter 408 or initiation of injunctive proceedings.

2664 2. A facility that is ~~Facilities that are~~ licensed to
2665 provide extended congregate care services shall maintain a
2666 written progress report on each person who receives ~~such~~
2667 services, ~~which report~~ describes the type, amount, duration,
2668 scope, and outcome of services that are rendered and the general

585-02381-10

20101412c1

2669 status of the resident's health. A registered nurse, or
2670 appropriate designee, representing the agency shall visit the
2671 facility ~~such facilities~~ at least quarterly to monitor residents
2672 who are receiving extended congregate care services and to
2673 determine if the facility is in compliance with this part, part
2674 II of chapter 408, and relevant rules ~~that relate to extended~~
2675 ~~congregate care~~. One of the ~~these~~ visits may be in conjunction
2676 with the regular survey. The monitoring visits may be provided
2677 through contractual arrangements with appropriate community
2678 agencies. A registered nurse shall serve as part of the team
2679 that inspects the ~~such~~ facility. The agency may waive one of the
2680 required yearly monitoring visits for a facility that has been
2681 licensed for at least 24 months to provide extended congregate
2682 care services, if, during the inspection, the registered nurse
2683 determines that extended congregate care services are being
2684 provided appropriately, and if the facility has no class I or
2685 class II violations and no uncorrected class III violations.
2686 ~~Before such decision is made,~~ The agency must first ~~shall~~
2687 consult with the long-term care ombudsman council for the area
2688 in which the facility is located to determine if any complaints
2689 have been made and substantiated about the quality of services
2690 or care. The agency may not waive one of the required yearly
2691 monitoring visits if complaints have been made and
2692 substantiated.

2693 3. A facility ~~Facilities~~ that is ~~are~~ licensed to provide
2694 extended congregate care services must ~~shall~~:

2695 a. Demonstrate the capability to meet unanticipated
2696 resident service needs.

2697 b. Offer a physical environment that promotes a homelike

585-02381-10

20101412c1

2698 setting, provides for resident privacy, promotes resident
2699 independence, and allows sufficient congregate space as defined
2700 by rule.

2701 c. Have sufficient staff available, taking into account the
2702 physical plant and firesafety features of the building, to
2703 assist with the evacuation of residents in an emergency,~~as~~
2704 ~~necessary~~.

2705 d. Adopt and follow policies and procedures that maximize
2706 resident independence, dignity, choice, and decisionmaking to
2707 permit residents to age in place ~~to the extent possible~~, so that
2708 moves due to changes in functional status are minimized or
2709 avoided.

2710 e. Allow residents or, if applicable, a resident's
2711 representative, designee, surrogate, guardian, or attorney in
2712 fact to make a variety of personal choices, participate in
2713 developing service plans, and share responsibility in
2714 decisionmaking.

2715 f. Implement the concept of managed risk.

2716 g. Provide, ~~either~~ directly or through contract, the
2717 services of a person licensed under ~~pursuant to~~ part I of
2718 chapter 464.

2719 h. In addition to the training mandated in s. 429.52,
2720 provide specialized training as defined by rule for facility
2721 staff.

2722 4. A facility that is ~~Facilities~~ licensed to provide
2723 extended congregate care services is ~~are~~ exempt from the
2724 criteria for continued residency ~~as~~ set forth in rules adopted
2725 under s. 429.41. A licensed facility must ~~Facilities so licensed~~
2726 ~~shall~~ adopt its ~~their~~ own requirements within guidelines for

585-02381-10

20101412c1

2727 continued residency set forth by rule. However, the facility
2728 ~~such facilities~~ may not serve residents who require 24-hour
2729 nursing supervision. A licensed facility that provides
2730 ~~Facilities licensed to provide~~ extended congregate care services
2731 must also ~~shall~~ provide each resident with a written copy of
2732 facility policies governing admission and retention.

2733 5. The primary purpose of extended congregate care services
2734 is to allow residents, as they become more impaired, the option
2735 of remaining in a familiar setting from which they would
2736 otherwise be disqualified for continued residency. A facility
2737 licensed to provide extended congregate care services may also
2738 admit an individual who exceeds the admission criteria for a
2739 facility with a standard license, if the individual is
2740 determined appropriate for admission to the extended congregate
2741 care facility.

2742 6. Before the admission of an individual to a facility
2743 licensed to provide extended congregate care services, the
2744 individual must undergo a medical examination as provided in s.
2745 429.26(4) and the facility must develop a preliminary service
2746 plan for the individual.

2747 7. When a facility can no longer provide or arrange for
2748 services in accordance with the resident's service plan and
2749 needs and the facility's policy, the facility shall make
2750 arrangements for relocating the person in accordance with s.
2751 429.28(1)(k).

2752 8. Failure to provide extended congregate care services may
2753 result in denial of extended congregate care license renewal.

2754 ~~9. No later than January 1 of each year, the department, in~~
2755 ~~consultation with the agency, shall prepare and submit to the~~

585-02381-10

20101412c1

2756 ~~Governor, the President of the Senate, the Speaker of the House~~
2757 ~~of Representatives, and the chairs of appropriate legislative~~
2758 ~~committees, a report on the status of, and recommendations~~
2759 ~~related to, extended congregate care services. The status report~~
2760 ~~must include, but need not be limited to, the following~~
2761 ~~information:~~

2762 ~~a. A description of the facilities licensed to provide such~~
2763 ~~services, including total number of beds licensed under this~~
2764 ~~part.~~

2765 ~~b. The number and characteristics of residents receiving~~
2766 ~~such services.~~

2767 ~~c. The types of services rendered that could not be~~
2768 ~~provided through a standard license.~~

2769 ~~d. An analysis of deficiencies cited during licensure~~
2770 ~~inspections.~~

2771 ~~e. The number of residents who required extended congregate~~
2772 ~~care services at admission and the source of admission.~~

2773 ~~f. Recommendations for statutory or regulatory changes.~~

2774 ~~g. The availability of extended congregate care to state~~
2775 ~~clients residing in facilities licensed under this part and in~~
2776 ~~need of additional services, and recommendations for~~
2777 ~~appropriations to subsidize extended congregate care services~~
2778 ~~for such persons.~~

2779 ~~h. Such other information as the department considers~~
2780 ~~appropriate.~~

2781 Section 143. Subsection (5) of section 429.41, Florida
2782 Statutes, is amended to read:

2783 429.41 Rules establishing standards.—

2784 (5) The agency may use an abbreviated biennial standard

585-02381-10

20101412c1

2785 licensure inspection that consists of a review of key quality-
2786 of-care standards in lieu of a full inspection in a facility
2787 that has facilities ~~which have~~ a good record of past
2788 performance. However, a full inspection must ~~shall~~ be conducted
2789 in a facility that has facilities ~~which have had~~ a history of
2790 class I or class II violations, uncorrected class III
2791 violations, confirmed ombudsman council complaints, or confirmed
2792 licensure complaints, within the previous licensure period
2793 immediately preceding the inspection or if ~~when~~ a potentially
2794 serious problem is identified during the abbreviated inspection.
2795 The agency, in consultation with the department, shall develop
2796 the key quality-of-care standards with input from the State
2797 Long-Term Care Ombudsman Council and representatives of provider
2798 groups for incorporation into its rules. ~~The department, in~~
2799 ~~consultation with the agency, shall report annually to the~~
2800 ~~Legislature concerning its implementation of this subsection.~~
2801 ~~The report shall include, at a minimum, the key quality of care~~
2802 ~~standards which have been developed; the number of facilities~~
2803 ~~identified as being eligible for the abbreviated inspection; the~~
2804 ~~number of facilities which have received the abbreviated~~
2805 ~~inspection and, of those, the number that were converted to full~~
2806 ~~inspection; the number and type of subsequent complaints~~
2807 ~~received by the agency or department on facilities which have~~
2808 ~~had abbreviated inspections; any recommendations for~~
2809 ~~modification to this subsection; any plans by the agency to~~
2810 ~~modify its implementation of this subsection; and any other~~
2811 ~~information which the department believes should be reported.~~

2812 Section 144. Subsections (3) through (17) of section
2813 430.04, Florida Statutes, are amended to read:

585-02381-10

20101412c1

2814 430.04 Duties and responsibilities of the Department of
2815 Elderly Affairs.—The Department of Elderly Affairs shall:
2816 ~~(3) Prepare and submit to the Governor, each Cabinet~~
2817 ~~member, the President of the Senate, the Speaker of the House of~~
2818 ~~Representatives, the minority leaders of the House and Senate,~~
2819 ~~and chairpersons of appropriate House and Senate committees a~~
2820 ~~master plan for policies and programs in the state related to~~
2821 ~~aging. The plan must identify and assess the needs of the~~
2822 ~~elderly population in the areas of housing, employment,~~
2823 ~~education and training, medical care, long-term care, preventive~~
2824 ~~care, protective services, social services, mental health,~~
2825 ~~transportation, and long-term care insurance, and other areas~~
2826 ~~considered appropriate by the department. The plan must assess~~
2827 ~~the needs of particular subgroups of the population and evaluate~~
2828 ~~the capacity of existing programs, both public and private and~~
2829 ~~in state and local agencies, to respond effectively to~~
2830 ~~identified needs. If the plan recommends the transfer of any~~
2831 ~~program or service from the Department of Children and Family~~
2832 ~~Services to another state department, the plan must also include~~
2833 ~~recommendations that provide for an independent third-party~~
2834 ~~mechanism, as currently exists in the Florida advocacy councils~~
2835 ~~established in ss. 402.165 and 402.166, for protecting the~~
2836 ~~constitutional and human rights of recipients of departmental~~
2837 ~~services. The plan must include policy goals and program~~
2838 ~~strategies designed to respond efficiently to current and~~
2839 ~~projected needs. The plan must also include policy goals and~~
2840 ~~program strategies to promote intergenerational relationships~~
2841 ~~and activities. Public hearings and other appropriate processes~~
2842 ~~shall be utilized by the department to solicit input for the~~

585-02381-10

20101412c1

2843 ~~development and updating of the master plan from parties~~
2844 ~~including, but not limited to, the following:~~

2845 ~~(a) Elderly citizens and their families and caregivers.~~
2846 ~~(b) Local-level public and private service providers,~~
2847 ~~advocacy organizations, and other organizations relating to the~~
2848 ~~elderly.~~

2849 ~~(c) Local governments.~~
2850 ~~(d) All state agencies that provide services to the~~
2851 ~~elderly.~~

2852 ~~(e) University centers on aging.~~
2853 ~~(f) Area agency on aging and community care for the elderly~~
2854 ~~lead agencies.~~

2855 (4)~~(5)~~ Serve as an information clearinghouse at the state
2856 level, and assist local-level information and referral resources
2857 as a repository and means for the dissemination of information
2858 regarding all federal, state, and local resources for assistance
2859 to the elderly in the areas of, but not limited to, health,
2860 social welfare, long-term care, protective services, consumer
2861 protection, education and training, housing, employment,
2862 recreation, transportation, insurance, and retirement.

2863 (4)~~(5)~~ Recommend guidelines for the development of roles
2864 for state agencies that provide services for the aging, review
2865 plans of agencies that provide such services, and relay the
2866 ~~these~~ plans to the Governor and the Legislature, ~~each Cabinet~~
2867 ~~member, the President of the Senate, the Speaker of the House of~~
2868 ~~Representatives, the minority leaders of the House and Senate,~~
2869 ~~and chairpersons of appropriate House and Senate committees.~~

2870 (5)~~(6)~~ Recommend to the Governor and the Legislature, ~~each~~
2871 ~~Cabinet member, the President of the Senate, the Speaker of the~~

585-02381-10

20101412c1

2872 ~~House of Representatives, the minority leaders of the House and~~
2873 ~~Senate, and chairpersons of appropriate House and Senate~~
2874 ~~committees~~ an organizational framework for the planning,
2875 coordination, implementation, and evaluation of programs related
2876 to aging, with the purpose of expanding and improving programs
2877 and opportunities available to the state's elderly population
2878 and enhancing a continuum of long-term care. This framework must
2879 ensure ~~assure~~ that:

2880 (a) Performance objectives are established.

2881 (b) Program reviews are conducted statewide.

2882 (c) Each major program related to aging is reviewed every 3
2883 years.

2884 ~~(d) Agency budget requests reflect the results and~~
2885 ~~recommendations of such program reviews.~~

2886 ~~(d)(e)~~ (d) Program decisions reinforce ~~lead to~~ the distinctive
2887 roles established for state agencies that provide aging
2888 services.

