



Journal of the Senate

Number 16—Regular Session

Monday, April 29, 1996

CALL TO ORDER

The Senate was called to order by the President at 2:00 p.m. A quorum present—37:

Mr. President	Diaz-Balart	Jenne	Silver
Bankhead	Dudley	Jennings	Sullivan
Beard	Dyer	Johnson	Thomas
Bronson	Forman	Kirkpatrick	Turner
Brown-Waite	Grant	Kurth	Weinstein
Burt	Harden	Latvala	Wexler
Casas	Hargrett	McKay	Williams
Childers	Harris	Meadows	
Crist	Holzendorf	Ostalkiewicz	
Dantzler	Horne	Rossin	

Excused: Senators Jones and Myers; Senator Sullivan at 3:00 p.m.; Senators Diaz-Balart, Beard, Childers, Bronson, Dantzler, Hargrett, Harris, Casas, Harden, Dudley, Holzendorf, Horne, Kirkpatrick, Sullivan, Bankhead, Jennings, Kurth, Myers, Ostalkiewicz, Thomas, Williams, Gutman, Crist, Burt, Jones and Silver, periodically for the purpose of working on Appropriations

PRAYER

The following prayer was offered by the Rev. Glenn Morris, Pastor, Palm Harbor Christian Church, Palm Harbor:

Father, we thank you for these representatives. We thank you first of all for strength for them for all the things that they are doing now that are so important and the time is so critical.

Father, we thank you for wisdom for each of them for their decisions are for the betterment of the goodwill of this state. We thank you for the blessing you have bestowed upon our state, upon the children, the parents and upon our legislature. Help us to always do what you desire us to do for the betterment of all people. In Jesus' name I pray. Amen.

PLEDGE

Senate Pages, Karen Witt of Mayo and Madison Grace of Clewiston, led the Senate in the pledge of allegiance to the flag of the United States of America.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Jennings, by two-thirds vote **HB 403** was withdrawn from the Committees on Education; and Ways and Means; and by two-thirds vote placed on the Special Order Calendar for Tuesday, April 30.

On motion by Senator Jennings, by two-thirds vote **CS for SB's 12 and 406, CS for CS for SB 332, CS for SB 602, SB 942, CS for SB 988, CS for SB 1028, SB 1108, CS for CS for SB 1282, CS for SB 1996, SB 2184, SB 2454, SB 2786 and CS for CS for SB 2922** were withdrawn from the Committee on Ways and Means.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Diaz-Balart, the rules were waived and the Committee on Ways and Means was granted permission to meet this day from 4:30 p.m. until 6:30 p.m. to consider **CS for SB 698, CS for SB 626,**

SB 402, SJR 1098, SB 2354, SB 138, SB 302, SB 392, CS for SB 648, SB 2678, SB 806, CS for CS for SB 126, CS for SB 866, SB 170, SB 364, SB 486, SB 498, SB 510, SB 628, SB 666, SB 826, SB 1142, SB 1148, CS for SB 2832, SB 1264, SB 276, SB 738, SB 148 and CS for CS for SB's 586 and 1144.

MOTIONS

On motion by Senator Horne, by two-thirds vote **SB 1868** which passed April 25 was ordered immediately certified to the House.

MOTION TO INTRODUCE BILL

On motion by Senator Jennings, the rules were waived and the following bill was introduced notwithstanding the fact that the final day had passed for introduction of bills:

By the Committee on Rules and Calendar—

SB 3126—A bill to be entitled An act relating to the establishment of congressional districts; providing definitions; dividing the state into congressional districts; providing for the inclusion of unlisted territory in contiguous districts; providing contiguity for areas specified for inclusion in one district which are entirely surrounded by other districts; providing for the election of representatives to Congress; providing for nomination and election of candidates from congressional districts created in 1996; providing for severability; providing effective dates.

—was referred to the Committee on Rules and Calendar.

On motion by Senator Jennings, by two-thirds vote **SB 3126** was withdrawn from the Committee on Rules and Calendar and by two-thirds vote placed on the Special Order Calendar for Tuesday, April 30.

SPECIAL ORDER CALENDAR

Consideration of **SB 1278** was deferred.

CS for SB 790—A bill to be entitled An act relating to pollutant discharge prevention and response; amending s. 376.031, F.S.; defining terms; amending s. 376.065, F.S.; authorizing certain terminal facilities to be covered under the discharge prevention and response certificate of specified other terminal facilities; providing cleanup capability requirements for terminal facilities; authorizing additional requirements for bulk-product facilities; deleting obsolete provisions; revising penalty provisions; amending s. 376.07, F.S.; revising rulemaking authority relating to operation and inspection requirements for terminal facilities and vessels; revising penalty provisions; amending s. 376.071, F.S.; revising requirements for vessel-discharge contingency plans; revising penalty provisions; amending s. 376.09, F.S.; revising and clarifying certain claims against the Florida Coastal Protection Trust Fund; amending s. 376.10, F.S.; revising the department's responsibility for certain equipment; amending s. 376.11, F.S.; conforming a cross-reference; amending s. 376.12, F.S.; revising provisions relating to liability; clarifying exceptions to limitation of liability; clarifying defenses to liability; clarifying liability of third parties; revising penalties; creating s. 376.123, F.S.; providing a mechanism for filing claims against the Florida Coastal Protection Trust Fund; conforming claims against the fund to the provisions of the Oil Pollution Act of 1990; clarifying procedures for claims for cleanup costs; amending s. 376.14, F.S.; providing for claims and service of process against providers of financial responsibility; amending s. 376.16, F.S.; revising penalty and enforcement provisions; amending s. 376.205, F.S.; revising provisions relating to costs and attorney's fees; creating s. 376.207, F.S.; prohibiting polluting lobster traps; amending s. 376.301, F.S.; revising and adding definitions;

amending s. 376.303, F.S.; providing requirements for terminal facilities and bulk-product facilities with respect to preventing pollution of surface and ground waters; amending s. 316.2397, F.S.; allowing flashing red lights for certain emergency-response vehicles; amending s. 287.0595, F.S.; conforming a cross-reference; repealing s. 376.06, F.S., which prohibits the operation of a terminal facility without required registration; repealing s. 376.163, F.S., which establishes the Pollutant Discharge Technical Council; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **CS for SB 790** to **CS for HB 1149**.

Pending further consideration of **CS for SB 790** as amended, on motions by Senator Brown-Waite, by two-thirds vote—

CS for HB 1149—A bill to be entitled An act relating to pollutant discharge prevention and response; amending s. 376.031, F.S.; revising definitions; amending s. 376.065, F.S.; clarifying the cleanup capability requirements for terminal facilities; authorizing additional requirements for bulk product facilities; deleting obsolete language; revising penalty provisions; amending s. 376.07, F.S.; revising rules relating to operation and inspection requirements for terminal facilities and vessels; revising penalty provisions; amending s. 376.071, F.S.; revising vessel discharge contingency plan requirements; revising penalty provisions; amending s. 376.09, F.S.; revising provisions relating to removal of pollutants; revising and clarifying certain claims against the Florida Coastal Protection Trust Fund; amending s. 376.10, F.S., relating to personnel and equipment; amending ss. 376.11 and 376.121, F.S.; correcting cross references; amending s. 376.12, F.S.; revising provisions relating to liability; clarifying exceptions to limitation of liability; clarifying defenses to liability; clarifying liability of third parties; creating s. 376.123, F.S.; providing a mechanism for filing claims against the fund; conforming claims against the fund to the provisions of the Oil Pollution Act of 1990; clarifying procedures for claims for cleanup costs; amending s. 376.14, F.S., relating to claims and service of process against providers of financial responsibility; amending s. 376.16, F.S.; revising penalty and enforcement provisions; amending s. 376.205, F.S.; clarifying individual causes of action; revising provisions relating to costs; creating s. 376.207, F.S.; prohibiting polluting lobster traps; amending s. 376.301, F.S.; revising definitions; amending s. 376.303, F.S.; providing a registration exemption for storage tanks containing sodium hypochlorite; providing requirements for terminal facilities and bulk product facilities with respect to preventing pollution of surface and ground waters; amending s. 316.2397, F.S.; allowing flashing red lights for Department of Environmental Protection emergency response vehicles; amending ss. 287.0595 and 316.302, F.S.; correcting cross references; repealing s. 376.06, F.S., relating to the prohibition against operation of a terminal facility without required registration; repealing s. 376.163, F.S., relating to establishment of the Pollutant Discharge Technical Council; providing effective dates.

—a companion measure, was substituted for **CS for SB 790** and by two-thirds vote read the second time by title.

Senator Harris moved the following amendment:

Amendment 1 (with title amendment)—On page 44, between lines 13 and 14, insert:

Section 17. Subsection (8) of section 376.3078, Florida Statutes, is amended to read:

376.3078 Drycleaning facility restoration; funds; uses; liability; recovery of expenditures.—

(8) The owner or operator of an operating drycleaning facility or wholesale supply facility shall, by 180 days after October 1, 1995, have purchased third-party liability insurance for \$1 million of coverage. The owner or operator shall maintain such insurance while operating as a drycleaning facility or wholesale supply facility and provide proof of such insurance to the department upon registration renewal each year thereafter. Such requirement applies only if such insurance becomes available at a reasonable rate. *Such insurance may cover and covers* liability for contamination that occurred both before and after the effective date of the policy. For the purposes of this subsection, reasonable rate means the rate developed based on exposure to loss and underwriting and administrative costs as determined by the Department of Insurance.

Failure to comply with this subsection shall subject the owner and operator to the provisions of s. 376.302.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 2, line 17, after the first semicolon (;) insert: amending s. 376.3078, F.S.; revising insurance requirements;

On motion by Senator Brown-Waite, further consideration of **CS for HB 1149** with pending **Amendment 1** was deferred.

CS for SB 1268—A bill to be entitled An act relating to the privatization of wastewater facilities; providing legislative findings and determinations relating to privatization of wastewater facilities; providing definitions; authorizing public entities to enter wastewater facility privatization contracts; providing that the setting of user rates remains the obligation of the public entity; subjecting wastewater facility privatization contracts to the requirements of s. 125.3401, F.S., or s. 180.301, F.S., and exempting wastewater facility privatization contracts from the requirements of chapter 287, F.S.; amending s. 125.3401, F.S.; authorizing counties to enter into wastewater facility privatization contracts and imposing conditions relating to such contracts; amending s. 180.301, F.S.; authorizing municipalities to enter into wastewater facility privatization contracts and imposing conditions relating to such contracts; amending s. 189.423, F.S.; authorizing special districts to enter into wastewater facility privatization contracts and imposing conditions relating to such contracts; amending s. 190.0125, F.S.; authorizing community development districts to enter into wastewater facility privatization contracts and imposing conditions relating to such contracts; amending s. 367.022, F.S.; exempting wastewater facilities operated by private firms under wastewater facility privatization contracts from chapter 367, F.S.; amending s. 367.171, F.S.; exempting regulation of rates or charges of any system or facility that would otherwise be exempt from commission regulation pursuant to s. 367.022, F.S.; providing an effective date.

—was read the second time by title.

Senator Grant moved the following amendments which were adopted:

Amendment 1—On page 4, lines 12-16, delete those lines and insert:

(3) "Public entity" means any political subdivision of this state which is authorized to provide wastewater service, including, but not limited to, county, city, metropolitan or consolidated government, special district, and community development district.

Amendment 2—On page 15, line 14, delete "county" and insert: *community development district*

On motion by Senator Grant, by two-thirds vote **CS for SB 1268** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37 Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 2047** was withdrawn from the Committee on Natural Resources.

On motion by Senator Sullivan—

HB 2047—A bill to be entitled An act relating to navigation safety; directing the Tampa Bay Area Vessel Traffic Information Service Consortium to make a report; providing for the requirements of the report; providing an effective date.

—a companion measure, was substituted for **SB 1670** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 2047** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

CS for SB 336—A bill to be entitled An act relating to boating safety; amending s. 327.39, F.S.; restricting the operation or use of a personal watercraft under certain circumstances; creating s. 327.395, F.S.; requiring certain persons who operate certain vessels to obtain boating safety identification cards; requiring education courses or examinations; providing for the appointment of agents; requiring fees; providing exemptions; providing penalties; providing for the adoption of rules; amending s. 327.54, F.S.; prohibiting the rental of vessels or personal watercraft to certain persons under specified circumstances; requiring the display of certain information relating to boating safety; providing penalties; amending s. 327.73, F.S.; revising language with respect to noncriminal infractions; providing that failure to comply with s. 327.395, F.S., is a noncriminal infraction; providing for the disposition of criminal penalties; amending s. 327.731, F.S.; requiring documentation to be filed with the Department of Environmental Protection; providing a noncriminal infraction; requiring the compilation of statistics; providing an effective date.

—was read the second time by title.

Senator Dantzler moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 2, lines 1-9, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 1, lines 2-5, delete those lines and insert: An act relating to boating safety; creating s. 327.395, F.S.;

Amendment 2—On page 5, lines 8-10, delete those lines and insert: *vessel to any other person, unless the livery displays boating safety information about the safe and proper operation of vessels and requires a signature by the lessee that he has received instruction in the safe handling of the personal watercraft in compliance with standards established by the department.*

Senator Johnson moved the following amendments which were adopted:

Amendment 3—On page 6, line 30, delete that line and insert: *327.73(1)(f) through (n), excepting (j) under this chapter if*

Amendment 4—On page 6, lines 18-21, delete those lines and insert:

(8) All fees and civil penalties assessed and collected pursuant to this section shall be deposited into the Marine Resources Conservation Trust Fund for boating safety education purposes.

Amendment 5 (with title amendment)—On page 7, between lines 19 and 20, insert:

Section 7. There is appropriated the sum of \$48,170 from the Marine Resources Conservation Trust Fund in the Department of Environmental Protection to implement the provisions of this legislation.

And the title is amended as follows:

On page 1, line 26, after the semicolon (;) insert: providing an appropriation;

On motion by Senator Johnson, by two-thirds vote **CS for SB 336** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37 Nays—1

Consideration of **SB 488**, **CS for SB 102** and **CS for SB's 386, 732 and 1208** was deferred.

CS for SB 1004—A bill to be entitled An act relating to ad valorem taxes; amending s. 200.181, F.S.; authorizing local governments receiving surplus revenue from voted levies for debt service to use the surplus for specified maintenance and operation purposes; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **CS for SB 1004** to **CS for HB 955**.

Pending further consideration of **CS for SB 1004** as amended, on motions by Senator Kurth, by two-thirds vote—

CS for HB 955—A bill to be entitled An act relating to ad valorem taxes; amending ss. 200.181 and 125.013, F.S.; authorizing counties and municipalities receiving surplus revenue from voted levies for debt service to use the surplus for specified purposes, including maintenance and operation; providing an effective date.

—a companion measure, was substituted for **CS for SB 1004** and by two-thirds vote read the second time by title. On motion by Senator Kurth, by two-thirds vote **CS for HB 955** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

On motion by Senator Meadows, by two-thirds vote **CS for HB 155** was withdrawn from the Committees on Community Affairs; Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Meadows—

CS for HB 155—A bill to be entitled An act relating to emergency management; creating part III of chapter 252, F.S.; creating the "Emergency Management Assistance Compact"; providing for legislative purpose and authorities; providing for general implementation; providing for party state responsibilities; providing limitations; providing requirements with respect to licenses and permits; providing for liability; providing for compensation; providing for reimbursement; providing for evacuation; providing for implementation; providing for validity and application; amending s. 250.544, F.S.; revising language with respect to limitations; providing an effective date.

—a companion measure, was substituted for **SB 650** and read the second time by title. On motion by Senator Meadows, by two-thirds vote **CS for HB 155** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

CS for SB 1888—A bill to be entitled An act relating to state purchasing; creating s. 287.1345, F.S.; authorizing the Department of Management Services to impose a surcharge on users of state term contracts for certain purposes; providing for collection and deposit of surcharge proceeds; authorizing the Executive Office of the Governor to exempt certain transactions from surcharge under certain circumstances; amending s. 287.017, F.S.; raising the threshold amount for a purchasing category; amending s. 287.042, F.S.; authorizing the Division of Purchasing to restrict certain purchases from state term contracts; authorizing state agencies to advertise requests for proposals and invitations to bid on the Florida Communities Network; authorizing state agencies to waive requirement for such advertising; amending s. 287.056, F.S.; giving agencies the option to purchase from state term contracts that contain a surcharge; deleting a local purchasing option for state agencies; deleting a requirement that certain documentation be maintained and submitted on local purchases; deleting a requirement that the Auditor General audit and report on such documentation; deleting a requirement for legislative review; amending s. 287.057, F.S.; raising the threshold amount for single source purchases; authorizing state agencies to negotiate term and conditions of single source purchases; requiring certain documentation and quarterly reports on such purchases; authorizing agencies to designate at least one employee to serve as contract administrator; amending s. 287.058, F.S.; allowing for certain information to be included in contracts by reference; repealing s. 287.012(12), F.S., relating to the definition of local purchasing source; repealing s. 287.043, F.S., relating to agency authorization to purchase printing and reproduction facilities without prior division approval; providing an effective date.

—was read the second time by title.

Senator Kirkpatrick moved the following amendment:

Amendment 1 (with title amendment)—On page 2, line 16, insert:

Section 1. Section 274.05, Florida Statutes, is amended to read:

274.05 Surplus property.—A governmental unit shall have discretion to classify as surplus any of its property, which property is not otherwise lawfully disposed of, that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function. Within the reasonable exercise of its discretion and having consideration for the best interests of the county or district, the value and condition of property classified as surplus, and the probability of such property's being desired by the prospective bidder or donee to whom offered, the governmental unit ~~may first shall~~ offer surplus property to other governmental units in the county or district ~~for sale or donation or may shall have the discretion to offer the property to private nonprofit agencies as defined in s. 273.01(3) by sale or donation; and, second, If the surplus property is offered for sale and no acceptable bid is received within a reasonable time, the governmental unit shall offer such property to such other governmental units or private nonprofit agencies as shall be determined by the governmental units on the basis of the foregoing criteria. Such offer shall disclose the value and condition of the property. The best bid shall be accepted by the governmental unit offering such surplus property. The cost of transferring the property shall be paid by the governmental unit that made the successful bid or the private nonprofit agency purchasing or receiving the donation of the surplus property.~~

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 2, delete that line and insert: An act relating to state property; amending s. 274.05, F.S.; revising the criteria under which a governmental unit may offer surplus property to other governmental units; providing for the cost of transferring such property to be paid by the governmental unit or agency receiving the property; creating

On motion by Senator Kirkpatrick, further consideration of **CS for SB 1888** with pending **Amendment 1** was deferred.

On motions by Senator Bankhead, by two-thirds vote—

HB 2087—A bill to be entitled An act resolving the inconsistencies between the amendments to ss. 39.001, 39.076, 39.411, 110.1127, 242.335, 393.0655, 394.457, 397.451, 400.211, 400.512, 402.305, 409.175, 415.504, F.S., as enacted by chapters 95-158, 95-228, and 95-418, Laws of Florida, relating to standards for screening personnel for various positions; amending s. 119.07, F.S., relating to reports of abuse or neglect; deleting a reference made obsolete by amendments enacted by chapter 95-228, Laws of Florida; amending ss. 435.03, 435.04, F.S., relating to screening standards; incorporating amendments made by chapters 95-158 and 95-418, Laws of Florida, relating to abuse, neglect, or exploitation of an elderly person or disabled adult; providing an effective date.

—a companion measure, was substituted for **SB 1736** and by two-thirds vote read the second time by title. On motion by Senator Bankhead, by two-thirds vote **HB 2087** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34 Nays—None

CS for SB 102—A bill to be entitled An act relating to housing finance authorities; amending s. 159.608, F.S.; authorizing housing finance authorities to issue mortgage credit certificates; amending s. 159.803, F.S.; defining the term "mortgage credit certificate"; amending s. 159.805, F.S.; providing for notice regarding nonuse of mortgage credit certificates; exempting from specified requirements allocations for which an election has been made to issue mortgage credit certificates; creating s. 159.8075, F.S.; providing for mortgage credit certificates; authorizing housing finance authorities to issue qualified mortgage credit certificates to qualified home buyers in accordance with federal law as an alternative to the issuance of single-family mortgage revenue bonds; exempting allocations used for mortgage credit certificates from s.