2889 ~~(6)(7)~~ (6) Advise the Governor and the Legislature, ~~each~~
2890 ~~Cabinet member, the President of the Senate, the Speaker of the~~
2891 ~~House of Representatives, the minority leaders of the House and~~
2892 ~~Senate, and the chairpersons of appropriate House and Senate~~
2893 ~~committees~~ regarding the need for and location of programs
2894 related to aging.

2895 ~~(7)(8)~~ (7) Review and coordinate aging research plans of all
2896 state agencies to ensure that ~~the conformance of~~ research
2897 objectives address ~~to~~ issues and needs of the state's elderly
2898 population ~~addressed in the master plan for policies and~~
2899 ~~programs related to aging~~. The research activities that must be
2900 reviewed and coordinated by the department include, but are not

585-02381-10

20101412c1

2901 limited to, contracts with academic institutions, development of
2902 educational and training curriculums, Alzheimer's disease and
2903 other medical research, studies of long-term care and other
2904 personal assistance needs, and design of adaptive or modified
2905 living environments.

2906 (8)~~(9)~~ Review budget requests for programs related to aging
2907 to ensure the most cost-effective use of state funding for the
2908 state's elderly population ~~for compliance with the master plan~~
2909 ~~for policies and programs related to aging~~ before submission to
2910 the Governor and the Legislature.

2911 ~~(10) Update the master plan for policies and programs~~
2912 ~~related to aging every 3 years.~~

2913 ~~(11) Review implementation of the master plan for programs~~
2914 ~~and policies related to aging and annually report to the~~
2915 ~~Governor, each Cabinet member, the President of the Senate, the~~
2916 ~~Speaker of the House of Representatives, the minority leaders of~~
2917 ~~the House and Senate, and the chairpersons of appropriate House~~
2918 ~~and Senate committees the progress towards implementation of the~~
2919 ~~plan.~~

2920 (9)~~(12)~~ Request other departments that administer programs
2921 affecting the state's elderly population to amend their plans,
2922 rules, policies, and research objectives as necessary to ensure
2923 that programs and other initiatives are coordinated and maximize
2924 the state's efforts to address the needs of the elderly ~~conform~~
2925 ~~with the master plan for policies and programs related to aging.~~

2926 (10)~~(13)~~ Hold public meetings regularly throughout the
2927 state to receive ~~for purposes of receiving~~ information and
2928 maximize ~~maximizing~~ the visibility of important issues relating
2929 to aging and the elderly.

585-02381-10

20101412c1

2930 (11)~~(14)~~ Conduct policy analysis and program evaluation
 2931 studies assigned by the Legislature.

2932 (12)~~(15)~~ Assist the Governor, each Cabinet member, and
 2933 members of the Legislature ~~the President of the Senate, the~~
 2934 ~~Speaker of the House of Representatives, the minority leaders of~~
 2935 ~~the House and Senate, and the chairpersons of appropriate House~~
 2936 ~~and Senate committees in conducting the conduct of their~~
 2937 responsibilities ~~in such capacities~~ as they consider
 2938 appropriate.

2939 (13)~~(16)~~ Call upon appropriate agencies of state government
 2940 for such assistance as is needed in the discharge of its duties.
 2941 All agencies shall cooperate in assisting the department in
 2942 carrying out its responsibilities as prescribed by this section.
 2943 However, the no provision of law regarding ~~with respect to~~
 2944 confidentiality of information may not be violated.

2945 (14)~~(17)~~ Be designated as a state agency that is eligible
 2946 to receive federal funds for adults who are eligible for
 2947 assistance through the portion of the federal Child and Adult
 2948 Care Food Program for adults, which is referred to as the Adult
 2949 Care Food Program, and that is responsible for establishing and
 2950 administering the program. The purpose of the Adult Care Food
 2951 Program is to provide nutritious and wholesome meals and snacks
 2952 for adults in nonresidential day care centers or residential
 2953 treatment facilities. To ensure the quality and integrity of the
 2954 program, the department shall develop standards and procedures
 2955 that govern sponsoring organizations and adult day care centers.
 2956 The department shall follow federal requirements and may adopt
 2957 any rules necessary to administer ~~pursuant to ss. 120.536(1) and~~
 2958 ~~120.54 for the implementation of the Adult Care Food program~~

585-02381-10

20101412c1

2959 ~~and. With respect to the Adult Care Food Program, the department~~
2960 ~~shall adopt rules pursuant to ss. 120.536(1) and 120.54 that~~
2961 implement relevant federal regulations, including 7 C.F.R. part
2962 226. The rules may address, at a minimum, the program
2963 requirements and procedures identified in this subsection.

2964 Section 145. Subsections (3) and (8) of section 430.502,
2965 Florida Statutes, are amended to read:

2966 430.502 Alzheimer's disease; memory disorder clinics and
2967 day care and respite care programs.—

2968 (3) The Alzheimer's Disease Advisory Committee shall ~~must~~
2969 evaluate and make recommendations to the department and the
2970 Legislature concerning the need for additional memory disorder
2971 clinics in the state. ~~The first report will be due by December~~
2972 ~~31, 1995.~~

2973 (8) The department shall ~~will~~ implement the waiver program
2974 specified in subsection (7). The agency and the department shall
2975 ensure that providers who ~~are selected that~~ have a history of
2976 successfully serving persons with Alzheimer's disease are
2977 selected. The department and the agency shall develop
2978 specialized standards for providers and services tailored to
2979 persons in the early, middle, and late stages of Alzheimer's
2980 disease and designate a level of care determination process and
2981 standard that is most appropriate to this population. The
2982 department and the agency shall include in the waiver services
2983 designed to assist the caregiver in continuing to provide in-
2984 home care. The department shall implement this waiver program
2985 subject to a specific appropriation or as provided in the
2986 General Appropriations Act. ~~The department and the agency shall~~
2987 ~~submit their program design to the President of the Senate and~~

585-02381-10

20101412c1

2988 ~~the Speaker of the House of Representatives for consultation~~
2989 ~~during the development process.~~

2990 Section 146. Subsection (1) and paragraph (a) of subsection
2991 (6) of section 445.006, Florida Statutes, are amended to read:
2992 445.006 Strategic and operational plans for workforce
2993 development.—

2994 (1) Workforce Florida, Inc., in conjunction with state and
2995 local partners in the workforce system, shall develop a
2996 strategic plan that produces ~~for workforce, with the goal of~~
2997 ~~producing~~ skilled employees for employers in the state. ~~The~~
2998 ~~strategic plan shall be submitted to the Governor, the President~~
2999 ~~of the Senate, and the Speaker of the House of Representatives~~
3000 ~~by February 1, 2001.~~ The strategic plan shall be updated or
3001 modified by January 1 of each year ~~thereafter~~. The plan must
3002 include, but need not be limited to, strategies for:

3003 (a) Fulfilling the workforce system goals and strategies
3004 prescribed in s. 445.004;

3005 (b) Aggregating, integrating, and leveraging workforce
3006 system resources;

3007 (c) Coordinating the activities of federal, state, and
3008 local workforce system partners;

3009 (d) Addressing the workforce needs of small businesses; and

3010 (e) Fostering the participation of rural communities and
3011 distressed urban cores in the workforce system.

3012 (6) (a) The operational plan must include strategies that
3013 are designed to prevent or reduce the need for a person to
3014 receive public assistance. The ~~These~~ strategies must include:

3015 1. A teen pregnancy prevention component that includes, but
3016 is not limited to, a plan for implementing the ~~Florida Education~~

585-02381-10

20101412c1

3017 ~~Now and Babies Later (ENABL) program under s. 411.242 and the~~
3018 Teen Pregnancy Prevention Community Initiative within each
3019 county of the services area in which the teen birth rate is
3020 higher than the state average;

3021 2. A component that encourages creation of community-based
3022 welfare prevention and reduction initiatives that increase
3023 support provided by noncustodial parents to their welfare-
3024 dependent children and are consistent with program and financial
3025 guidelines developed by Workforce Florida, Inc., and the
3026 Commission on Responsible Fatherhood. These initiatives may
3027 include, ~~but are not limited to,~~ improved paternity
3028 establishment, work activities for noncustodial parents,
3029 programs aimed at decreasing out-of-wedlock pregnancies,
3030 encouraging involvement of fathers with their children which
3031 includes including court-ordered supervised visitation, and
3032 increasing child support payments;

3033 3. A component that encourages formation and maintenance of
3034 two-parent families through, among other things, court-ordered
3035 supervised visitation;

3036 4. A component that fosters responsible fatherhood in
3037 families receiving assistance; and

3038 5. A component that fosters the provision of services that
3039 reduce the incidence and effects of domestic violence on women
3040 and children in families receiving assistance.

3041 Section 147. Subsection (8) of section 455.2226, Florida
3042 Statutes, is repealed.

3043 Section 148. Subsection (6) of section 455.2228, Florida
3044 Statutes, is repealed.

3045 Section 149. Section 456.005, Florida Statutes, is amended

585-02381-10

20101412c1

3046 to read:

3047 456.005 Long-range policy planning; ~~plans, reports, and~~
3048 ~~recommendations.~~—To facilitate efficient and cost-effective
3049 regulation, the department and the board, if ~~where~~ appropriate,
3050 shall develop and implement a long-range policy planning and
3051 monitoring process that includes ~~to include~~ recommendations
3052 specific to each profession. The ~~Such~~ process shall include
3053 estimates of revenues, expenditures, cash balances, and
3054 performance statistics for each profession. The period covered
3055 may ~~shall~~ not be less than 5 years. The department, with input
3056 from the boards and licensees, shall develop and adopt the long-
3057 range plan ~~and must obtain the approval of the State Surgeon~~
3058 ~~General~~. The department shall monitor compliance with the
3059 ~~approved long-range~~ plan and, with input from the boards and
3060 licensees, shall annually update the plans ~~for approval by the~~
3061 ~~State Surgeon General~~. The department shall provide concise
3062 management reports to the boards quarterly. As part of the
3063 review process, the department shall evaluate:

3064 (1) Whether the department, including the boards and the
3065 various functions performed by the department, is operating
3066 efficiently and effectively and if there is a need for a board
3067 or council to assist in cost-effective regulation.

3068 (2) How and why the various professions are regulated.

3069 (3) Whether there is a need to continue regulation, and to
3070 what degree.

3071 (4) Whether or not consumer protection is adequate, and how
3072 it can be improved.

3073 (5) Whether there is consistency between the various
3074 practice acts.

585-02381-10

20101412c1

3075 (6) Whether unlicensed activity is adequately enforced.
3076

3077 The ~~Such~~ plans shall ~~should~~ include conclusions and
3078 recommendations on these and other issues as appropriate. ~~Such~~
3079 ~~plans shall be provided to the Governor and the Legislature by~~
3080 ~~November 1 of each year.~~

3081 Section 150. Subsection (9) of section 456.025, Florida
3082 Statutes, is amended to read:

3083 456.025 Fees; receipts; disposition.-

3084 (9) The department shall provide a ~~condensed~~ management
3085 report of revenues and expenditures ~~budgets, finances,~~
3086 performance measures ~~statistics,~~ and recommendations to each
3087 board at least once a quarter. ~~The department shall identify and~~
3088 ~~include in such presentations any changes, or projected changes,~~
3089 ~~made to the board's budget since the last presentation.~~

3090 Section 151. Subsection (6) of section 456.034, Florida
3091 Statutes, is repealed.

3092 Section 152. Subsections (3) and (4) of section 517.302,
3093 Florida Statutes, are amended to read:

3094 517.302 Criminal penalties; alternative fine; Anti-Fraud
3095 Trust Fund; time limitation for criminal prosecution.-

3096 (3) In lieu of a fine otherwise authorized by law, a person
3097 who has been convicted of or who has pleaded guilty or no
3098 contest to having engaged in conduct in violation of ~~the~~
3099 ~~provisions of~~ this chapter may be sentenced to pay a fine that
3100 does not exceed the greater of three times the gross value
3101 gained or three times the gross loss caused by such conduct,
3102 plus court costs and the costs of investigation and prosecution
3103 reasonably incurred.