159.805(2), F.S.; requiring certain reports from mortgage credit certificate issuers; amending s. 159.81, F.S.; providing for the automatic carry-forward of private-activity-bond allocations for unissued mortgage credit certificates; providing an effective date.

—was read the second time by title.

Senator Harris moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 7, between lines 8 and 9, insert:

Section 6. Subsection (2) of section 159.809, Florida Statutes, is amended to read:

159.809 Recapture of unused amounts.—

(2) On July 1 of each year, any portion of each initial allocation made pursuant to s. 159.804(2) or (3) for which a written confirmation has not been issued by the director or for which an issuance report for bonds utilizing such an allocation has not been received by the division prior to that date shall be added to the Florida First Business allocation pool. *On and after July 2 of each year, any portion of such allocations for which a written confirmation has been issued and which confirmation expires or is relinquished by the agency receiving the allocation, shall be added to the state allocation pool.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 25, insert: amending s. 159.809, F.S.; providing for certain unused allocations relating to private activity bonds to be added to the state allocation pool;

Senator Bankhead moved the following amendment:

Amendment 2 (with title amendment)—On page 7, line 9, delete that line and insert:

Section 6. Paragraph (a) of subsection (1) and subsection (2) of section 697.04, Florida Statutes, are amended to read:

697.04 Future advances may be secured.—

(1)(a) Any mortgage or other instrument given for the purpose of creating a lien on real property, or on any interest in a leasehold upon real property, may, and when so expressed therein shall, secure not only existing indebtedness, but also such future advances, whether such advances are obligatory or to be made at the option of the lender, or otherwise, as are made within 40 20 years from the date thereof, to the same extent as if such future advances were made on the date of the execution of such mortgage or other instrument, although there may be no advance made at the time of the execution of such mortgage or other instrument and although there may be no indebtedness outstanding at the time any advance is made. Such lien, as to third persons without actual notice thereof, shall be valid as to all such indebtedness and future advances from the time the mortgage or other instrument is filed for record as provided by law.

(2) As against the rights of creditors or subsequent purchasers for a valuable consideration, actual notice or record notice of advances to be made at the option of the lender, under the terms of such mortgage or other instrument, shall be valid only as to such advances as are to be made within 40 20 years from the date of such mortgage or other instrument; however, this subsection does not apply to any mortgages, shipping contracts, or other instruments made and given by naval stores operators and producers to secure existing loans and future advances by naval stores factors.

Section 7. Unless otherwise provided, this act shall take effect January 1, 1997.

And the title is amended as follows:

On page 1, line 25, after the semicolon (;) insert: amending s. 697.04, F.S.; providing for extension of time period for future advances;

On motion by Senator Casas, further consideration of **CS for SB 102** with pending **Amendment 2** was deferred.

On motion by Senator Harris, by two-thirds vote **CS for HB 303** was withdrawn from the Committees on Banking and Insurance; and Ways and Means.

On motion by Senator Harris—

CS for HB 303—A bill to be entitled An act relating to disposition of dead bodies; amending ss. 245.06, 245.07, 245.08, 245.09, 245.10, 245.11, 245.12, 245.13, 245.14, and 245.16, F.S.; providing for administration of the disposition of certain dead bodies by a specified anatomical board; providing for disposition; providing procedures; revising certain notice provisions; providing an exemption from liability for cremation under certain circumstances; providing additional exceptions to notice of death requirements; requiring notice and approval for moving bodies or parts of bodies into or out of the state for certain purposes; providing an effective date.

—a companion measure, was substituted for **SB 1720** and read the second time by title. On motion by Senator Harris, by two-thirds vote **CS for HB 303** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

SB 1168—A bill to be entitled An act relating to the IGFA World Center facility; amending s. 212.20, F.S.; providing for distribution of a portion of revenues from the tax on sales, use, and other transactions to such facility; creating s. 288.1169, F.S.; providing for certification of such facility by the Department of Commerce; providing requirements for certification; requiring the IGFA World Center to contribute certain advertising; terminating or abating funding under certain circumstances; providing for use of the funds distributed to the facility; providing for audits by the Department of Revenue; providing for periodic recertification; providing an effective date.

—was read the second time by title.

Senator Jenne moved the following amendments which were adopted:

Amendment 1—On page 1, lines 25 and 29, and on page 2, lines 1, 5 and 9, delete “IGFA” and insert: International Game Fish Association

Amendment 2—On page 4, line 27, delete “IGFA” and insert: *International Game Fish Association*

Amendment 3 (with title amendment)—On page 5, lines 5, 9, 11, 17, 22, 23 and 29, and on page 7, line 26, delete “IGFA” and insert: International Game Fish Association

And the title is amended as follows:

On page 1, lines 2 and 10, delete “IGFA” and insert: International Game Fish Association

On motion by Senator Jenne, by two-thirds vote **SB 1168** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34 Nays—1

On motion by Senator Weinstein, by two-thirds vote **HB 157** was withdrawn from the Committee on Commerce and Economic Opportunities.

On motion by Senator Weinstein—

HB 157—A bill to be entitled An act relating to fireworks; creating s. 791.012, F.S., providing that the outdoor display of fireworks in this state shall be governed by the NFPA 1123 Code for Fireworks Display, 1995 Edition; directing the Division of State Fire Marshal to make appropriate rules; determining an important state interest; providing an effective date.

—a companion measure, was substituted for **SB 488** and read the second time by title.

Senator Dudley moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 1, line 25, after the period (.) insert: The Code for Fireworks Display shall not govern the display of any fireworks on private, residential property and shall not govern the display of those items included under s. 791.01(4)(b) and (c) and authorized for sale thereunder.

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: providing exceptions;

On motion by Senator Weinstein, further consideration of **HB 157** as amended was deferred.

The Senate resumed consideration of—

CS for SB 102—A bill to be entitled An act relating to housing finance authorities; amending s. 159.608, F.S.; authorizing housing finance authorities to issue mortgage credit certificates; amending s. 159.803, F.S.; defining the term “mortgage credit certificate”; amending s. 159.805, F.S.; providing for notice regarding nonuse of mortgage credit certificates; exempting from specified requirements allocations for which an election has been made to issue mortgage credit certificates; creating s. 159.8075, F.S.; providing for mortgage credit certificates; authorizing housing finance authorities to issue qualified mortgage credit certificates to qualified home buyers in accordance with federal law as an alternative to the issuance of single-family mortgage revenue bonds; exempting allocations used for mortgage credit certificates from s. 159.805(2), F.S.; requiring certain reports from mortgage credit certificate issuers; amending s. 159.81, F.S.; providing for the automatic carry-forward of private-activity-bond allocations for unissued mortgage credit certificates; providing an effective date.

—with pending **Amendment 2** by Senator Bankhead.

Senator Bankhead moved the following substitute amendment which was adopted:

Amendment 3 (with title amendment)—On page 7, line 9, delete that line and insert:

Section 6. Subsection (2) of section 697.04, Florida Statutes, is amended to read:

697.04 Future advances may be secured.—

(2) As against the rights of creditors or subsequent purchasers for a valuable consideration, actual notice or record notice of advances to be made at the option of the lender, under the terms of such mortgage or other instrument, shall be valid only as to such advances as are to be made within 20 years from the date of such mortgage or other instrument; however, this subsection does not apply to any mortgages, shipping contracts, or other instruments made and given by naval stores operators and producers to secure existing loans and future advances by naval stores factors. *Notwithstanding anything in this section to the contrary, future advances made pursuant to the terms of a reverse mortgage loan [as defined in Section 103 (bb) of the federal Truth in Lending Act, 15 USC 1601 et seq.] shall be secured to the same extent as if such future advances were made on the date of execution of the mortgage, irrespective of the date of any such advance.*

Section 7. Unless otherwise provided, this act shall take effect January 1, 1997.

And the title is amended as follows:

On page 1, line 25, after the semicolon (;) insert: amending s. 697.04, F.S.; providing for extension of time period for future advances;

On motion by Senator Casas, by two-thirds vote **CS for SB 102** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36 Nays—None

SB 540—A bill to be entitled An act relating to tax deeds; amending s. 197.502, F.S.; requiring notification to certain lienholders of mobile

homes located on property subject to sale for the redemption of tax certificates; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendment which was moved by Senator Rossin and adopted:

Amendment 1—On page 3, lines 14-16, delete those lines and insert:

(g) *Any lienholder of record who has recorded a lien against a mobile home located on the property described in the tax certificate if an address appears on the recorded lien and if the lien is recorded with the clerk of the circuit court in the county where the mobile home is located.*

On motion by Senator Rossin, by two-thirds vote **SB 540** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34 Nays—None

The Senate resumed consideration of—

CS for HB 1149—A bill to be entitled An act relating to pollutant discharge prevention and response; amending s. 376.031, F.S.; revising definitions; amending s. 376.065, F.S.; clarifying the cleanup capability requirements for terminal facilities; authorizing additional requirements for bulk product facilities; deleting obsolete language; revising penalty provisions; amending s. 376.07, F.S.; revising rules relating to operation and inspection requirements for terminal facilities and vessels; revising penalty provisions; amending s. 376.071, F.S.; revising vessel discharge contingency plan requirements; revising penalty provisions; amending s. 376.09, F.S.; revising provisions relating to removal of pollutants; revising and clarifying certain claims against the Florida Coastal Protection Trust Fund; amending s. 376.10, F.S., relating to personnel and equipment; amending ss. 376.11 and 376.121, F.S.; correcting cross references; amending s. 376.12, F.S.; revising provisions relating to liability; clarifying exceptions to limitation of liability; clarifying defenses to liability; clarifying liability of third parties; creating s. 376.123, F.S.; providing a mechanism for filing claims against the fund; conforming claims against the fund to the provisions of the Oil Pollution Act of 1990; clarifying procedures for claims for cleanup costs; amending s. 376.14, F.S., relating to claims and service of process against providers of financial responsibility; amending s. 376.16, F.S.; revising penalty and enforcement provisions; amending s. 376.205, F.S.; clarifying individual causes of action; revising provisions relating to costs; creating s. 376.207, F.S.; prohibiting polluting lobster traps; amending s. 376.301, F.S.; revising definitions; amending s. 376.303, F.S.; providing a registration exemption for storage tanks containing sodium hypochlorite; providing requirements for terminal facilities and bulk product facilities with respect to preventing pollution of surface and ground waters; amending s. 316.2397, F.S.; allowing flashing red lights for Department of Environmental Protection emergency response vehicles; amending ss. 287.0595 and 316.302, F.S.; correcting cross references; repealing s. 376.06, F.S., relating to the prohibition against operation of a terminal facility without required registration; repealing s. 376.163, F.S., relating to establishment of the Pollutant Discharge Technical Council; providing effective dates.

—which was previously considered this day. Pending **Amendment 1** by Senator Harris was withdrawn.

On motion by Senator Brown-Waite, by two-thirds vote **CS for HB 1149** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

SB 272—A bill to be entitled An act relating to state financial matters; amending s. 18.125, F.S.; authorizing the Treasurer to make an annual assessment against certain moneys; amending s. 112.215, F.S.; providing for direct disbursement of certain funds to employees or beneficiaries; creating s. 125.325, F.S.; authorizing certain entities to loan proceeds of obligations issued by such entities under certain circumstances; amending s. 280.02, F.S.; revising definitions; amending s. 280.03, F.S.;

deleting obsolete language; amending s. 280.04, F.S.; clarifying requirements for pledging collateral by qualified public depositories; amending s. 280.05, F.S.; clarifying duties of the Treasurer in administering the public deposits program; amending s. 280.051, F.S.; expanding the grounds for which the Treasurer may suspend or disqualify a qualified public depository; amending s. 280.052, F.S.; requiring the mailing of a suspension or disqualification order to a qualified public depository; amending s. 280.08, F.S.; authorizing the Treasurer to make partial payments from the Public Deposits Trust Fund to certain public depositories; authorizing the Treasurer to deduct certain expenses from the sale of pledged collateral; amending s. 280.09, F.S.; clarifying a cross reference; amending s. 280.10, F.S.; clarifying requirements when a qualified public depository is merged, acquired, or consolidated with certain entities; amending s. 280.11, F.S.; providing an exception to certain report filing requirements; amending s. 280.13, F.S.; clarifying collateral eligible for pledge by banks and savings associations; amending s. 280.16, F.S.; specifying persons required to deliver certain reports to the Treasurer; amending s. 280.17, F.S.; revising certain notice requirements for public depositories; repealing s. 280.14, F.S., relating to collateral eligible for pledge by savings associations, repealing s. 280.20, F.S., relating to the Security for Public Deposits Task Force; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote **SB 272** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

SB 248—A bill to be entitled An act relating to sales taxes; amending s. 212.08, F.S.; exempting nonprofit citizen support organizations designated to support state parks from the tax on sales, use, and other transactions imposed under ch. 212, F.S.; providing an effective date.

—was read the second time by title.

The Committee on Commerce and Economic Opportunities recommended the following amendment which was moved by Senator Williams and adopted:

Amendment 1 (with title amendment)—On page 1, between lines 27 and 28, insert:

Section 2. The exemption provided by this act shall be repealed five years from its effective date. Prior to this repeal, the economic benefits of such exemption shall be reviewed and quantified by the Legislature. (Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 7, before “providing” insert: providing for future legislative review and repeal;

Senator Dantzler moved the following amendments which were adopted:

Amendment 2—On page 1, line 20, delete “Nonprofit” and insert: *Beginning July 1, 1996, nonprofit*

Amendment 3 (with title amendment)—On page 1, line 28, delete that line and insert:

Section 2. Subsection (3) of section 258.015, Florida Statutes, is amended to read:

258.015 Citizen support organizations; use of property; audit.—

(3) **PARTNERSHIPS IN PARKS.**—

(a) *The Legislature recognizes that many of the parks in the state park system need a variety of facilities to enhance their use and potential. Such facilities include, but are not limited to, improved access, camping areas, picnicking shelters, park management offices and facilities, and environmental education facilities. The need for such facilities has exceeded the ability of the state to provide such facilities in a timely manner with moneys available. The Legislature finds it to be in the public interest to provide incentives for partnerships with private organizations with the intent of producing additional revenue to help enhance the use and potential of the state park system.*

(b) *The Legislature may annually appropriate funds from the Land Acquisition Trust Fund for use only as state matching funds, in conjunction with private donations in aggregates of at least \$60,000 matched by \$40,000 of state funds for a total minimum project amount of \$100,000 for capital improvement facility development at state parks, at either individually designated parks or for priority projects within the overall state park system. Not more than 30 percent of the Land Acquisition Trust Fund unencumbered fund balance or \$3 million, whichever is less, shall be reserved available annually for matching private donations. The amount held in reserve for the state match will be no greater than \$6 million for any fiscal year. State funds from the Land Acquisition Trust Fund or other appropriate funding sources shall be used for matching private donations for 40 percent of the projects costs. Funds held in reserve for the purposes of this subsection shall be available only after the requirements of s. 375.041(3) are met. Citizen support organizations organized and operating for the benefit of state parks may acquire private donations pursuant to this section, and matching state funds for approved projects may be provided in accordance with this subsection. The department is authorized to properly recognize and honor a private donor by placing a plaque or other appropriate designation noting the contribution on project facilities or by naming project facilities after the person or organization that provided matching funds. The department is authorized to adopt necessary administrative rules to carry out the purposes of this subsection.* ~~ANNUAL AUDIT.—Each citizen support organization shall cause an annual postaudit of its financial accounts to be conducted by an independent certified public accountant in accordance with rules to be adopted by the Division of Recreation and Parks. The annual audit report shall be submitted to the Auditor General and to the division for review. The Auditor General and the division are each authorized to require and obtain from the citizen support organization, or from its independent auditor, such data as may be needed relative to the operation of the organization. The identity of donors who desire to remain anonymous shall be confidential and exempt from the provisions of s. 119.07(1), and that anonymity shall be maintained in the auditor's report. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

Section 3. Subsection (3) of section 370.0205, Florida Statutes, is amended to read:

370.0205 Citizen support organizations; use of property; audit; public records.—

(3) ANNUAL AUDIT.—~~Any~~ ~~Each~~ citizen support organization which has annual expenditures of \$100,000 or more shall cause an annual postaudit of its financial accounts to be conducted by an independent certified public accountant in accordance with rules to be adopted by the department. The annual audit report shall be submitted to the Auditor General and the department for review. The Auditor General and the department are each authorized to require and obtain from the citizen support organization, or from its independent auditor, such data as may be needed relative to the operation of the organization.

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, lines 2-6, delete those lines and insert: An act relating to state parks; amending s. 212.08, F.S.; exempting nonprofit citizen support organizations designated to support state parks from the tax on sales, use, and other transactions imposed under ch. 212, F.S.; amending s. 258.015, F.S.; providing a reserve appropriation from the Land Acquisition Trust Fund to be used as a state match for private funding to enhance the use and potential of state parks; authorizing the Department of Environmental Protection to honor a private donor with a plaque; amending s. 370.0205, F.S.; exempting citizen support organizations with annual expenditures of less than a certain amount from certain auditing requirements;

Senator Williams moved the following amendment:

Amendment 4 (with title amendment)—On page 1, line 28, delete that line and insert:

(jj) *Florida Folk Festival.*—*There shall be exempt from the tax imposed this chapter income of a revenue nature received from admissions to the Florida Folk Festival held pursuant to s. 267.16 at the Stephen Foster State Folk Culture Center, a unit of the state park system.*

And the title is amended as follows:

On page 1, line 5, after “parks” insert: and the Florida Folk Festival held at the Stephen Foster State Folk Culture Center

Senator Williams moved the following amendment to **Amendment 4** which was adopted:

Amendment 4A—On page 1, line 18, after “imposed” insert: by

Amendment 4 as amended was adopted.

On motion by Senator Williams, by two-thirds vote **SB 248** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35 Nays—None

The Senate resumed consideration of—

CS for SB 1888—A bill to be entitled An act relating to state purchasing; creating s. 287.1345, F.S.; authorizing the Department of Management Services to impose a surcharge on users of state term contracts for certain purposes; providing for collection and deposit of surcharge proceeds; authorizing the Executive Office of the Governor to exempt certain transactions from surcharge under certain circumstances; amending s. 287.017, F.S.; raising the threshold amount for a purchasing category; amending s. 287.042, F.S.; authorizing the Division of Purchasing to restrict certain purchases from state term contracts; authorizing state agencies to advertise requests for proposals and invitations to bid on the Florida Communities Network; authorizing state agencies to waive requirement for such advertising; amending s. 287.056, F.S.; giving agencies the option to purchase from state term contracts that contain a surcharge; deleting a local purchasing option for state agencies; deleting a requirement that certain documentation be maintained and submitted on local purchases; deleting a requirement that the Auditor General audit and report on such documentation; deleting a requirement for legislative review; amending s. 287.057, F.S.; raising the threshold amount for single source purchases; authorizing state agencies to negotiate term and conditions of single source purchases; requiring certain documentation and quarterly reports on such purchases; authorizing agencies to designate at least one employee to serve as contract administrator; amending s. 287.058, F.S.; allowing for certain information to be included in contracts by reference; repealing s. 287.012(12), F.S., relating to the definition of local purchasing source; repealing s. 287.043, F.S., relating to agency authorization to purchase printing and reproduction facilities without prior division approval; providing an effective date.

—which was previously considered this day. Pending **Amendment 1** by Senator Kirkpatrick was adopted.

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 8, line 3 through page 9, line 2, delete those lines and insert:

Section 5. Paragraph (c) and paragraph (f) of subsection (3) and subsections (4) and (14) of section 287.057, Florida Statutes, are amended to read:

287.057 Procurement of commodities or contractual services.—

(3) When the purchase price of commodities or contractual services exceeds the threshold amount provided in s. 287.017 for CATEGORY TWO, no purchase of commodities or contractual services may be made without receiving competitive sealed bids or competitive sealed proposals unless:

(c) Commodities or contractual services available only from a single source may be excepted from the bid requirements if it is determined that such commodities or services are available only from a single source and such determination is documented. However, if such contract is for an amount greater than the threshold amount provided in s. 287.017 for CATEGORY FOUR THREE, the agency head shall file a certification of conditions and circumstances with the division and shall obtain the prior

approval of the division. The failure of the division to approve or disapprove the request of an agency for prior approval within 21 days after receiving such request or within 14 days after receiving from the agency additional materials requested by the division shall constitute prior approval of the division. To the greatest extent practicable, but no later than 45 days after authorizing the exception in writing, the division shall combine single-source procurement authorizations for identical information technology resources for which the purchase price exceeds the threshold amount provided in s. 287.017 for CATEGORY FOUR, and shall negotiate and execute volume purchasing agreements for such procurements on behalf of the agencies.