585-02381-10

20101412c1

3104 (4)~~(a)~~ There is created within the office a trust fund to
3105 be known as the Anti-Fraud Trust Fund. Any amounts assessed as
3106 costs of investigation and prosecution under this subsection
3107 shall be deposited in the trust fund. Funds deposited in the
3108 ~~such~~ trust fund must ~~shall~~ be used, when authorized by
3109 appropriation, for investigation and prosecution of
3110 administrative, civil, and criminal actions arising under ~~the~~
3111 ~~provisions of~~ this chapter. Funds may also be used to improve
3112 the public's awareness and understanding of prudent investing.

3113 ~~(b) The office shall report to the Executive Office of the~~
3114 ~~Governor annually by November 15, the amounts deposited into the~~
3115 ~~Anti-Fraud Trust Fund during the previous fiscal year. The~~
3116 ~~Executive Office of the Governor shall distribute these reports~~
3117 ~~to the President of the Senate and the Speaker of the House of~~
3118 ~~Representatives.~~

3119 (5)~~(4)~~ Criminal prosecution for offenses under this chapter
3120 is subject to the time limitations in ~~of~~ s. 775.15.

3121 Section 153. Subsection (3) of section 531.415, Florida
3122 Statutes, is repealed.

3123 Section 154. Subsection (3) of section 570.0705, Florida
3124 Statutes, is repealed.

3125 Section 155. Subsection (5) of section 570.0725, Florida
3126 Statutes, is amended to read:

3127 570.0725 Food recovery; legislative intent; department
3128 functions.—

3129 (5) The department shall account for the direct and
3130 indirect costs associated with supporting food recovery programs
3131 throughout the state. It shall submit an electronic ~~a~~ report to
3132 the President of the Senate and the Speaker of the House of

585-02381-10

20101412c1

3133 Representatives by November 1, for the previous fiscal year,
3134 when state funds are spent for this purpose. The report must
3135 include, but need not be limited to, the identity of
3136 organizations receiving funds, the amount of funds disbursed to
3137 these organizations, other uses of food recovery funds, and
3138 estimates of the amount of fresh produce recovered.

3139 Section 156. Subsection (3) of section 570.543, Florida
3140 Statutes, is repealed.

3141 Section 157. Section 590.33, Florida Statutes, is amended
3142 to read:

3143 590.33 State compact administrator; compact advisory
3144 committee.—In pursuance of art. III of the compact, the director
3145 of the division shall act as compact administrator for Florida
3146 of the Southeastern Interstate Forest Fire Protection Compact
3147 during his or her term of office as director, and his or her
3148 successor as compact administrator shall be his or her successor
3149 as director of the division. As compact administrator he or she
3150 shall be an ex officio member of the advisory committee of the
3151 Southeastern Interstate Forest Fire Protection Compact, and
3152 chair ex officio of the Florida members of the advisory
3153 committee. There shall be four members of the Southeastern
3154 Interstate Forest Fire Protection Compact Advisory Committee
3155 from Florida. Two of the members from Florida shall be members
3156 of the Legislature of Florida, one from the Senate and one from
3157 the House of Representatives, ~~designated by the Florida~~
3158 ~~Commission on Interstate Cooperation,~~ and the terms of any such
3159 members shall terminate at the time they cease to hold
3160 legislative office, and their successors as members shall be
3161 named in like manner. The Governor shall appoint the other two

585-02381-10

20101412c1

3162 members from Florida, one of whom shall be associated with
3163 forestry or forest products industries. The terms of such
3164 members shall be 3 years and such members shall hold office
3165 until their respective successors shall be appointed and
3166 qualified. Vacancies occurring in the office of such members
3167 from any reason or cause shall be filled by appointment by the
3168 Governor for the unexpired term. The director of the division as
3169 compact administrator for Florida may delegate, from time to
3170 time, to any deputy or other subordinate in his or her
3171 department or office, the power to be present and participate,
3172 including voting as his or her representative or substitute at
3173 any meeting of or hearing by or other proceeding of the compact
3174 administrators or of the advisory committee. The terms of each
3175 of the initial four memberships, whether appointed at said time
3176 or not, shall begin upon the date upon which the compact shall
3177 become effective in accordance with art. II of said compact. Any
3178 member of the advisory committee may be removed from office by
3179 the Governor upon charges and after a hearing.

3180 Section 158. Section 603.204, Florida Statutes, is amended
3181 to read:

3182 603.204 South Florida Tropical Fruit Plan.-

3183 ~~(1)~~ The Commissioner of Agriculture, in consultation with
3184 the Tropical Fruit Advisory Council, shall develop and update,
3185 ~~at least 90 days prior to the 1991 legislative session, submit~~
3186 ~~to the President of the Senate, the Speaker of the House of~~
3187 ~~Representatives, and the chairs of appropriate Senate and House~~
3188 ~~of Representatives committees,~~ a South Florida Tropical Fruit
3189 Plan, which shall identify problems and constraints of the
3190 tropical fruit industry, propose possible solutions to such

585-02381-10

20101412c1

3191 problems, and develop planning mechanisms for orderly growth of
3192 the industry, including:

3193 (1)~~(a)~~ Criteria for tropical fruit research, service, and
3194 management priorities.

3195 (2)~~(b)~~ ~~Additional~~ Proposed legislation that ~~which~~ may be
3196 required.

3197 (3)~~(c)~~ Plans relating to other tropical fruit programs and
3198 related disciplines in the State University System.

3199 (4)~~(d)~~ Potential tropical fruit products in terms of market
3200 and needs for development.

3201 (5)~~(e)~~ Evaluation of production and fresh fruit policy
3202 alternatives, including, but not limited to, setting minimum
3203 grades and standards, promotion and advertising, development of
3204 production and marketing strategies, and setting minimum
3205 standards on types and quality of nursery plants.

3206 (6)~~(f)~~ Evaluation of policy alternatives for processed
3207 tropical fruit products, including, but not limited to, setting
3208 minimum quality standards and development of production and
3209 marketing strategies.

3210 (7)~~(g)~~ Research and service priorities for further
3211 development of the tropical fruit industry.

3212 (8)~~(h)~~ Identification of state agencies and public and
3213 private institutions concerned with research, education,
3214 extension, services, planning, promotion, and marketing
3215 functions related to tropical fruit development, and delineation
3216 of contributions and responsibilities. The recommendations in
3217 the ~~South Florida Tropical Fruit~~ plan relating to education or
3218 research shall be submitted to the Institute of Food and
3219 Agricultural Sciences. ~~The recommendations relating to~~

585-02381-10

20101412c1

3220 ~~regulation or marketing shall be submitted to the Department of~~
3221 ~~Agriculture and Consumer Services.~~

3222 (9)(i) Business planning, investment potential, financial
3223 risks, and economics of production and use utilization.

3224 ~~(2) A revision and update of the South Florida Tropical~~
3225 ~~Fruit Plan shall be submitted biennially, and a progress report~~
3226 ~~and budget request shall be submitted annually, to the officials~~
3227 ~~specified in subsection (1).~~

3228 Section 159. Subsection (6) of section 627.64872, Florida
3229 Statutes, is amended to read:

3230 627.64872 Florida Health Insurance Plan.—

3231 (6) ~~INTERIM REPORT;~~ ANNUAL REPORT.—

3232 ~~(a) By no later than December 1, 2004, the board shall~~
3233 ~~report to the Governor, the President of the Senate, and the~~
3234 ~~Speaker of the House of Representatives the results of an~~
3235 ~~actuarial study conducted by the board to determine, including,~~
3236 ~~but not limited to:~~

3237 1. ~~The impact the creation of the plan will have on the~~
3238 ~~small group insurance market and the individual market on~~
3239 ~~premiums paid by insureds. This shall include an estimate of the~~
3240 ~~total anticipated aggregate savings for all small employers in~~
3241 ~~the state.~~

3242 2. ~~The number of individuals the pool could reasonably~~
3243 ~~cover at various funding levels, specifically, the number of~~
3244 ~~people the pool may cover at each of those funding levels.~~

3245 3. ~~A recommendation as to the best source of funding for~~
3246 ~~the anticipated deficits of the pool.~~

3247 4. ~~The effect on the individual and small group market by~~
3248 ~~including in the Florida Health Insurance Plan persons eligible~~

585-02381-10

20101412c1

3249 ~~for coverage under s. 627.6487, as well as the cost of including~~
3250 ~~these individuals.~~

3251
3252 ~~The board shall take no action to implement the Florida Health~~
3253 ~~Insurance Plan, other than the completion of the actuarial study~~
3254 ~~authorized in this paragraph, until funds are appropriated for~~
3255 ~~startup cost and any projected deficits.~~

3256 ~~(b) No later than December 1, 2005, and annually~~
3257 ~~thereafter,~~ The board shall annually submit to the Governor, the
3258 President of the Senate, and the Speaker of the House of
3259 Representatives, ~~and the substantive legislative committees of~~
3260 ~~the Legislature~~ a report that ~~which~~ includes an independent
3261 actuarial study to determine, without limitation, the following
3262 ~~including, but not be limited to:~~

3263 (a)1. The effect ~~impact~~ the creation of the plan has on the
3264 small group and individual insurance market, specifically on the
3265 premiums paid by insureds, including. ~~This shall include an~~
3266 estimate of the total anticipated aggregate savings for all
3267 small employers in the state.

3268 (b)2. The actual number of individuals covered at the
3269 current funding and benefit level, the projected number of
3270 individuals that may seek coverage in the forthcoming fiscal
3271 year, and the projected funding needed to cover anticipated
3272 increase or decrease in plan participation.

3273 (c)3. A recommendation as to the best source of funding for
3274 the anticipated deficits of the pool.

3275 (d)4. A summary ~~summarization~~ of the activities of the plan
3276 in the preceding calendar year, including the net written and
3277 earned premiums, plan enrollment, the expense of administration,

585-02381-10

20101412c1

3278 and the paid and incurred losses.

3279 (e)~~5~~. A review of the operation of the plan as to whether
3280 the plan has met the intent of this section.

3281
3282 The board may not implement the Florida Health Insurance Plan
3283 until funds are appropriated for startup costs and any projected
3284 deficits; however, the board may complete the actuarial study
3285 authorized in this subsection.

3286 Section 160. Subsections (5) and (7) of section 744.708,
3287 Florida Statutes, are amended to read:

3288 744.708 Reports and standards.—

3289 (5) (a) Each office of public guardian shall undergo an
3290 independent audit by a qualified certified public accountant at
3291 least once every 2 years. A copy of the audit report shall be
3292 submitted to the Statewide Public Guardianship Office.

3293 (b) In addition to regular monitoring activities, the
3294 Statewide Public Guardianship Office shall conduct an
3295 investigation into the practices of each office of public
3296 guardian related to the managing of each ward's personal affairs
3297 and property. ~~If~~ When feasible, the investigation ~~required under~~
3298 ~~this paragraph~~ shall be conducted in conjunction with the
3299 financial audit of each office of public guardian under
3300 paragraph (a).