(f) The following contractual services *and commodities* are not subject to the competitive sealed bid requirements of this section:

1. Artistic services.
2. Academic program reviews.
3. Lectures by individuals.
4. Auditing services.
5. Legal services, including attorney, paralegal, expert witness, appraisal, or mediator services.
6. Health services involving examination, diagnosis, treatment, prevention, medical consultation, or administration.
7. Services provided to persons with mental or physical disabilities by not-for-profit corporations which have obtained exemptions under the provisions of s. 501(c)(3) of the United States Internal Revenue Code or when such services are governed by the provisions of Office of Management and Budget Circular A-122. However, in acquiring such services, the agency shall consider the ability of the contractor, past performance, willingness to meet time requirements, and price.
8. Medicaid services delivered to an eligible Medicaid recipient by a health care provider who has not previously applied for and received a Medicaid provider number from the Department of Health and Rehabilitative Services. However, this exception shall be valid for a period not to exceed 90 days after the date of delivery to the Medicaid recipient and shall not be renewed by the department.
9. Family placement services.
10. Prevention services related to mental health, including drug abuse prevention programs, child abuse prevention programs, and shelters for runaways, operated by not-for-profit corporations. However, in acquiring such services, the agency shall consider the ability of the contractor, past performance, willingness to meet time requirements, and price.
11. Training and education services provided to injured employees pursuant to s. 440.49(1).
12. Contracts entered into pursuant to s. 337.11.
13. Services *or commodities* provided by governmental agencies.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 2, line 5, after "administrator;" insert: exempting specified purchases of commodities from competitive bids under certain circumstances;

On motion by Senator Kirkpatrick, by two-thirds vote **CS for SB 1888** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34 Nays—2

On motion by Senator Dantzler, by two-thirds vote **CS for HB 1431** was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Dantzler, the rules were waived and by two-thirds vote—

CS for HB 1431—A bill to be entitled An act relating to game and freshwater fish; amending s. 372.0222, F.S.; authorizing the Game and Fresh Water Fish Commission to charge a fee for certain printed materials; prohibiting charges for materials designed to provide the public with essential information concerning fish and wildlife regulations and matters of public safety; amending s. 372.57, F.S.; deleting reference to stamps and providing for reference to permits; providing fees for special use permits for limited entry hunting or fishing; providing for special use permits and fees; amending ss. 372.571, 372.5712, 372.5714, and 372.5715, F.S.; conforming language to the act; amending s. 372.573, F.S.; revising the expenditure requirements with respect to management area permit revenues; providing an effective date.

—a companion measure, was substituted for **CS for SB 616** and by two-thirds vote read the second time by title. On motion by Senator Dantzler, by two-thirds vote **CS for HB 1431** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

MOTIONS

On motion by Senator Jennings, the rules were waived and by two-thirds vote all bills remaining on the Special Order Calendar this day and **CS for SB 330, CS for SB 434, CS for SB 892, CS for SB 1288, SB 1290, CS for SB 2710, SB 2890 and CS for SB 222** were established as the Special Order Calendar for Tuesday, April 30.

On motion by Senator Jennings, the rules were waived and by two-thirds vote **SB 124, SB 530, SB 534, SB 594, SB 780, SB 838, SB 908, SB 1000, SB 1040, SB 1160, SB 1172, SB 1218, SB 1688, SB 2592, SB 2654, SB 2728, SB 2730, SB 2884, SB 2934 and SB 3072** were established as the Claim Bill Calendar for Tuesday, April 30.

On motion by Senator Jennings, the rules were waived and by two-thirds vote **SB 1122, SB 3022, SB 3082, SB 3084, SB 3086, SB 3088, SB 3094, CS for SB 3098, SB 3104, SB 3106, SB 3110, SB 3112, SB 3116, SB 3118, SB 3120 and SB 3122** were established as the Local Bill Calendar for Tuesday, April 30.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Monday, April 29, 1996: **SB 1278, CS for SB 790, CS for SB 1268, SB 1670, CS for SB 336, SB 488, CS for SB 102, CS for SB's 386, 732 and 1208, CS for SB 1004, SB 650, CS for SB 1888, SB 1736, SB 1720, SB 1168, SB 540, SB 272, SB 248, CS for SB 616, SB 1850, SB 2368, SB 820, SB 1812, CS for SB 1180, CS for CS for SB 16, CS for CS for SB's 234 and 542, CS for SB 494, CS for SB 526, CS for SB 1280, SB 630, SB 1870, SB 2760, CS for SB 910, SB 590, CS for SB 1096, SB 1274, CS for SB 2008, CS for SB 2564, CS for CS for SB 228**

Respectfully submitted,
Toni Jennings, Chairman

The Committee on Judiciary recommends the following pass: **SB 124 with 1 amendment, SB 530 with 1 amendment, SB 534, SB 594, SB 780 with 1 amendment, SB 838 with 1 amendment, SB 908 with 1 amendment, SB 1000 with 1 amendment, SB 1040 with 1 amendment, SB 1160 with 1 amendment, SB 1172 with 1 amendment, SB 1218 with 1 amendment, SB 1688 with 1 amendment, SB 2592 with 1 amendment, SB 2654 with 1 amendment, SB 2728 with 1 amendment, SB 2730 with 1 amendment, SB 2884 with 1 amendment, SB 2934, SB 3072 with 3 amendments**

The Committee on Rules and Calendar recommends the following pass: **SJR 210, SB 1044**

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Rules and Calendar recommends the following pass: **HCR 2665 with 1 amendment, HB 2669**

The Committee on Ways and Means recommends the following pass: SB 64, CS for SB 892 with 1 amendment, CS for SB 1026 with 2 amendments, CS for SB 2812, SB 2890 with 2 amendments

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Rules and Calendar recommends the following not pass: SJR 976

The bill was laid on the table.

The Committee on Natural Resources recommends a committee substitute for the following: SB 1728

The bill with committee substitute attached was referred to the Committee on Agriculture under the original reference.

The Committee on Education recommends a committee substitute for the following: SB 2510

The bill with committee substitute attached was referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Regulated Industries recommends a committee substitute for the following: SB 142

The bill with committee substitute attached was referred to the Committee on Judiciary under the original reference.

The Committee on Natural Resources recommends a committee substitute for the following: SB 1998

The bill with committee substitute attached was referred to the Committee on Regulated Industries under the original reference.

The Committee on Natural Resources recommends a committee substitute for the following: SB 2500

The bill with committee substitute attached was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Natural Resources recommends a committee substitute for the following: SB 2478

The bill with committee substitute attached was referred to the Committee on Ways and Means under the original reference.

The Committee on Rules and Calendar recommends a committee substitute for the following: SJR 978

The Committee on Ways and Means recommends committee substitutes for the following: SB 330, SB 624, SB 740, CS for SB 770, SB 2710, SB 2732

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

SJR 3100 was previously referenced.

By Senator Williams—

SB 3102—A bill to be entitled An act relating to Gilchrist County; allowing the expenditure to the F.F.A. Alumni for land acquisition for the purpose of building a rodeo arena, from the Gilchrist Law Enforcement Trust Fund, which contains proceeds from the sale of certain contraband; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Agriculture; and Rules and Calendar.

By Senator Dantzer—

SB 3104—A bill to be entitled An act relating to the Polk County School Board; providing that the School Board of Polk County may place a measure on the ballot in a general election to increase the number of Polk County School Board members from five to seven; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Harris—

SB 3106—A bill to be entitled An act relating to Lee and Charlotte Counties; creating the Gasparilla Island Bridge Authority, a special taxing district; providing district boundaries; prescribing the purposes, powers, privileges, duties, liability, and officials; providing applicability of the provisions of ch. 189, F.S., to the district; providing definitions; providing for the appointment of the first governing board and the election and appointment of its future members; defining terms of office; prescribing duties, powers, and qualifications, and fixing compensation; providing for the setting of bridge toll rates by the district; providing for the levy of ad valorem taxes upon the lands in said district under certain circumstances and for the collection and enforcement thereof; providing the authority for the district to issue bonds and the authority to pledge revenues for the repayment of those bonds; providing the power of eminent domain; providing provisions with respect to the tax exemption of bonds, tax delinquency enforcement and liens relating thereto; specifying authority decisions requiring a majority vote; providing for interlocal cooperation; providing for fees or costs for the offices of the county property appraisers and tax collectors; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

SR 3108 was introduced out of order and adopted April 24.

By Senator Kurth—

SB 3110—A bill to be entitled An act relating to the St. Lucie County Port and Airport Authority; providing definitions; reorganizing, updating, and clarifying provisions; providing for the continuing existence of the authority and of its rights and obligations, and clarifying its character as a political subdivision in the nature of a county; amending and reorganizing provisions relating to meetings, powers and duties of the authority, employees and consultants, travel expense, taxation, and bonding; deleting obsolete text relating to ad valorem taxation; authoriz-

ing the levy of non-ad valorem assessments and issuance of bonds secured thereby; clarifying purposes for which bonds may be issued; providing authority to enter trust agreements to secure bonds; declaring legislative intent; repealing chapter 88-515, Laws of Florida; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Kurth—

SB 3112—A bill to be entitled An act relating to the St. Lucie County Erosion District; amending chapter 67-2001, Laws of Florida; providing said district shall be a political subdivision of the state; providing the board of county commissioners of the district shall be the St. Lucie County Commission; providing for meetings and applicability of chapter 189, F.S.; providing definitions; providing district powers; providing district board authorizations to amend, abolish, or consolidate existing district zone boundaries and determine benefits for the purpose of levying ad valorem taxes; providing district board authorization to levy and collect non-ad valorem assessments; providing district board authorization for issuance of bonds pursuant to general law and this act; repealing sections 25 and 26 of chapter 67-2001, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Senator Weinstein—

SB 3114—A bill to be entitled An act relating to Broward County; establishing purpose and intent; providing for the annexation of certain lands located in unincorporated Broward County into the City of Dania; providing for deannexation of certain lands presently located within the municipal boundaries of the City of Dania; providing for jurisdiction of the Fort Lauderdale-Hollywood International Airport; providing an exception to deannexation provisions of ch. 171, F.S.; providing for an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Community Affairs; and Rules and Calendar.

By Senator Weinstein—

SB 3116—A bill to be entitled An act relating to Broward County; repealing chapter 61-1951, Laws of Florida, authorizing the Board of County Commissioners to adopt rules and regulations requiring the fencing of public or residential swimming pools and for certain other matters related thereto; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Weinstein—

SB 3118—A bill to be entitled An act relating to Broward County; repealing chapter 59-1150, Laws of Florida, which authorizes the Board of County Commissioners to establish a planning department and for certain other matters related thereto; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Weinstein—

SB 3120—A bill to be entitled An act relating to Broward County; repealing chapter 69-902, Laws of Florida, which provides for the construction, acquisition, or purchase of airports and for certain other matters related thereto; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Weinstein—

SB 3122—A bill to be entitled An act relating to Broward County, Florida; requiring that Broward County Charter Government establish, maintain, and revise a priority employment and recall list for full-time career service public safety personnel within Broward County; providing for implementation; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Regulated Industries and Senators Kurth, Johnson, Dyer, Rossin, Jones, Sullivan and Weinstein—

CS for SB 142—A bill to be entitled An act relating to mobile home parks; amending s. 723.031, F.S.; providing limitations on pass-on charges that may be passed from a mobile home park owner to a mobile home owner; providing an effective date.

By the Committee on Ways and Means; and Senator Williams—

CS for SB 330—A bill to be entitled An act relating to taxation; amending s. 196.199, F.S.; providing that property owned by port authorities and leasehold interests in such property are exempt from ad valorem taxes to the extent that county property is immune from such taxes; amending s. 206.01, F.S.; revising definitions and defining the term "blender"; amending s. 206.02, F.S.; providing for blenders' licenses; providing fees; revising license application requirements; providing for temporary licenses; amending ss. 206.022 and 206.095, F.S.; providing for application of licensing and reporting requirements to terminal operators; amending s. 206.9925, F.S., relating to a definition of the term "storage facility," to conform; amending s. 206.404, F.S.; removing provisions relating to temporary licenses for retailers; amending s. 206.41, F.S.; revising provisions relating to the application of state taxes on motor fuel and exemptions therefrom; amending s. 206.46, F.S., and repealing s. 50, ch. 95-417, Laws of Florida, correcting references to the Gas Tax Collection Trust Fund; revising the amount distributed to the Right-of-Way Acquisition and Bridge Construction Trust Fund from the State Transportation Trust Fund; amending ss. 206.43, 206.48, F.S.; requiring blenders to make certain reports; revising certain reporting requirements; amending s. 206.59, F.S.; revising provisions relating to powers of the Department of Revenue; exempting discrepancies due to normal temperature gains from application of taxes; amending s. 206.86, F.S.; revising a definition; amending s. 206.873, F.S.; specifying that backup tax applies to motor fuel; amending s. 206.874, F.S., relating to exemptions; revising provisions relating to application of backup tax and allowed uses of dyed diesel fuel; specifying that diesel fuel in the fuel tanks of a motor vehicle used to propel the vehicle into this state and certain diesel fuel supplied by a vehicle manufacturer is exempt from the tax on diesel fuel; amending s. 206.8745, F.S.; providing for a refund for certain diesel fuel consumed by a power takeoff or engine exhaust; amending s. 206.89, F.S.; providing for a wholesaler of alternative fuel license; providing requirements with respect thereto, including application of penalties, bonding, and fees; amending s. 206.92, F.S.; providing for cancellation of registrant's license; amending ss. 206.9815, 206.9825, F.S.; defining the terms "kerosene" and "aviation gasoline" and providing requirements for application of the aviation fuel tax thereto; providing for exemptions and refunds; providing for application of backup tax; amending s. 206.9915, F.S.; specifying additional provisions applicable

to pt. IV of ch. 206, F.S., relating to tax on fuel and other pollutants; amending s. 212.08, F.S.; specifying the motor and diesel fuels that are exempt from sales and use tax; providing for application of the tax to certain fuels used in interstate or foreign commerce; amending s. 320.20, F.S.; providing for additional funding of the Florida Seaport Transportation and Economic Development Program; specifying the use of the funds; granting ports municipal and county authority as provided in s. 163.01(7)(d), F.S., the Florida Interlocal Cooperation Act of 1969; amending ss. 336.021, 336.025, F.S., relating to the ninth-cent fuel tax and the local option tax for county transportation systems; removing provisions relating to an allowance for services and expenses; revising provisions relating to a distribution formula; amending s. 337.276, F.S.; deleting restrictions on expenditures of certain bond proceeds; amending s. 115, ch. 95-417, Laws of Florida; removing the repeal of s. 6, ch. 94-146, Laws of Florida; repealing s. 962, ch. 95-148, Laws of Florida, which provides a future amendment to text removed by ch. 95-417, Laws of Florida; providing licensing periods and fees; directing that a reviser's bill be prepared; providing effective dates.

By the Committee on Ways and Means; and Senator Holzendorf—

CS for SB 624—A bill to be entitled An act relating to enterprise zones; amending s. 212.096, F.S.; revising the criteria for purposes of allowing a sales-tax credit; amending s. 220.181, F.S.; revising the criteria for calculating a corporate-income-tax jobs credit; providing that certain employees hired after January 1, 1995, may be considered "new employees" for purposes of enterprise zone sales tax and corporate income tax credits; providing an effective date.

By the Committee on Ways and Means; and Senators Horne, Wexler, Bronson, Kurth, Kirkpatrick, Casas, Weinstein, Meadows, Bankhead, Gutman, Beard, Williams, Sullivan, Silver, Dudley, Jones, Holzendorf, Grant, Dyer, Latvala, Ostalkiewicz, Forman, Hargrett, Crist, Turner, Rossin, Burt, Harris, Childers, Diaz-Balart, Myers, Brown-Waite and Jenne—

CS for SB 740—A bill to be entitled An act relating to ad valorem tax administration; amending s. 194.171, F.S.; providing that the property appraiser's assessment or determination is presumed correct in an administrative or judicial action in which a taxpayer challenges an assessment or a denial of an exemption or classified status; defining the taxpayer's burden of proof; authorizing the Office of Program Policy Analysis and Governmental Accountability to determine fiscal impact, if any, and to study present assessment challenge procedures; providing an effective date and an expiration date.

By the Committees on Ways and Means; and Natural Resources—

CS for CS for SB 770—A bill to be entitled An act relating to environmental lands; providing legislative findings; prohibiting the exercise of eminent domain to acquire homesteads; amending s. 259.032, F.S.; providing for funding from the Conservation and Recreation Lands Trust Fund for the control of upland and aquatic nonnative plant species and beach restoration and renourishment projects; authorizing payments in lieu of taxes to cities and other taxing entities; providing for unused funds appropriated for payments in lieu of taxes to be used for the management of certain conservation or recreational lands; providing land management requirements; amending s. 259.035, F.S.; requiring the Land Acquisition Advisory Council to rank acquisition projects in specified categories; amending s. 259.04, F.S.; authorizing the purchase of fee title or lesser interest in certain lands; providing legislative intent regarding less than fee acquisitions; requiring certain less than fee purchases; amending s. 259.101, F.S.; requiring certain purchases with Florida Communities Trust funds; providing funds from the Florida Communities Trust to be used for recreational development activities under s. 375.075, F.S.; retitling the Rails-to-Trails Program as the Greenways and Trails Program; providing for certain acquisitions; abrogating the repeal of s. 259.101(3)(c)-(g), F.S., which is scheduled for October 1, 1996; providing for the future repeal of s. 259.101, F.S.; providing additional project criteria relating to restoration for land acquisition using Preservation 2000 funds; conforming cross-references; amending ss. 260.011-260.018, F.S.; renaming the "Florida Rails to

Trails Program" as the "Greenways and Trails Program"; revising definitions; providing for expansion of the program to include a statewide system of greenways and trails for recreation and conservation; implementing concepts of ecosystem management; revising land acquisition procedures; revising map requirements; providing for use agreements and reasonable fees; creating s. 369.252, F.S.; providing for eradication and control of invasive exotic plants on public lands; amending s. 372.12, F.S.; providing for the acquisition of lands by the Game and Fresh Water Fish Commission in fee title or any lesser interest; amending s. 380.502, F.S.; providing legislative intent; amending s. 380.503, F.S.; providing a definition; amending s. 380.507, F.S.; requiring the Florida Communities Trust Program to assist local governments in acquiring urban greenways and open space projects; amending s. 380.0677, F.S.; deleting requirements with respect to funds placed in reserve; providing an effective date.

By the Committees on Rules and Calendar; and Judiciary—

CS for SJR 978—A joint resolution proposing amendments to sections 2, 8, 10, 11, and 12 of Article V of the State Constitution relating to the Judiciary.