3301 ~~(c) In addition, each office of public guardian shall be~~
3302 ~~subject to audits or examinations by the Auditor General and the~~
3303 ~~Office of Program Policy Analysis and Government Accountability~~
3304 ~~pursuant to law.~~

3305 (7) The ratio for professional staff to wards shall be 1
3306 professional to 40 wards. The Statewide Public Guardianship

585-02381-10

20101412c1

3307 Office may increase or decrease the ratio after consultation
3308 with the local public guardian and the chief judge of the
3309 circuit court. The basis for ~~of~~ the decision to increase or
3310 decrease the prescribed ratio must ~~shall~~ be included ~~reported~~ in
3311 the annual report to the secretary ~~of Elderly Affairs, the~~
3312 ~~Governor, the President of the Senate, the Speaker of the House~~
3313 ~~of Representatives, and the Chief Justice of the Supreme Court.~~

3314 Section 161. Subsection (6) of section 768.295, Florida
3315 Statutes, is amended to read:

3316 768.295 Strategic Lawsuits Against Public Participation
3317 (SLAPP) suits by governmental entities prohibited.—

3318 (6) In any case filed by a governmental entity which is
3319 found by a court to be in violation of this section, the
3320 governmental entity shall report such finding and provide a copy
3321 of the court's order to the Attorney General no later than 30
3322 days after the ~~such~~ order is final. The Attorney General shall
3323 maintain a record of the court orders ~~report any violation of~~
3324 ~~this section by a governmental entity to the Cabinet, the~~
3325 ~~President of the Senate, and the Speaker of the House of~~
3326 ~~Representatives. A copy of such report shall be provided to the~~
3327 ~~affected governmental entity.~~

3328 Section 162. Subsection (8) of section 790.22, Florida
3329 Statutes, is amended to read:

3330 790.22 Use of BB guns, air or gas-operated guns, or
3331 electric weapons or devices by minor under 16; limitation;
3332 possession of firearms by minor under 18 prohibited; penalties.—

3333 (8) Notwithstanding s. 985.24 or s. 985.25(1), if a minor
3334 ~~under 18 years of age~~ is charged with an offense that involves
3335 the use or possession of a firearm, ~~as defined in s. 790.001,~~

585-02381-10

20101412c1

3336 including a violation of subsection (3), or is charged for any
3337 offense during the commission of which the minor possessed a
3338 firearm, the minor shall be detained in secure detention, unless
3339 the state attorney authorizes the release of the minor, and
3340 shall be given a hearing within 24 hours after being taken into
3341 custody. At the hearing, the court may order that the minor
3342 continue to be held in secure detention in accordance with the
3343 applicable time periods specified in s. 985.26(1)-(5), if the
3344 court finds that the minor meets the criteria specified in s.
3345 985.255, or if the court finds by clear and convincing evidence
3346 that the minor is a clear and present danger to himself or
3347 herself or the community. The Department of Juvenile Justice
3348 shall prepare a form for all minors charged under this
3349 subsection which ~~that~~ states the period of detention and the
3350 relevant demographic information, including, but not limited to,
3351 the gender ~~sex~~, age, and race of the minor; whether or not the
3352 minor was represented by private counsel or a public defender;
3353 the current offense; and the minor's complete prior record,
3354 including any pending cases. The form shall be provided to the
3355 judge for ~~to be considered when~~ determining whether the minor
3356 should be continued in secure detention under this subsection.
3357 An order placing a minor in secure detention because the minor
3358 is a clear and present danger to himself or herself or the
3359 community must be in writing, must specify the need for
3360 detention and the benefits derived by the minor or the community
3361 by placing the minor in secure detention, and must include a
3362 copy of the form provided by the department. ~~The Department of~~
3363 ~~Juvenile Justice must send the form, including a copy of any~~
3364 ~~order, without client-identifying information, to the Office of~~

585-02381-10

20101412c1

3365 ~~Economic and Demographic Research.~~

3366 Section 163. Section 943.125, Florida Statutes, is amended
3367 to read:

3368 943.125 Law enforcement agency accreditation; intent.—

3369 ~~(1) LEGISLATIVE INTENT.—~~

3370 (1)(a) It is the intent of the Legislature that law
3371 enforcement agencies in the state be upgraded and strengthened
3372 through the adoption of meaningful standards of operation for
3373 those agencies.

3374 (2)(b) It is the further intent of the Legislature that law
3375 enforcement agencies voluntarily adopt standards designed to
3376 promote equal and fair law enforcement, to maximize the
3377 capability of law enforcement agencies to prevent and control
3378 criminal activities, and to increase interagency cooperation
3379 throughout the state.

3380 (3)(e) It is further the intent of the Legislature to
3381 encourage the Florida Sheriffs Association and the Florida
3382 Police Chiefs Association to develop, either jointly or
3383 separately, a law enforcement agency accreditation program. The
3384 ~~Such~~ program must ~~shall~~ be independent of any law enforcement
3385 agency, the Florida Sheriffs Association, or the Florida Police
3386 Chiefs Association. The ~~Any such law enforcement agency~~
3387 ~~accreditation~~ program must ~~should~~ address, at a minimum, the
3388 following aspects of law enforcement:

3389 (a)1. Vehicle pursuits.

3390 (b)2. Seizure and forfeiture of contraband articles.

3391 (c)3. Recording and processing citizens' complaints.

3392 (d)4. Use of force.

3393 (e)5. Traffic stops.

585-02381-10

20101412c1

3394 (f)~~6.~~ Handling natural and manmade disasters.
 3395 (g)~~7.~~ Special operations.
 3396 (h)~~8.~~ Prisoner transfer.
 3397 (i)~~9.~~ Collection and preservation of evidence.
 3398 (j)~~10.~~ Recruitment and selection.
 3399 (k)~~11.~~ Officer training.
 3400 (l)~~12.~~ Performance evaluations.
 3401 (m)~~13.~~ Law enforcement disciplinary procedures and rights.
 3402 (n)~~14.~~ Use of criminal investigative funds.
 3403 ~~(2) FEASIBILITY AND STATUS REPORT. The Florida Sheriffs~~
 3404 ~~Association and the Florida Police Chiefs Association, either~~
 3405 ~~jointly or separately, shall report to the Speaker of the House~~
 3406 ~~of Representatives and the President of the Senate regarding the~~
 3407 ~~feasibility of a law enforcement agency accreditation program~~
 3408 ~~and the status of the efforts of the Florida Sheriffs~~
 3409 ~~Association and the Florida Police Chiefs Association to develop~~
 3410 ~~a law enforcement agency accreditation program as provided in~~
 3411 ~~this section.~~
 3412 Section 164. Subsection (9) of section 943.68, Florida
 3413 Statutes, is amended to read:
 3414 943.68 Transportation and protective services.—
 3415 (9) The department shall submit a report each July 15 to
 3416 ~~the President of the Senate, Speaker of the House of~~
 3417 ~~Representatives, Governor, the Legislature, and members of the~~
 3418 ~~Cabinet, detailing all transportation and protective services~~
 3419 ~~provided under subsections (1), (5), and (6) within the~~
 3420 ~~preceding fiscal year. Each report shall include a detailed~~
 3421 ~~accounting of the cost of such transportation and protective~~
 3422 ~~services, including the names of persons provided such services~~

585-02381-10

20101412c1

3423 and the nature of state business performed.

3424 Section 165. Paragraph (f) of subsection (3) of section
3425 944.801, Florida Statutes, is amended to read:

3426 944.801 Education for state prisoners.—

3427 (3) The responsibilities of the Correctional Education
3428 Program shall be to:

3429 (f) Report annual activities to the Secretary of
3430 Corrections, ~~the Commissioner of Education, the Governor, and~~
3431 ~~the Legislature.~~

3432 Section 166. Subsection (10) of section 945.35, Florida
3433 Statutes, is repealed.

3434 Section 167. Subsection (9) of section 958.045, Florida
3435 Statutes, is repealed.

3436 Section 168. Paragraph (c) of subsection (1) of section
3437 960.045, Florida Statutes, is amended to read:

3438 960.045 Department of Legal Affairs; powers and duties.—It
3439 shall be the duty of the department to assist persons who are
3440 victims of crime.

3441 (1) The department shall:

3442 (c) Prepare an annual Render, prior to January 1 of each
3443 year, to the presiding officers of the Senate and House of
3444 Representatives a written report of the activities of the Crime
3445 Victims' Services Office, which shall be available on the
3446 department's Internet website.

3447 Section 169. Paragraph (c) of subsection (8) of section
3448 985.02, Florida Statutes, is repealed.

3449 Section 170. Subsections (3), (4), and (5) of section
3450 985.047, Florida Statutes, are amended to read:

3451 985.047 Information systems.—

585-02381-10

20101412c1

3452 ~~(3) In order to assist in the integration of the~~
3453 ~~information to be shared, the sharing of information obtained,~~
3454 ~~the joint planning on diversion and early intervention~~
3455 ~~strategies for juveniles at risk of becoming serious habitual~~
3456 ~~juvenile offenders, and the intervention strategies for serious~~
3457 ~~habitual juvenile offenders, a multiagency task force should be~~
3458 ~~organized and utilized by the law enforcement agency or county~~
3459 ~~in conjunction with the initiation of the information system~~
3460 ~~described in subsections (1) and (2). The multiagency task force~~
3461 ~~shall be composed of representatives of those agencies and~~
3462 ~~persons providing information for the central identification~~
3463 ~~file and the multiagency information sheet.~~

3464 ~~(4) This multiagency task force shall develop a plan for~~
3465 ~~the information system that includes measures which identify and~~
3466 ~~address any disproportionate representation of ethnic or racial~~
3467 ~~minorities in the information systems and shall develop~~
3468 ~~strategies that address the protection of individual~~
3469 ~~constitutional rights.~~

3470 ~~(3)(5)~~ A Any law enforcement agency, or county that ~~which~~
3471 implements a juvenile offender information system ~~and the~~
3472 ~~multiagency task force which maintain the information system~~
3473 must annually provide ~~any~~ information gathered during the
3474 previous year to the delinquency and gang prevention council of
3475 the judicial circuit in which the county is located. This
3476 information must ~~shall~~ include the number, types, and patterns
3477 of delinquency tracked by the juvenile offender information
3478 system.

3479 Section 171. Paragraph (a) of subsection (8) of section
3480 985.47, Florida Statutes, is amended to read:

585-02381-10

20101412c1

3481 985.47 Serious or habitual juvenile offender.—

3482 (8) ASSESSMENT AND TREATMENT SERVICES.—Pursuant to this
3483 chapter and the establishment of appropriate program guidelines
3484 and standards, contractual instruments, which shall include
3485 safeguards of all constitutional rights, shall be developed as
3486 follows:

3487 (a) The department shall provide for:

3488 1. ~~The~~ Oversight of the implementation of assessment and
3489 treatment approaches.

3490 2. ~~The~~ Identification and prequalification of appropriate
3491 individuals or not-for-profit organizations, including minority
3492 individuals or organizations when possible, to provide
3493 assessment and treatment services to serious or habitual
3494 delinquent children.

3495 3. ~~The~~ Monitoring and evaluation of assessment and
3496 treatment services for compliance with this chapter and all
3497 applicable rules and guidelines pursuant thereto.

3498 ~~4. The development of an annual report on the performance~~
3499 ~~of assessment and treatment to be presented to the Governor, the~~
3500 ~~Attorney General, the President of the Senate, the Speaker of~~
3501 ~~the House of Representatives, and the Auditor General no later~~
3502 ~~than January 1 of each year.~~

3503 Section 172. Paragraph (a) of subsection (8) of section
3504 985.483, Florida Statutes, is amended to read:

3505 985.483 Intensive residential treatment program for
3506 offenders less than 13 years of age.—

3507 (8) ASSESSMENT AND TREATMENT SERVICES.—Pursuant to this
3508 chapter and the establishment of appropriate program guidelines
3509 and standards, contractual instruments, which shall include

585-02381-10

20101412c1

3510 safeguards of all constitutional rights, shall be developed for
3511 intensive residential treatment programs for offenders less than
3512 13 years of age as follows:

3513 (a) The department shall provide for:

3514 1. ~~The~~ Oversight of the implementation of assessment and
3515 treatment approaches.

3516 2. ~~The~~ Identification and prequalification of appropriate
3517 individuals or not-for-profit organizations, including minority
3518 individuals or organizations when possible, to provide
3519 assessment and treatment services to intensive offenders less
3520 than 13 years of age.

3521 3. ~~The~~ Monitoring and evaluation of assessment and
3522 treatment services for compliance with this chapter and all
3523 applicable rules and guidelines pursuant thereto.

3524 ~~4. The development of an annual report on the performance~~
3525 ~~of assessment and treatment to be presented to the Governor, the~~
3526 ~~Attorney General, the President of the Senate, the Speaker of~~
3527 ~~the House of Representatives, the Auditor General, and the~~
3528 ~~Office of Program Policy Analysis and Government Accountability~~
3529 ~~no later than January 1 of each year.~~

3530 Section 173. Subsection (5) of section 985.61, Florida
3531 Statutes, is repealed.

3532 Section 174. Subsection (1) of section 985.622, Florida
3533 Statutes, is amended to read:

3534 985.622 Multiagency plan for vocational education.—

3535 (1) The Department of Juvenile Justice and the Department
3536 of Education shall, in consultation with the statewide Workforce
3537 Development Youth Council, school districts, providers, and
3538 others, jointly develop a multiagency plan for vocational

585-02381-10

20101412c1

3539 education that establishes the curriculum, goals, and outcome
3540 measures for vocational programs in juvenile commitment
3541 facilities. The plan must include:

3542 (a) Provisions for maximizing appropriate state and federal
3543 funding sources, including funds under the Workforce Investment
3544 Act and the Perkins Act;

3545 (b) The responsibilities of both departments and all other
3546 appropriate entities; and

3547 (c) A detailed implementation schedule.