By the Committee on Natural Resources and Senator Bronson—

CS for SB 1728—A bill to be entitled An act relating to water management; amending s. 163.3177, F.S.; requiring local governments to assess their current and projected water needs and sources for at least a 20-year period using data developed by the water management districts; providing for land use maps to depict existing wellfields and surface water sources; providing that for water resources issues the water management districts' data shall be relied upon as best available data; amending s. 186.009, F.S.; providing that the growth management portion of the state comprehensive plan shall set forth recommendations on how to integrate the Florida water plan; amending s. 186.507, F.S.; providing that regional plans include water resources issues using data provided by the water management districts; amending s. 373.016, F.S.; declaring legislative policy and its construction or application; amending s. 373.036, F.S.; providing that certain data provided to local governments by the water management districts must be reviewed by the district's governing boards; amending s. 373.042, F.S.; providing for establishment of minimum flows and levels; amending s. 373.083, F.S.; authorizing governing boards to delegate permit issuance authority to executive directors; amending s. 373.116, F.S.; providing that a notice of application for the consumptive use of water be mailed to certain entities; creating s. 373.1161, F.S.; providing for permit processing consolidation; creating s. 373.1162, F.S.; directing the Department of Environmental Protection, the water management districts, and the Department of Agriculture and Consumer Services to develop and implement certain management programs for agriculture and forestry; providing criteria and requirements; creating s. 373.1205, F.S.; providing for an alternative dispute resolution process; providing procedures, requirements, and limitations; creating s. 373.1715, F.S.; providing for the implementation and application of minimum flows and levels; amending s. 373.196, F.S.; revising legislative findings regarding the provision of water supplies; requiring certain cooperative efforts; requiring the water management districts to engage in certain planning, development, research, and regulation activities; amending s. 373.1961, F.S.; requiring water management districts to engage in certain water supply development activities; amending s. 373.223, F.S.; providing criteria that the Department of Environmental Protection or the water management districts may consider regarding the transport of groundwater or surface water; amending s. 373.414, F.S.; revising permitting criteria; amending s. 373.59, F.S.; deleting a prohibition against moneys from the Water Management Lands Trust Fund being used to acquire certain rights-of-way; providing that interests in real property acquired by the districts may be used for water supply purposes; amending s. 163.3177, F.S.; adding consideration of water resources and availability of water supply to the future land use element of local government comprehensive plans; amending s. 259.032, F.S.; providing that lands acquired from funds in the Conservation and Recreation Lands Trust Fund may be used for water supply purposes under certain conditions; decreasing the percentage of the vessel registration fees that may be used for law enforcement and quality control programs; amending s. 373.019, F.S.; providing that the state water policy must be ratified by the Legislature; deleting obsolete provisions relating to the Land Use and Water Planning Task Force;

amending s. 373.026, F.S.; providing that the state water policy must be adopted by the Legislature; amending s. 373.039, F.S.; providing that the Florida water plan must be ratified by the Legislature; amending s. 403.061, F.S.; providing that the state water policy must be adopted by the Legislature; amending s. 373.0693, F.S.; conforming a cross-reference; amending s. 373.073, F.S.; revising provisions for the appointment and terms of water management district governing boards; amending s. 373.079, F.S.; providing for duties and training of district staff; amending s. 373.507, F.S.; revising requirements for budgets and post-audits of districts and basins; amending s. 373.536, F.S.; revising certain notice requirements for district budgets and hearings; providing for review of proposed budgets; providing for district budget approval by the Governor; amending ss. 298.005, 298.11, 298.12, 298.15, 298.16, 298.17, 298.22, 298.23, 298.24, 298.25, 298.26, 298.28, F.S.; providing definitions; providing for the water management plan to be renamed the water control plan; providing for the water control plan to serve the functions of the former plan of reclamation; providing for the jurisdictional water management district to provide certain review responsibilities previously provided by the Department of Environmental Protection; providing for the appointment of certain supervisors by the Governor; changing certain taxes to assessments; consolidating powers of supervisors; describing engineers' duties and reports; creating ss. 298.225, 298.301, 298.305, 298.309, 298.313, 298.317, 298.321, 298.325, 298.329, 298.333, 298.337, 298.341, 298.345, 298.349, 298.353, 298.357, 298.361, F.S.; providing water control plan development and amendment requirements; requiring notice; providing for hearings; providing for assessment of lands for certain purposes; providing for proceedings of an engineer; providing duties of the district attorney; providing for notice of an engineer's report; providing for objections to and hearings on the engineer's report; providing for review of water control plans by water management districts; providing for hearings; providing for adoption of water control plans; providing for condemnation proceedings; providing for assessing land for certain purposes; providing for apportionment; providing for a new or amended plan under certain circumstances; providing for additional levies for certain purposes; authorizing issuance of bonds; providing procedures; providing for liens under certain circumstances; specifying application of assessments; providing for delinquent assessments; providing a penalty; providing for enforcement of non-ad valorem assessments; providing assessments for certain expenses; providing for unit development; providing powers of boards of supervisors to designate units; providing for financing assessments for units; providing for readjustment of maintenance assessments under certain circumstances; providing for reassessment of benefits for certain purposes; providing for hearings; providing for reassessment by an engineer; providing for hearings and challenges; amending ss. 298.365, 287.366, 298.401, 298.41, 298.47, 298.48, 298.49, 298.50, 298.51, 298.52, 298.54, 298.56, 298.59, 298.65, 298.71, 298.72, 298.73, 298.76, 190.013, F.S.; changing certain taxes to assessments; providing clarification; correcting cross-references; amending s. 367.022, F.S.; providing that certain persons providing nonpotable water for irrigation purposes are not subject to regulation by the Public Service Commission; repealing s. 298.07, F.S., relating to amending decrees incorporating districts; repealing s. 298.27, F.S., relating to boards of supervisors making new plans, levying additional assessments, and issuing bonds; repealing s. 298.29, F.S., relating to levy and collection of taxes, borrowing money, and issuing debt; repealing s. 298.30, F.S., relating to appointment of commissioners for certain purposes; repealing s. 298.31, F.S., relating to meetings and organization of commissioners; repealing s. 298.32, F.S., relating to proceedings and duties of commissioners; repealing s. 298.33, F.S., relating to notice; repealing s. 298.34, F.S., relating to procedures for filing exceptions to an engineer's report; repealing s. 298.35, F.S., relating to powers of supervisors; repealing s. 298.36, F.S., relating to assessments for certain purposes; repealing s. 298.465, F.S., relating to district taxes; repealing s. 298.467, F.S., relating to a prohibition against borrowing; repealing s. 298.55, F.S., relating to readjustment of assessment benefits; repealing s. 298.77, F.S., relating to readjustment of assessments; providing an effective date.

By the Committee on Natural Resources and Senator McKay—

CS for SB 1998—A bill to be entitled An act relating to land sales and acquisitions; amending s. 259.101, F.S.; providing for the distribution and use of certain funds; deleting provisions that repeal certain distributions; amending s. 498.025, F.S.; providing that the Florida Uniform Land Sales Practices Law does not apply to any offer or disposition constituting a single sale or offer to sell to a person acreage in a certain

amount or to offers or dispositions of interests in lots, parcels, or units resulting from the subdivision of land in accordance with applicable land development regulations under certain circumstances; providing an exemption for sales of subdivided lands through an agreement for deed; providing an effective date.

By the Committee on Natural Resources and Senator Latvala—

CS for SB 2478—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.06, F.S.; clarifying provisions with respect to issuance of a restricted species endorsement; providing a fee; establishing restricted species endorsement requirements for issuance of a marine life fishing endorsement; limiting the issuance of new marine life fishing endorsements to persons or corporations issued such an endorsement during the 1995-1996 license year; providing for expiration of marine life endorsements not renewed; increasing the fee charged for a marine life endorsement; reallocating fees collected; requiring a report; requiring the licenseholder to show just cause with respect to the suspension or revocation of license after a major finfish violation; amending s. 370.0605, F.S.; authorizing the Department of Environmental Protection to issue complimentary recreational saltwater fishing licenses for state sponsored aquatic resource education activities; providing for a free fishing day; amending s. 370.07, F.S.; authorizing sharing of confidential fisheries data with another state under certain circumstances; amending s. 370.0821, F.S., relating to the mesh size of a recreational net in St. Johns County; amending s. 370.11, F.S., relating to the use of nets; amending s. 370.14, F.S.; adjusting revenue allocation reflecting operation of the lobster program and transfer of the Saltwater Licensing and Permitting Section to the department from the Division of Law Enforcement; amending s. 370.142, F.S.; establishing a transfer surcharge on lobster trap certificates for administration and research; providing an additional civil penalty; revising the disposition of fees and surcharges; amending s. 370.25, F.S.; revising language with respect to the artificial fishing reef program; prohibiting the use of certain materials; providing for duties of the department; prohibiting certain acts; providing fines; providing criminal penalties; amending s. 370.15, F.S., relating to shrimp trawls; repealing s. 370.08(7), F.S., relating to the use of gear and other equipment; repealing s. 370.0821(3), F.S., relating to the use of nets in St. Johns County; repealing s. 370.11(2) and (3)(c), F.S., relating to the length of saltwater fish and the use of nets to harvest shad; repealing s. 370.1125, F.S., relating to the harvest of permit; repealing s. 370.114, F.S., relating to the taking of corals and sea fans; repealing s. 370.135(2) and (3), F.S., relating to the harvest and sale of blue crabs; repealing s. 370.15(2) and (3), F.S., relating to the harvest of shrimp; repealing s. 370.151(2), F.S., relating to the Tortugas shrimp beds; repealing s. 370.153(4)(c), (d), (e), and (5)(b), (d), F.S., relating to the harvest of shrimp in Clay, Duval, Nassau, Putnam, Flagler, and St. Johns Counties; repealing s. 370.156, F.S., relating to the Florida East Coast Shrimp Bed; repealing s. 370.157, F.S., relating to the harvest of shrimp in the Cedar Key closed area; providing an effective date.

By the Committee on Natural Resources and Senator Dantzler—

CS for SB 2500—A bill to be entitled An act relating to environmental education; creating s. 372.674, F.S.; authorizing the Game and Fresh Water Fish Commission to establish environmental education programs; creating the Advisory Council on Environmental Education within the Game and Fresh Water Fish Commission; establishing duties of the advisory council; transferring the records, property, and funds of the Advisory Council on Environmental Education within the Legislature to the Game and Fresh Water Fish Commission; amending s. 320.08058, F.S.; revising the distribution of funds from the Manatee and Florida Panther license plates; repealing s. 229.8056, F.S., which provides for the Office of Environmental Education within the Department of Education; repealing s. 229.8058, F.S., which provides for the Advisory Council on Environmental Education within the Legislature; repealing s. 229.8064, F.S., which provides for priorities for environmental education projects and program activities; providing an effective date.

By the Committee on Education and Senators Latvala, Sullivan, Grant, Jones, Brown-Waite, Horne, Bankhead and Silver—

CS for SB 2510—A bill to be entitled An act relating to public education; amending s. 24.102, F.S.; providing legislative intent relating to expenditure of lottery proceeds; creating s. 24.1205, F.S.; providing legislative intent to limit the expenditure of lottery proceeds to certain educational enhancements; amending s. 24.121, F.S.; revising provisions relating to the funding of education from lottery revenues; requiring school district reporting of expenditures; amending ss. 229.592, 230.23, F.S.; conforming provisions; amending s. 240.5291, F.S., relating to teaching profession enhancement grants; revising funding provisions; creating s. 240.4024, F.S.; creating the Florida Postsecondary Tuition Program; providing eligibility, types of assistance, application process, and funding; restricting awards through the Florida Undergraduate Scholars' Program and the Vocational Gold Seal Endorsement Scholarship Program upon funding of the Florida Postsecondary Tuition Program; providing criteria for use of scholarship funds by certain students; providing an effective date.