3548

3549 ~~The plan must be submitted to the Governor, the President of the~~
3550 ~~Senate, and the Speaker of the House of Representatives by May~~
3551 ~~1, 2001.~~

3552 Section 175. Subsection (7) of section 985.632, Florida
3553 Statutes, is repealed.

3554 Section 176. Subsection (19) of section 1002.34, Florida
3555 Statutes, is repealed.

3556 Section 177. Subsection (4) of section 1003.61, Florida
3557 Statutes, is repealed.

3558 Section 178. Subsections (5) through (13) of section
3559 1004.22, Florida Statutes, are amended to read:

3560 1004.22 Divisions of sponsored research at state
3561 universities.—

3562 (5) Moneys deposited in the permanent sponsored research
3563 development fund of a university shall be disbursed in
3564 accordance with the terms of the contract, grant, or donation
3565 under which they are received. Moneys received for overhead or
3566 indirect costs and other moneys not required for the payment of
3567 direct costs shall be applied to the cost of operating the

585-02381-10

20101412c1

3568 division of sponsored research. Any surplus moneys shall be used
3569 to support other research or sponsored training programs in any
3570 area of the university. Transportation and per diem expense
3571 allowances are ~~shall be~~ the same as those provided ~~by law~~ in s.
3572 112.061, except that personnel performing travel under a
3573 sponsored research subcontract may be reimbursed for travel
3574 expenses in accordance with ~~the provisions of~~ the applicable
3575 prime contract or grant and the travel allowances established by
3576 the subcontractor, subject to the requirements of subsection (6)
3577 ~~(7)~~, or except as provided in subsection (10) ~~(11)~~.

3578 ~~(6) (a) Each university shall submit to the Board of~~
3579 ~~Governors a report of the activities of each division of~~
3580 ~~sponsored research together with an estimated budget for the~~
3581 ~~next fiscal year.~~

3582 ~~(b) Not less than 90 days prior to the convening of each~~
3583 ~~regular session of the Legislature in which an appropriation~~
3584 ~~shall be made, the Board of Governors shall submit to the chair~~
3585 ~~of the appropriations committee of each house of the Legislature~~
3586 ~~a compiled report, together with a compiled estimated budget for~~
3587 ~~the next fiscal year. A copy of such report and estimated budget~~
3588 ~~shall be furnished to the Governor, as the chief budget officer~~
3589 ~~of the state.~~

3590 (6) ~~(7)~~ All purchases of a division of sponsored research
3591 shall be made in accordance with the policies and procedures of
3592 the university pursuant to guidelines of the Board of Governors;
3593 however, upon certification addressed to the university
3594 president that it is necessary for the efficient or expeditious
3595 prosecution of a research project, the president may exempt the
3596 purchase of material, supplies, equipment, or services for

585-02381-10

20101412c1

3597 research purposes from the general purchasing requirement of
3598 state law ~~the Florida Statutes~~.

3599 ~~(7)(8)~~ The university may authorize the construction,
3600 alteration, or remodeling of buildings if ~~when~~ the funds used
3601 are derived entirely from the sponsored research development
3602 fund of a university or from that fund in combination with other
3603 nonstate sources and if, ~~provided that~~ such construction,
3604 alteration, or remodeling is for use exclusively in the area of
3605 research. The university may, ~~it~~ also ~~may~~ authorize the
3606 acquisition of real property if ~~when~~ the cost is entirely from
3607 the said funds. Title to all real property purchased before
3608 ~~prior to~~ January 7, 2003, or with funds appropriated by the
3609 Legislature shall vest in the Board of Trustees of the Internal
3610 Improvement Trust Fund and may ~~shall only~~ be transferred or
3611 conveyed only by it.

3612 ~~(8)(9)~~ The sponsored research programs of the Institute of
3613 Food and Agricultural Sciences, the University of Florida Health
3614 Science Center, and the engineering and industrial experiment
3615 station shall continue to be centered at the University of
3616 Florida as ~~heretofore~~ provided by law. Indirect cost
3617 reimbursements of all grants deposited in the Division of
3618 Sponsored Research shall be distributed directly to the above
3619 units in direct proportion to the amounts earned by each unit.

3620 ~~(9)(10)~~ The operation of the divisions of sponsored
3621 research and the conduct of the sponsored research program are
3622 exempt ~~expressly exempted~~ from the ~~provisions of any law other~~
3623 ~~laws or portions of laws~~ in conflict with this subsection
3624 ~~herewith~~ and are, subject to the requirements of subsection (6)
3625 ~~(7)~~, exempt ~~exempted~~ from the provisions of chapters 215, 216,

585-02381-10

20101412c1

3626 and 283.

3627 (10)~~(11)~~ The divisions of sponsored research may pay, by
3628 advancement or reimbursement, or a combination thereof, the
3629 costs of per diem of university employees and of other
3630 authorized persons, as defined in s. 112.061(2)(e), for foreign
3631 travel up to the current rates as stated in the grant and
3632 contract ~~terms~~ and may also pay incidental expenses as
3633 authorized by s. 112.061(8). This subsection applies to any
3634 university employee traveling in foreign countries for sponsored
3635 programs of the university, if such travel expenses are approved
3636 in ~~the terms of~~ the contract or grant. The provisions of s.
3637 112.061, other than those relating to per diem, apply to the
3638 travel described in this subsection. As used in this subsection,
3639 the term "foreign travel" means any travel outside the United
3640 States and its territories and possessions and Canada. Persons
3641 traveling in foreign countries pursuant to this section are
3642 ~~shall not be~~ entitled to reimbursements or advancements pursuant
3643 to s. 112.061(6)(a)2. for such travel.

3644 (11)~~(12)~~ Each division of sponsored research may ~~is~~
3645 ~~authorized to~~ advance funds to any principal investigator who,
3646 under the contract or grant ~~terms~~, will be performing a portion
3647 of his or her research at a site that is remote from the
3648 university. Funds may ~~shall~~ be advanced only to employees who
3649 have executed a proper power of attorney with the university to
3650 ensure the proper collection of the ~~such~~ advanced funds if it
3651 becomes necessary. As used in this subsection, the term "remote"
3652 means so far removed from the university as to render normal
3653 purchasing and payroll functions ineffective.

3654 (12)~~(13)~~ Each university board of trustees may ~~is~~

585-02381-10

20101412c1

3655 ~~authorized to~~ adopt rules, as necessary, to administer this
3656 section.

3657 Section 179. Subsection (6) of section 1004.50, Florida
3658 Statutes, is repealed.

3659 Section 180. Subsections (2) and (4) of section 1004.94,
3660 Florida Statutes, are repealed.

3661 Section 181. Subsection (4) of section 1004.95, Florida
3662 Statutes, is amended to read:

3663 1004.95 Adult literacy centers.—

3664 (4) The State Board of Education shall develop rules for
3665 implementing this section, ~~including criteria for evaluating the~~
3666 ~~performance of the centers, and shall submit an evaluation~~
3667 ~~report of the centers to the Legislature on or before February 1~~
3668 ~~of each year.~~

3669 Section 182. Section 1006.0605, Florida Statutes, is
3670 repealed.

3671 Section 183. Section 1006.67, Florida Statutes, is
3672 repealed.

3673 Section 184. Subsection (8) of section 1009.70, Florida
3674 Statutes, is amended to read:

3675 1009.70 Florida Education Fund.—

3676 (8) There is created a legal education component of the
3677 Florida Education Fund to provide the opportunity for minorities
3678 to attain representation within the legal profession
3679 proportionate to their representation within the general
3680 population. The legal education component of the Florida
3681 Education Fund includes a law school program and a pre-law
3682 program.

3683 (a) The law school scholarship program of the Florida

585-02381-10

20101412c1

3684 Education Fund is to be administered by the Board of Directors
3685 of the Florida Education Fund for the purpose of increasing ~~by~~
3686 ~~200~~ the number of minority students enrolled in law schools in
3687 this state by 200. Implementation of this program is to be
3688 phased in over a 3-year period.

3689 1. The board of directors shall provide financial,
3690 academic, and other support to students selected for
3691 participation in this program from funds appropriated by the
3692 Legislature.

3693 2. Student selection must be made in accordance with rules
3694 adopted by the board of directors for that purpose and must be
3695 based, at least in part, on an assessment of potential for
3696 success, merit, and financial need.

3697 3. Support must be made available to students who enroll in
3698 private, as well as public, law schools in this state which are
3699 accredited by the American Bar Association.

3700 4. Scholarships must be paid directly to the participating
3701 students.

3702 5. Students who participate in this program must agree in
3703 writing to sit for The Florida Bar examination and, upon
3704 successful admission to The Florida Bar, to ~~either~~ practice law
3705 in the state for a period ~~of time~~ equal to the amount of time
3706 for which the student received aid, up to 3 years, or repay the
3707 amount of aid received.

3708 ~~6. Annually, the board of directors shall compile a report~~
3709 ~~that includes a description of the selection process, an~~
3710 ~~analysis of the academic progress of all scholarship recipients,~~
3711 ~~and an analysis of expenditures. This report must be submitted~~
3712 ~~to the President of the Senate, the Speaker of the House of~~

585-02381-10

20101412c1

3713 ~~Representatives, and the Governor.~~

3714 (b) The minority pre-law scholarship loan program of the
3715 Florida Education Fund is to be administered by the Board of
3716 Directors of the Florida Education Fund for the purpose of
3717 increasing the opportunity of minority students to prepare for
3718 law school.

3719 1. From funds appropriated by the Legislature, the board of
3720 directors shall provide for student fees, room, board, books,
3721 supplies, and academic and other support to selected minority
3722 undergraduate students matriculating at eligible public and
3723 independent colleges and universities in Florida.

3724 2. Student selection must be made in accordance with rules
3725 adopted by the board of directors for that purpose and must be
3726 based, at least in part, on an assessment of potential for
3727 success, merit, and financial need.

3728 3. To be eligible, a student must make a written agreement
3729 to enter or be accepted to enter a law school in this state
3730 within 2 years after graduation or repay the scholarship loan
3731 amount plus interest at the prevailing rate.

3732 4. Recipients who fail to gain admission to a law school
3733 within the specified period ~~of time~~, may, upon admission to law
3734 school, be eligible to have their loans canceled.

3735 5. Minority pre-law scholarship loans shall be provided to
3736 34 minority students per year for up to 4 years each, for a
3737 total of 136 scholarship loans. To continue receiving ~~receipt~~ of
3738 scholarship loans, recipients must maintain a 2.75 grade point
3739 average for the freshman year and a 3.25 grade point average
3740 thereafter. Participants must also take specialized courses to
3741 enhance competencies in English and logic.

585-02381-10

20101412c1

3742 6. The board of directors shall maintain records on all
3743 scholarship loan recipients. Participating institutions shall
3744 submit academic progress reports to the board of directors
3745 following each academic term. ~~Annually, the board of directors~~
3746 ~~shall compile a report that includes a description of the~~
3747 ~~selection process, an analysis of the academic progress of all~~
3748 ~~scholarship loan recipients, and an analysis of expenditures.~~
3749 ~~This report must be submitted to the President of the Senate,~~
3750 ~~the Speaker of the House of Representatives, and the Governor.~~

3751 Section 185. Subsection (8) of section 1011.32, Florida
3752 Statutes, is amended to read:

3753 1011.32 Community College Facility Enhancement Challenge
3754 Grant Program.—

3755 (8) By September 1 of each year, the State Board of
3756 Education shall transmit to the Governor and the Legislature a
3757 list of projects that ~~which~~ meet all eligibility requirements to
3758 participate in the Community College Facility Enhancement
3759 Challenge Grant Program and a budget request that ~~which~~ includes
3760 the recommended schedule necessary to complete each project.

3761 Section 186. Paragraph (s) of subsection (1) of section
3762 1011.62, Florida Statutes, is amended to read:

3763 1011.62 Funds for operation of schools.—If the annual
3764 allocation from the Florida Education Finance Program to each
3765 district for operation of schools is not determined in the
3766 annual appropriations act or the substantive bill implementing
3767 the annual appropriations act, it shall be determined as
3768 follows:

3769 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
3770 OPERATION.—The following procedure shall be followed in

585-02381-10

20101412c1

3771 determining the annual allocation to each district for
3772 operation:

3773 (s) *Extended-school-year program.*—It is the intent of the
3774 Legislature that students be provided additional instruction by
3775 extending the school year to 210 days or more. Districts may
3776 apply to the Commissioner of Education for funds to be used in
3777 planning and implementing an extended-school-year program. ~~The~~
3778 ~~Department of Education shall recommend to the Legislature the~~
3779 ~~policies necessary for full implementation of an extended school~~
3780 ~~year.~~

3781 Section 187. Paragraph (1) of subsection (2) of section
3782 1012.05, Florida Statutes, is repealed.

3783 Section 188. Subsection (1) of section 1012.42, Florida
3784 Statutes, is amended to read:

3785 1012.42 Teacher teaching out-of-field.—

3786 (1) ASSISTANCE.—Each district school board shall adopt and
3787 implement a plan to assist any teacher teaching out-of-field,
3788 and priority consideration in professional development
3789 activities shall be given to a teacher ~~teachers~~ who is ~~are~~
3790 teaching out-of-field. The district school board shall require
3791 that the teacher ~~such teachers~~ participate in a certification or
3792 staff development program designed to provide the teacher with
3793 the competencies required for the assigned duties. The board-
3794 approved assistance plan must include duties of administrative
3795 personnel and other instructional personnel to provide students
3796 with instructional services. ~~Each district school board shall~~
3797 ~~contact its regional workforce board, created pursuant to s.~~
3798 ~~445.007, to identify resources that may assist teachers who are~~
3799 ~~teaching out of field and who are pursuing certification.~~

585-02381-10

20101412c1

3800 Section 189. Section 1013.11, Florida Statutes, is amended
3801 to read:

3802 1013.11 Postsecondary institutions assessment of physical
3803 plant safety.—The president of each postsecondary institution
3804 shall conduct or cause to be conducted an annual assessment of
3805 physical plant safety. An annual report shall incorporate the
3806 assessment findings ~~obtained through such assessment~~ and
3807 recommendations for the improvement of safety on each campus.
3808 The annual report shall be submitted to the respective governing
3809 or licensing board of jurisdiction no later than January 1 of
3810 each year. Each board shall compile the individual institutional
3811 reports and convey the aggregate institutional reports to the
3812 Commissioner of Education or the Chancellor of the State
3813 University System, as appropriate. ~~The Commissioner of Education~~
3814 ~~and the Chancellor of the State University System shall convey~~
3815 ~~these reports and the reports required in s. 1006.67 to the~~
3816 ~~President of the Senate and the Speaker of the House of~~
3817 ~~Representatives no later than March 1 of each year.~~

3818 Section 190. Subsection (3) of section 161.142, Florida
3819 Statutes, is amended to read:

3820 161.142 Declaration of public policy relating to improved
3821 navigation inlets.—The Legislature recognizes the need for
3822 maintaining navigation inlets to promote commercial and
3823 recreational uses of our coastal waters and their resources. The
3824 Legislature further recognizes that inlets interrupt or alter
3825 the natural drift of beach-quality sand resources, which often
3826 results in these sand resources being deposited in nearshore
3827 areas or in the inlet channel, or in the inland waterway
3828 adjacent to the inlet, instead of providing natural nourishment

585-02381-10

20101412c1

3829 to the adjacent eroding beaches. Accordingly, the Legislature
3830 finds it is in the public interest to replicate the natural
3831 drift of sand which is interrupted or altered by inlets to be
3832 replaced and for each level of government to undertake all
3833 reasonable efforts to maximize inlet sand bypassing to ensure
3834 that beach-quality sand is placed on adjacent eroding beaches.
3835 Such activities cannot make up for the historical sand deficits
3836 caused by inlets but shall be designed to balance the sediment
3837 budget of the inlet and adjacent beaches and extend the life of
3838 proximate beach-restoration projects so that periodic
3839 nourishment is needed less frequently. Therefore, in furtherance
3840 of this declaration of public policy and the Legislature's
3841 intent to redirect and recommit the state's comprehensive beach
3842 management efforts to address the beach erosion caused by
3843 inlets, the department shall ensure that:

3844 (3) Construction waterward of the coastal construction
3845 control line on downdrift coastal areas, on islands
3846 substantially created by the deposit of spoil, located within 1
3847 mile of the centerline of navigation channels or inlets,
3848 providing access to ports listed in s. 403.021(9)(b), which
3849 suffers or has suffered erosion caused by such navigation
3850 channel maintenance or construction shall be exempt from the
3851 permitting requirements and prohibitions of s. 161.053(4)~~(5)~~ or
3852 (5)~~(6)~~; however, such construction shall comply with the
3853 applicable Florida Building Code adopted pursuant to s. 553.73.
3854 The timing and sequence of any construction activities
3855 associated with inlet management projects shall provide
3856 protection to nesting sea turtles and their hatchlings and
3857 habitats, to nesting shorebirds, and to native salt-resistant

585-02381-10

20101412c1

3858 vegetation and endangered plant communities. Beach-quality sand
3859 placed on the beach as part of an inlet management project must
3860 be suitable for marine turtle nesting.

3861 Section 191. Paragraph (a) of subsection (4) of section
3862 163.065, Florida Statutes, is amended to read:

3863 163.065 Miami River Improvement Act.—

3864 (4) PLAN.—The Miami River Commission, working with the City
3865 of Miami and Miami-Dade County, shall consider the merits of the
3866 following:

3867 (a) Development and adoption of an urban infill and
3868 redevelopment plan, under ss. 163.2511-163.2523 ~~ss. 163.2511-~~
3869 ~~163.2526~~, which and participating state and regional agencies
3870 shall review ~~the proposed plan~~ for the purposes of determining
3871 consistency with applicable law.

3872 Section 192. Subsection (1) of section 163.2511, Florida
3873 Statutes, is amended to read:

3874 163.2511 Urban infill and redevelopment.—

3875 (1) Sections 163.2511-163.2523 ~~163.2511-163.2526~~ may be
3876 cited as the "Growth Policy Act."

3877 Section 193. Section 163.2514, Florida Statutes, is amended
3878 to read:

3879 163.2514 Growth Policy Act; definitions.—As used in ss.
3880 163.2511-163.2523, the term ~~ss. 163.2511-163.2526~~:

3881 (1) "Local government" means any county or municipality.

3882 (2) "Urban infill and redevelopment area" means an area or
3883 areas designated by a local government where:

3884 (a) Public services such as water and wastewater,
3885 transportation, schools, and recreation are already available or
3886 are scheduled to be provided in an adopted 5-year schedule of

585-02381-10

20101412c1

3887 capital improvements;

3888 (b) The area, or one or more neighborhoods within the area,
3889 suffers from pervasive poverty, unemployment, and general
3890 distress as defined by s. 290.0058;

3891 (c) The area exhibits a proportion of properties that are
3892 substandard, overcrowded, dilapidated, vacant or abandoned, or
3893 functionally obsolete which is higher than the average for the
3894 local government;

3895 (d) More than 50 percent of the area is within 1/4 mile of
3896 a transit stop, or a sufficient number of ~~such~~ transit stops
3897 will be made available concurrent with the designation; and

3898 (e) The area includes or is adjacent to community
3899 redevelopment areas, brownfields, enterprise zones, or Main
3900 Street programs, or has been designated by the state or Federal
3901 Government as an urban redevelopment, revitalization, or infill
3902 area under empowerment zone, enterprise community, or brownfield
3903 showcase community programs or similar programs.

3904 Section 194. Subsection (2) of section 163.3202, Florida
3905 Statutes, is amended to read:

3906 163.3202 Land development regulations.—

3907 (2) Local land development regulations shall contain
3908 specific and detailed provisions necessary or desirable to
3909 implement the adopted comprehensive plan and shall at ~~as~~ a
3910 minimum:

3911 (a) Regulate the subdivision of land.

3912 (b) Regulate the use of land and water for those land use
3913 categories included in the land use element and ensure the
3914 compatibility of adjacent uses and provide for open space.

3915 (c) Provide for protection of potable water wellfields.

585-02381-10

20101412c1

3916 (d) Regulate areas subject to seasonal and periodic
3917 flooding and provide for drainage and stormwater management.

3918 (e) Ensure the protection of environmentally sensitive
3919 lands designated in the comprehensive plan.

3920 (f) Regulate signage.

3921 (g) Provide that public facilities and services meet or
3922 exceed the standards established in the capital improvements
3923 element required by s. 163.3177 and are available when needed
3924 for the development, or that development orders and permits are
3925 conditioned on the availability of these public facilities and
3926 services necessary to serve the proposed development. ~~Not later~~
3927 ~~than 1 year after its due date established by the state land~~
3928 ~~planning agency's rule for submission of local comprehensive~~
3929 ~~plans pursuant to s. 163.3167(2),~~ A local government may ~~shall~~
3930 not issue a development order or permit that ~~which~~ results in a
3931 reduction in the level of services for the affected public
3932 facilities below the level of services provided in the local
3933 government's comprehensive plan ~~of the local government.~~

3934 (h) Ensure safe and convenient onsite traffic flow,
3935 considering needed vehicle parking.

3936 Section 195. Paragraph (b) of subsection (11) of section
3937 259.041, Florida Statutes, is amended to read:

3938 259.041 Acquisition of state-owned lands for preservation,
3939 conservation, and recreation purposes.—

3940 (11)

3941 (b) All project applications shall identify, within their
3942 acquisition plans, ~~these~~ projects that ~~which~~ require a full fee
3943 simple interest to achieve the public policy goals, together
3944 with the reasons full title is determined to be necessary. The

585-02381-10

20101412c1

3945 state agencies and the water management districts may use
3946 alternatives to fee simple acquisition to bring the remaining
3947 projects in their acquisition plans under public protection. For
3948 the purposes of this subsection, the term "alternatives to fee
3949 simple acquisition" includes, but is not limited to: purchase of
3950 development rights; obtaining conservation easements; obtaining
3951 flowage easements; purchase of timber rights, mineral rights, or
3952 hunting rights; purchase of agricultural interests or
3953 silvicultural interests; entering into land protection
3954 agreements as defined in s. 380.0677(3) ~~s. 380.0677(4)~~; fee
3955 simple acquisitions with reservations; creating life estates; or
3956 any other acquisition technique that ~~which~~ achieves the public
3957 policy goals listed in paragraph (a). It is presumed that a
3958 private landowner retains the full range of uses for all the
3959 rights or interests in the landowner's land which are not
3960 specifically acquired by the public agency. The lands upon which
3961 hunting rights are specifically acquired pursuant to this
3962 paragraph shall be available for hunting in accordance with the
3963 management plan or hunting regulations adopted by the Florida
3964 Fish and Wildlife Conservation Commission, unless the hunting
3965 rights are purchased specifically to protect activities on
3966 adjacent lands.

3967 Section 196. Paragraph (c) of subsection (3) of section
3968 259.101, Florida Statutes, is amended to read:

3969 259.101 Florida Preservation 2000 Act.—

3970 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.—Less the costs
3971 of issuance, the costs of funding reserve accounts, and other
3972 costs with respect to the bonds, the proceeds of bonds issued
3973 pursuant to this act shall be deposited into the Florida

585-02381-10

20101412c1

3974 Preservation 2000 Trust Fund created by s. 375.045. In fiscal
3975 year 2000-2001, for each Florida Preservation 2000 program
3976 described in paragraphs (a)-(g), that portion of each program's
3977 total remaining cash balance which, as of June 30, 2000, is in
3978 excess of that program's total remaining appropriation balances
3979 shall be redistributed by the department and deposited into the
3980 Save Our Everglades Trust Fund for land acquisition. For
3981 purposes of calculating the total remaining cash balances for
3982 this redistribution, the Florida Preservation 2000 Series 2000
3983 bond proceeds, including interest thereon, and the fiscal year
3984 1999-2000 General Appropriations Act amounts shall be deducted
3985 from the remaining cash and appropriation balances,
3986 respectively. The remaining proceeds shall be distributed by the
3987 Department of Environmental Protection in the following manner:

3988 (c) Ten percent to the Department of Community Affairs to
3989 provide land acquisition grants and loans to local governments
3990 through the Florida Communities Trust pursuant to part III of
3991 chapter 380. From funds allocated to the trust, \$3 million
3992 annually shall be used by the Division of State Lands within the
3993 Department of Environmental Protection to implement the Green
3994 Swamp Land Protection Initiative specifically for the purchase
3995 of conservation easements, as defined in s. 380.0677(3) ~~s.~~
3996 ~~380.0677(4)~~, of lands, or severable interests or rights in
3997 lands, in the Green Swamp Area of Critical State Concern. From
3998 funds allocated to the trust, \$3 million annually shall be used
3999 by the Monroe County Comprehensive Plan Land Authority
4000 specifically for the purchase of a ~~any~~ real property interest in
4001 ~~either~~ those lands subject to the Rate of Growth Ordinances
4002 adopted by local governments in Monroe County or those lands

585-02381-10

20101412c1

4003 within the boundary of an approved Conservation and Recreation
4004 Lands project located within the Florida Keys or Key West Areas
4005 of Critical State Concern; however, title to lands acquired
4006 within the boundary of an approved Conservation and Recreation
4007 Lands project may, in accordance with an approved joint
4008 acquisition agreement, vest in the Board of Trustees of the
4009 Internal Improvement Trust Fund. Of the remaining funds
4010 ~~allocated to the trust after the above transfers occur~~, one-half
4011 shall be matched by local governments on a dollar-for-dollar
4012 basis. To the extent allowed by federal requirements for the use
4013 of bond proceeds, the trust shall expend Preservation 2000 funds
4014 to carry out the purposes of part III of chapter 380.

4015
4016 Local governments may use federal grants or loans, private
4017 donations, or environmental mitigation funds, including
4018 environmental mitigation funds required pursuant to s. 338.250,
4019 for any part or all of any local match required for the purposes
4020 described in this subsection. Bond proceeds allocated pursuant
4021 to paragraph (c) may be used to purchase lands on the priority
4022 lists developed pursuant to s. 259.035. Title to lands purchased
4023 pursuant to paragraphs (a), (d), (e), (f), and (g) shall be
4024 vested in the Board of Trustees of the Internal Improvement
4025 Trust Fund. Title to lands purchased pursuant to paragraph (c)
4026 may be vested in the Board of Trustees of the Internal
4027 Improvement Trust Fund. The board of trustees shall hold title
4028 to land protection agreements and conservation easements that
4029 were or will be acquired pursuant to s. 380.0677, and the
4030 Southwest Florida Water Management District and the St. Johns
4031 River Water Management District shall monitor such agreements

585-02381-10

20101412c1

4032 and easements within their respective districts until the state
4033 assumes this responsibility.

4034 Section 197. Subsections (1) and (5) of section 369.305,
4035 Florida Statutes, are amended to read:

4036 369.305 Review of local comprehensive plans, land
4037 development regulations, Wekiva River development permits, and
4038 amendments.—

4039 ~~(1) It is the intent of the Legislature that comprehensive~~
4040 ~~plans and land development regulations of Orange, Lake, and~~
4041 ~~Seminole Counties be revised to protect the Wekiva River~~
4042 ~~Protection Area prior to the due dates established in ss.~~
4043 ~~163.3167(2) and 163.3202 and chapter 9J-12, Florida~~
4044 ~~Administrative Code. It is also the intent of the Legislature~~
4045 ~~that Orange, Lake, and Seminole the Counties emphasize the~~
4046 ~~Wekiva River Protection Area this important state resource in~~
4047 ~~their planning and regulation efforts. Therefore, each county's~~
4048 ~~county shall, by April 1, 1989, review and amend those portions~~
4049 ~~of its local comprehensive plan and its land development~~
4050 ~~regulations applicable to the Wekiva River Protection Area must,~~
4051 ~~and, if necessary, adopt additional land development regulations~~
4052 ~~which are applicable to the Wekiva River Protection Area to meet~~
4053 ~~the following criteria:~~

4054 (a) Each county's local comprehensive plan must ~~shall~~
4055 contain goals, policies, and objectives that ~~which~~ result in the
4056 protection of the:

- 4057 1. Water quantity, water quality, and hydrology of the
4058 Wekiva River System;
- 4059 2. Wetlands associated with the Wekiva River System;
- 4060 3. Aquatic and wetland-dependent wildlife species

585-02381-10

20101412c1

4061 associated with the Wekiva River System;

4062 4. Habitat within the Wekiva River Protection Area of
4063 species designated pursuant to rules 39-27.003, 39-27.004, and
4064 39-27.005, Florida Administrative Code; and

4065 5. Native vegetation within the Wekiva River Protection
4066 Area.

4067 (b) The various land uses and densities and intensities of
4068 development permitted by the local comprehensive plan shall
4069 protect the resources enumerated in paragraph (a) and the rural
4070 character of the Wekiva River Protection Area. The plan must
4071 ~~shall~~ also include:

4072 1. Provisions that ~~to~~ ensure the preservation of sufficient
4073 habitat for feeding, nesting, roosting, and resting so as to
4074 maintain viable populations of species designated pursuant to
4075 rules 39-27.003, 39-27.004, and 39-27.005, Florida
4076 Administrative Code, within the Wekiva River Protection Area.

4077 2. Restrictions on the clearing of native vegetation within
4078 the 100-year flood plain.

4079 3. Prohibition of development that is not low-density
4080 residential in nature, unless the ~~that~~ development has less
4081 effect ~~impacts~~ on natural resources than low-density residential
4082 development.

4083 4. Provisions for setbacks along the Wekiva River for areas
4084 that do not fall within the protection zones established
4085 pursuant to s. 373.415.

4086 5. Restrictions on intensity of development adjacent to
4087 publicly owned lands to prevent adverse impacts to such lands.

4088 6. Restrictions on filling and alteration of wetlands in
4089 the Wekiva River Protection Area.

585-02381-10

20101412c1

4090 7. Provisions encouraging clustering of residential
4091 development if ~~when~~ it promotes protection of environmentally
4092 sensitive areas, and ensures ~~ensuring~~ that residential
4093 development in the aggregate are ~~shall be of a rural in~~ density
4094 and character.

4095 (c) The local comprehensive plan must ~~shall~~ require that
4096 the density or intensity of development permitted on parcels of
4097 property adjacent to the Wekiva River System be concentrated on
4098 those portions of the parcels which are the farthest from the
4099 surface waters and wetlands of the Wekiva River System.

4100 (d) The local comprehensive plan must ~~shall~~ require that
4101 parcels of land adjacent to the surface waters and watercourses
4102 of the Wekiva River System not be subdivided so as to interfere
4103 with the implementation of protection zones as established
4104 pursuant to s. 373.415, any applicable setbacks from the surface
4105 waters in the Wekiva River System which are established by local
4106 governments, or the policy established in paragraph (c) of
4107 concentrating development in the Wekiva River Protection Area as
4108 far from the surface waters and wetlands of the Wekiva River
4109 System as practicable.

4110 (e) The local land development regulations must ~~shall~~
4111 implement the provisions of paragraphs (a), (b), (c), and (d)
4112 and must ~~shall also~~ include restrictions on the location of
4113 septic tanks and drainfields in the 100-year flood plain and
4114 discharges of stormwater to the Wekiva River System.

4115 ~~(5) During the period of time between the effective date of~~
4116 ~~this act and the due date of a county's revised local government~~
4117 ~~comprehensive plan as established by s. 163.3167(2) and chapter~~
4118 ~~9J-12, Florida Administrative Code, any local comprehensive plan~~

585-02381-10

20101412c1

4119 ~~amendment or amendment to a land development regulation, adopted~~
4120 ~~or issued by a county, which applies to the Wekiva River~~
4121 ~~Protection Area, or any Wekiva River development permit adopted~~
4122 ~~by a county, solely within protection zones established pursuant~~
4123 ~~to s. 373.415, shall be sent to the department within 10 days~~
4124 ~~after its adoption or issuance by the local governing body but~~
4125 ~~shall not become effective until certified by the department as~~
4126 ~~being in compliance with purposes described in subsection (1).~~
4127 ~~The department shall make its decision on certification within~~
4128 ~~60 days after receipt of the amendment or development permit~~
4129 ~~solely within protection zones established pursuant to s.~~
4130 ~~373.415. The department's decision on certification shall be~~
4131 ~~final agency action. This subsection shall not apply to any~~
4132 ~~amendments or new land development regulations adopted pursuant~~
4133 ~~to subsections (1)-(4) or to any development order approving,~~
4134 ~~approving with conditions, or denying a development of regional~~
4135 ~~impact.~~

4136 Section 198. Paragraph (g) of subsection (1) of section
4137 379.2431, Florida Statutes, is amended to read:

4138 379.2431 Marine animals; regulation.—

4139 (1) PROTECTION OF MARINE TURTLES.—

4140 (g) The Department of Environmental Protection may
4141 condition the nature, timing, and sequence of construction of
4142 permitted activities to provide protection to nesting marine
4143 turtles and hatchlings and their habitat pursuant to s.
4144 161.053(4) ~~the provisions of s. 161.053(5)~~. If ~~When~~ the
4145 department is considering a permit for a beach restoration,
4146 beach renourishment, or inlet sand transfer project and the
4147 applicant has had an active marine turtle nest relocation

585-02381-10

20101412c1

4148 program or the applicant has agreed to and has the ability to
4149 administer a program, the department may ~~must~~ not restrict the
4150 timing of the project. If ~~Where~~ appropriate, the department, in
4151 accordance with the applicable rules of the Fish and Wildlife
4152 Conservation Commission, shall require as a condition of the
4153 permit that the applicant relocate and monitor all turtle nests
4154 that would be affected by the beach restoration, beach
4155 renourishment, or sand transfer activities. Such relocation and
4156 monitoring activities shall be conducted in a manner that
4157 ensures successful hatching. This limitation on the department's
4158 authority applies only on the Atlantic coast of Florida.

4159 Section 199. Section 381.732, Florida Statutes, is amended
4160 to read:

4161 381.732 Short title; Healthy Communities, Healthy People
4162 Act.—Sections 381.732-381.734 ~~381.731-381.734~~ may be cited as
4163 the "Healthy Communities, Healthy People Act."

4164 Section 200. Section 381.733, Florida Statutes, is amended
4165 to read:

4166 381.733 Definitions relating to Healthy Communities,
4167 Healthy People Act.—As used in ss. 381.732-381.734 ~~ss. 381.731-~~
4168 ~~381.734~~, the term:

4169 (1) "Department" means the Department of Health.

4170 (2) "Primary prevention" means interventions directed
4171 toward healthy populations with a focus on avoiding disease
4172 before it occurs ~~prior to its occurrence~~.

4173 (3) "Secondary prevention" means interventions designed to
4174 promote the early detection and treatment of diseases and to
4175 reduce the risks experienced by at-risk populations.

4176 (4) "Tertiary prevention" means interventions directed at

585-02381-10

20101412c1

4177 rehabilitating and minimizing the effects of disease in a
4178 chronically ill population.

4179 Section 201. Paragraph (d) of subsection (5) of section
4180 411.01, Florida Statutes, is amended to read:

4181 411.01 School readiness programs; early learning
4182 coalitions.—

4183 (5) CREATION OF EARLY LEARNING COALITIONS.—

4184 (d) *Implementation.*—

4185 1. An early learning coalition may not implement the school
4186 readiness program until ~~the coalition is authorized through~~
4187 ~~approval of~~ the coalition's school readiness plan is approved by
4188 the Agency for Workforce Innovation.

4189 2. Each early learning coalition shall develop a plan for
4190 implementing the school readiness program to meet the
4191 requirements of this section and the performance standards and
4192 outcome measures adopted by the Agency for Workforce Innovation.
4193 The plan must demonstrate how the program will ensure that each
4194 3-year-old and 4-year-old child in a publicly funded school
4195 readiness program receives scheduled activities and instruction
4196 designed to enhance the age-appropriate progress of the children
4197 in attaining the performance standards adopted by the agency ~~for~~
4198 ~~Workforce Innovation~~ under subparagraph (4) (d) 8. Before
4199 implementing the school readiness program, the early learning
4200 coalition must submit the plan to the agency ~~for Workforce~~
4201 ~~Innovation~~ for approval. The agency ~~for Workforce Innovation~~ may
4202 approve the plan, reject the plan, or approve the plan with
4203 conditions. The agency ~~for Workforce Innovation~~ shall review
4204 school readiness plans at least annually.

4205 3. If the Agency for Workforce Innovation determines during

585-02381-10

20101412c1

4206 the annual review of school readiness plans, or through
4207 monitoring and performance evaluations conducted under paragraph
4208 (4) (1), that an early learning coalition has not substantially
4209 implemented its plan, has not substantially met the performance
4210 standards and outcome measures adopted by the agency, or has not
4211 effectively administered the school readiness program or
4212 Voluntary Prekindergarten Education Program, the agency ~~for~~
4213 ~~Workforce Innovation~~ may dissolve the coalition and temporarily
4214 contract with a qualified entity to continue school readiness
4215 and prekindergarten services in the coalition's county or
4216 multicounty region until the coalition is reestablished through
4217 resubmission of a school readiness plan and approval by the
4218 agency.

4219 4. The Agency for Workforce Innovation shall adopt criteria
4220 for the approval of school readiness plans. The criteria must be
4221 consistent with the performance standards and outcome measures
4222 adopted by the agency and must require each approved plan to
4223 include the following minimum standards ~~and provisions~~:

4224 a. A sliding fee scale establishing a copayment for parents
4225 based upon their ability to pay, which is the same for all
4226 program providers, to be implemented and reflected in each
4227 program's budget.

4228 b. A choice of settings and locations in licensed,
4229 registered, religious-exempt, or school-based programs to be
4230 provided to parents.

4231 c. Instructional staff who have completed the training
4232 course as required in s. 402.305(2)(d)1., as well as staff who
4233 have additional training or credentials as required by the
4234 Agency for Workforce Innovation. The plan must provide a method

585-02381-10

20101412c1

4235 for assuring the qualifications of all personnel in all program
4236 settings.

4237 d. Specific eligibility priorities for children within the
4238 early learning coalition's county or multicounty region in
4239 accordance with subsection (6).

4240 e. Performance standards and outcome measures adopted by
4241 the agency ~~for Workforce Innovation~~.

4242 f. Payment rates adopted by the early learning coalition
4243 and approved by the agency ~~for Workforce Innovation~~. Payment
4244 rates may not have the effect of limiting parental choice or
4245 creating standards or levels of services that have not been
4246 authorized by the Legislature.

4247 g. Systems support services, including a central agency,
4248 child care resource and referral, eligibility determinations,
4249 training of providers, and parent support and involvement.

4250 h. Direct enhancement services to families and children.
4251 System support and direct enhancement services shall be in
4252 addition to payments for the placement of children in school
4253 readiness programs.

4254 i. The business organization of the early learning
4255 coalition, which must include the coalition's articles of
4256 incorporation and bylaws if the coalition is organized as a
4257 corporation. If the coalition is not organized as a corporation
4258 or other business entity, the plan must include the contract
4259 with a fiscal agent. An early learning coalition may contract
4260 with other coalitions to achieve efficiency in multicounty
4261 services, and these contracts may be part of the coalition's
4262 school readiness plan.

4263 j. Strategies to meet the needs of unique populations, such

585-02381-10

20101412c1

4264 as migrant workers.

4265

4266 As part of the school readiness plan, the early learning
4267 coalition may request the Governor to apply for a waiver to
4268 allow the coalition to administer the Head Start Program to
4269 accomplish the purposes of the school readiness program. If a
4270 school readiness plan demonstrates that specific statutory goals
4271 can be achieved more effectively by modifying ~~using procedures~~
4272 ~~that require modification of~~ existing rules, policies, or
4273 procedures, a request for a waiver to the Agency for Workforce
4274 Innovation may be submitted as part of the plan. Upon review,
4275 the agency ~~for Workforce Innovation~~ may grant the proposed
4276 modification.

4277 5. Persons with an early childhood teaching certificate may
4278 provide support and supervision to other staff in the school
4279 readiness program.

4280 6. An early learning coalition may not implement its school
4281 readiness plan until it submits the plan to and receives
4282 approval from the Agency for Workforce Innovation. Once the plan
4283 is approved, the plan and the services provided under the plan
4284 shall be controlled by the early learning coalition. The plan
4285 shall be reviewed and revised as necessary, but at least
4286 biennially. An early learning coalition may not implement the
4287 revisions until the coalition submits the revised plan to and
4288 receives approval from the agency ~~for Workforce Innovation~~. If
4289 the agency ~~for Workforce Innovation~~ rejects a revised plan, the
4290 coalition must continue to operate under its prior approved
4291 plan.

4292 7. Sections 125.901(2)(a)3., ~~411.221,~~ and 411.232 do not

585-02381-10

20101412c1

4293 apply to an early learning coalition with an approved school
4294 readiness plan. To facilitate innovative practices and to allow
4295 the regional establishment of school readiness programs, an
4296 early learning coalition may apply to the Governor and Cabinet
4297 for a waiver of, and the Governor and Cabinet may waive, any of
4298 the provisions of ss. 411.223, 411.232, and 1003.54, if the
4299 waiver is necessary for implementation of the coalition's school
4300 readiness plan.

4301 8. Two or more counties may join for purposes of planning
4302 and implementing a school readiness program.

4303 9. An early learning coalition may, subject to approval by
4304 the Agency for Workforce Innovation as part of the coalition's
4305 school readiness plan, receive subsidized child care funds for
4306 all children eligible for any federal subsidized child care
4307 program.

4308 10. An early learning coalition may enter into multiparty
4309 contracts with multicounty service providers in order to meet
4310 the needs of unique populations such as migrant workers.

4311 Section 202. Paragraph (a) of subsection (3) of section
4312 411.232, Florida Statutes, is amended to read:

4313 411.232 Children's Early Investment Program.—

4314 (3) ESSENTIAL ELEMENTS.—

4315 (a) Initially, the program shall be directed to geographic
4316 areas where at-risk young children and their families are in
4317 greatest need because of an unfavorable combination of economic,
4318 social, environmental, and health factors, including, without
4319 limitation, extensive poverty, high crime rate, great incidence
4320 of low birthweight babies, high incidence of alcohol and drug
4321 abuse, and high rates of teenage pregnancy. The selection of a

585-02381-10

20101412c1

4322 geographic site must ~~shall~~ also consider the incidence of young
4323 children within these at-risk geographic areas who are cocaine
4324 babies, children of single mothers who receive temporary cash
4325 assistance, children of teenage parents, low birthweight babies,
4326 and very young foster children. To receive funding under this
4327 section, an agency, board, council, or provider must
4328 demonstrate:

4329 1. Its capacity to administer and coordinate the programs
4330 and services in a comprehensive manner and provide a flexible
4331 range of services;

4332 2. Its capacity to identify and serve those children least
4333 able to access existing programs and case management services;

4334 3. Its capacity to administer and coordinate the programs
4335 and services in an intensive and continuous manner;

4336 4. The proximity of its facilities to young children,
4337 parents, and other family members to be served by the program,
4338 or its ability to provide offsite services;

4339 5. Its ability to use existing federal, state, and local
4340 governmental programs and services in implementing the
4341 investment program;

4342 6. Its ability to coordinate activities and services with
4343 existing public and private, state and local agencies and
4344 programs such as those responsible for health, education, social
4345 support, mental health, child care, respite care, housing,
4346 transportation, alcohol and drug abuse treatment and prevention,
4347 income assistance, employment training and placement, nutrition,
4348 and other relevant services, all the foregoing intended to
4349 assist children and families at risk;

4350 7. How its plan will involve project participants and

585-02381-10

20101412c1

4351 community representatives in the planning and operation of the
4352 investment program; and

4353 8. Its ability to participate in the evaluation component
4354 required in this section. ~~;~~ and

4355 ~~9. Its consistency with the strategic plan pursuant to s.~~
4356 ~~411.221.~~

4357 Section 203. Paragraph (a) of subsection (6) of section
4358 445.006, Florida Statutes, is amended to read:

4359 445.006 Strategic and operational plans for workforce
4360 development.—

4361 (6) (a) The operational plan must include strategies that
4362 are designed to prevent or reduce the need for a person to
4363 receive public assistance, including. ~~These strategies must~~
4364 ~~include:~~

4365 1. A teen pregnancy prevention component that includes, but
4366 is not limited to, a plan for implementing ~~the Florida Education~~
4367 ~~Now and Babies Later (ENABL) program under s. 411.242 and the~~
4368 Teen Pregnancy Prevention Community Initiative within each
4369 county of the services area in which the teen birth rate is
4370 higher than the state average;

4371 2. A component that encourages ~~creation of~~ community-based
4372 welfare prevention and reduction initiatives that increase
4373 support provided by noncustodial parents to their welfare-
4374 dependent children and are consistent with program and financial
4375 guidelines developed by Workforce Florida, Inc., and the
4376 Commission on Responsible Fatherhood. These initiatives may
4377 include, but are not limited to, improved paternity
4378 establishment, work activities for noncustodial parents,
4379 programs aimed at decreasing out-of-wedlock pregnancies,

585-02381-10

20101412c1

4380 encouraging involvement of fathers with their children including
4381 court-ordered supervised visitation, and increasing child
4382 support payments;

4383 3. A component that encourages formation and maintenance of
4384 two-parent families through, among other things, court-ordered
4385 supervised visitation;

4386 4. A component that fosters responsible fatherhood in
4387 families receiving assistance; and

4388 5. A component that fosters provision of services that
4389 reduce the incidence and effects of domestic violence on women
4390 and children in families receiving assistance.

4391 Section 204. Subsections (24), (25), and (26) of section
4392 1001.42, Florida Statutes, are amended to read:

4393 1001.42 Powers and duties of district school board.—The
4394 district school board, acting as a board, shall exercise all
4395 powers and perform all duties listed below:

4396 ~~(24) REDUCE PAPERWORK AND DATA COLLECTION AND REPORTING~~
4397 ~~REQUIREMENTS.—Beginning with the 2006-2007 school year:~~

4398 ~~(a) Each district school board shall designate a classroom~~
4399 ~~teacher to serve as the teacher representative to speak on~~
4400 ~~behalf of the district's teachers regarding paperwork and data~~
4401 ~~collection reduction.~~

4402 ~~(b) Each district school board must provide the school~~
4403 ~~community with an efficient method for the school community to~~
4404 ~~communicate with the classroom teacher designee regarding~~
4405 ~~possible paperwork and data collection burdens and potential~~
4406 ~~solutions.~~

4407 ~~(c) The teacher designee shall annually report his or her~~
4408 ~~findings and potential solutions to the school board.~~

585-02381-10

20101412c1

4409 ~~(d) Each district school board must submit its findings and~~
4410 ~~potential solutions to the State Board of Education by September~~
4411 ~~1 of each year.~~

4412 ~~(e) The State Board of Education shall prepare a report of~~
4413 ~~the statewide paperwork and data collection findings and~~
4414 ~~potential solutions and submit the report to the Governor, the~~
4415 ~~President of the Senate, and the Speaker of the House of~~
4416 ~~Representatives by October 1 of each year.~~

4417 (24)~~(25)~~ EMPLOYMENT CONTRACTS.— A district school board may
4418 not enter into an employment contract that requires the district
4419 to pay from state funds an employee an amount in excess of 1
4420 year of the employee's annual salary for termination, buyout, or
4421 any other type of contract settlement. This subsection does not
4422 prohibit the payment of earned leave and benefits in accordance
4423 with the district's leave and benefits policies which were
4424 accrued by the employee before the contract terminates.

4425 (25)~~(26)~~ ADOPT RULES.—Adopt rules pursuant to ss.
4426 120.536(1) and 120.54 to implement this section.

4427 Section 205. Present paragraph (c) of subsection (3) of
4428 section 1008.31, Florida Statutes, is redesignated as paragraph
4429 (e), and new paragraphs (c) and (d) are added to that
4430 subsection, to read:

4431 1008.31 Florida's K-20 education performance accountability
4432 system; legislative intent; mission, goals, and systemwide
4433 measures; data quality improvements.—

4434 (3) K-20 EDUCATION DATA QUALITY IMPROVEMENTS.—To provide
4435 data required to implement education performance accountability
4436 measures in state and federal law, the Commissioner of Education
4437 shall initiate and maintain strategies to improve data quality

585-02381-10

20101412c1

4438 and timeliness. All data collected from state universities
4439 shall, as determined by the commissioner, be integrated into the
4440 K-20 data warehouse. The commissioner shall have unlimited
4441 access to such data solely for the purposes of conducting
4442 studies, reporting annual and longitudinal student outcomes, and
4443 improving college readiness and articulation. All public
4444 educational institutions shall provide data to the K-20 data
4445 warehouse in a format specified by the commissioner.

4446 (c) The commissioner shall continuously monitor and review
4447 the collection of paperwork, data, and reports by school
4448 districts and complete an annual review of such collection no
4449 later than June 1 of each year. The annual review must include
4450 recommendations for consolidating paperwork, data, and reports,
4451 wherever feasible, in order to reduce the burdens on school
4452 districts.

4453 (d) By July 1 of each year, the commissioner shall prepare
4454 a report assisting the school districts in eliminating or
4455 consolidating paperwork, data, and reports by providing
4456 suggestions, technical assistance, and guidance.

4457 Section 206. This act shall take effect upon becoming a
4458 law.