By the Committee on Ways and Means; and Senator McKay—

CS for SB 2710—A bill to be entitled An act relating to corporate income tax; amending s. 220.03, F.S.; updating references to the Internal Revenue Code for corporate income tax purposes; providing for retroactive effect; providing an effective date.

By the Committee on Ways and Means; and Senator McKay—

CS for SB 2732—A bill to be entitled An act relating to tax administration by the Department of Revenue; amending s. 199.143, F.S.; defining the term "residence" for purposes of determining whether the intangibles tax is due on the maximum amount of a line of credit; amending s. 199.185, F.S.; providing circumstances under which credit card receivables of a bank are exempt from the tax on intangible personal property; amending s. 200.065, F.S.; revising the form of a tax increase notice; repealing s. 200.065(14), F.S., relating to the form of a notice of tax clarification; amending s. 201.13, F.S.; providing that the department shall discontinue furnishing stamps for payment of the excise tax on documents after a specified date; authorizing use of stamps held by persons on that date; repealing s. 201.131, F.S., which authorizes payment of the tax through use of metering machines; amending s. 201.133, F.S.; revising provisions relating to payment of the tax on documents that are not to be recorded; requiring persons engaged in a certain number of transactions to register and remit the tax to the department; providing that persons below that threshold shall remit the tax to the department but need not register; providing for application of penalties; amending s. 201.17, F.S.; revising penalty provisions; amending ss. 201.01, 201.022, 201.05, 201.08, 201.09, 201.11, 201.12, and 201.22, F.S., to conform; amending s. 212.031, F.S.; providing for the taxation of certain tonnage charges; amending s. 212.08, F.S.; providing an exemption for certain charges by an ad agency to its clients; amending s. 212.11, F.S.; providing conditions under which sales tax dealers may make an annual return and payment or a quarterly return and monthly payment; authorizing the department to prescribe requirements relating to taxpayers required to remit sales and use taxes by electronic funds transfer and to waive that requirement under certain circumstances; amending s. 213.21, F.S.; requiring the settlement or compromise of certain penalty liabilities of taxpayers who use the pilot certified audit program; providing for other compromises; providing for future repeal; amending s. 213.22, F.S.; authorizing access to technical assistance advisements through the department's tax information retrieval system without a fee; amending s. 395.701, F.S.; providing an exemption from the annual assessment on net operating revenues to fund public medical assistance for certain health care facilities; excluding certain physicians and certain group practices from annual assessments on health care entities; creating the Sale For Resale Exemption Revision Committee; providing for appointment and qualifications of members; providing duties; requiring a report; providing effective dates.

By the Committee on Governmental Reform and Oversight; and Senator Dudley—

CS for SB 2870—A bill to be entitled An act relating to education; providing a short title; providing legislative intent; creating the Institute on Public Postsecondary Distance Learning; providing for a governing board of the institute; assigning the institute to the Florida Gulf Coast University for purposes of administration; specifying the duties of the institute; requiring the institute to submit a report and recommend policies and procedures for implementing distance learning to the Florida Distance Learning Network, the Board of Regents, and the State Board of Community Colleges; amending s. 364.509, F.S.; providing for Tallahassee Community College to be the fiscal agent and project manager for the Florida Distance Learning Network; directing the State Board of Community Colleges to establish the Florida Community College Distance Learning Consortium; requiring the State Board of Community Colleges to appoint an advisory board for the consortium; providing duties of the consortium; amending s. 364.511, F.S., relating to the powers of the Board of Directors of the Florida Distance Learning Network with respect to the leasing of transponder time; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 955, CS for HB 1431, HB 2087; has passed as amended CS for HB 5, CS for HB 373, CS for HB 613, CS for HB 725, CS for HB 757, CS for HB 927, CS for HB 1127, CS for HB 1149, CS for HB's 2159 and 2233, CS for HB 2587 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Finance and Taxation; and Representative Futch—

CS for HB 955—A bill to be entitled An act relating to ad valorem taxes; amending ss. 200.181 and 125.013, F.S.; authorizing counties and municipalities receiving surplus revenue from voted levies for debt service to use the surplus for specified purposes, including maintenance and operation; providing an effective date.

(Substituted for **CS for SB 1004** on the Special Order Calendar this day.)

By the Committee on Natural Resources and Representative King and others—

CS for HB 1431—A bill to be entitled An act relating to game and freshwater fish; amending s. 372.0222, F.S.; authorizing the Game and Fresh Water Fish Commission to charge a fee for certain printed materials; prohibiting charges for materials designed to provide the public with essential information concerning fish and wildlife regulations and matters of public safety; amending s. 372.57, F.S.; deleting reference to stamps and providing for reference to permits; providing fees for special use permits for limited entry hunting or fishing; providing for special use permits and fees; amending ss. 372.571, 372.5712, 372.5714, and 372.5715, F.S.; conforming language to the act; amending s. 372.573, F.S.; revising the expenditure requirements with respect to management area permit revenues; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Representative Frankel—

HB 2087—A bill to be entitled An act resolving the inconsistencies between the amendments to ss. 39.001, 39.076, 39.411, 110.1127, 242.335, 393.0655, 394.457, 397.451, 400.211, 400.512, 402.305,

409.175, 415.504, F.S., as enacted by chapters 95-158, 95-228, and 95-418, Laws of Florida, relating to standards for screening personnel for various positions; amending s. 119.07, F.S., relating to reports of abuse or neglect; deleting a reference made obsolete by amendments enacted by chapter 95-228, Laws of Florida; amending ss. 435.03, 435.04, F.S., relating to screening standards; incorporating amendments made by chapters 95-158 and 95-418, Laws of Florida, relating to abuse, neglect, or exploitation of an elderly person or disabled adult; providing an effective date.

(Substituted for **SB 1736** on the Special Order Calendar this day.)

By the Committee on Finance and Taxation; and Representative Starks and others—

CS for HB 5—A bill to be entitled An act relating to refund of motor vehicle impact fees; directing the Department of Highway Safety and Motor Vehicles to refund the impact fee imposed on the initial application for registration of a motor vehicle pursuant to s. 320.072(1)(b), F.S., from July 1, 1990, to June 30, 1991; providing for notice to appropriate state agencies of persons eligible for a refund; directing such agencies to notify the Comptroller of claimants who owe certain debts; directing the Comptroller to withhold refunds due such claimants and transmit such amounts to the appropriate agency; providing a time certain for refund eligibility; providing an effective date.

—was referred to the Committees on Transportation; Judiciary; and Ways and Means.

By the Committee on Commerce and Representative Tobin—

CS for HB 373—A bill to be entitled An act relating to drug-free workplace requirements; amending s. 112.0455, F.S.; redefining the term "specimen"; prescribing qualifications of laboratories that analyze drug specimens; requiring the Agency for Health Care Administration to adopt rules relating to the drug testing of urine, hair, blood, and other body specimens; providing standards and procedures for certain testing; amending s. 440.101, F.S.; including reference to the Agency for Health Care Administration with respect to drug-free workplaces; amending s. 440.102, F.S.; prescribing qualifications of laboratories that analyze drug specimens; requiring the Agency for Health Care Administration to adopt rules relating to the drug testing of urine, hair, blood, and other body specimens; revising collective bargaining rights; requiring drug testing policy be applied equally to all employees; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Health Care.

By the Committee on Commerce and Representative Jones—

CS for HB 613—A bill to be entitled An act relating to retail finance; amending s. 516.01, F.S.; providing a definition; amending s. 516.05, F.S.; requiring written notice of a licensee's change of place of business; requiring certain licensees to maintain separate locations from second-hand dealers; amending s. 516.33, F.S.; requiring licensees to display certain notice of licensure; amending s. 520.03, F.S.; providing an exception from licensure requirements under certain circumstances; revising certain licensure fee requirements; amending s. 520.07, F.S.; providing additional requirements for retail installment contracts; amending s. 520.08, F.S.; providing a limitation on certain finance charges; amending s. 520.085, F.S.; requiring certain loan processing fees to be prepaid finance charges; requiring disclosure; providing a limitation; amending s. 520.35, F.S.; revising language with respect to revolving accounts; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Ways and Means.

By the Committee on Transportation and Representative Carlton and others—

CS for HB 725—A bill to be entitled An act relating to motor vehicles; amending s. 319.14, F.S.; including nonconforming vehicles within a group of vehicles which must have certain information included on the certificate of title; providing definitions; providing a penalty; providing for an exception; providing an effective date.

—was referred to the Committee on Transportation.

By the Committee on Commerce and Representative Roberts-Burke and others—

CS for HB 757—A bill to be entitled An act relating to financial services; creating s. 660.418, F.S.; authorizing certain financial institutions to purchase certain securities under certain circumstances; providing application; repealing s. 655.053, F.S.; relating to certain annual reports submitted by the Department of Banking and Finance; amending s. 626.988, F.S.; providing exceptions to prohibitions on the conduct of insurance transactions by financial institutions; creating s. 627.5715, F.S.; requiring the adoption of rules for parity of regulation of insurance agents and agencies; providing effective dates.

—was referred to the Committees on Banking and Insurance; and Ways and Means.

By the Committee on Aging and Human Services; and Representative Brennan and others—

CS for HB 927—A bill to be entitled An act relating to public assistance; creating the "Florida Family Independence Act"; creating s. 414.015, F.S.; providing a short title; creating s. 414.025, F.S.; providing legislative intent; creating s. 414.035, F.S.; providing definitions; creating s. 414.055, F.S.; providing for the temporary family assistance program; creating s. 414.065, F.S.; providing work activity requirements; requiring participation in program activities; providing exemptions; providing penalties for failure to participate in a required program activity; providing for proportional reduction of benefits related to performance; providing exceptions to noncompliance penalties; providing participation requirements for noncustodial parents; providing prioritization of work requirements; providing for use of contracts; creating s. 414.075, F.S.; providing resource eligibility standards; creating s. 414.085, F.S.; providing income eligibility standards; creating s. 414.095, F.S.; providing methods of determining assistance group eligibility and benefit levels; creating s. 414.105, F.S.; providing time limitations on benefits; providing exceptions; providing for hardship exemptions; creating s. 414.115, F.S.; limiting assistance for additional children; providing exceptions; amending and renumbering s. 409.1855, F.S., relating to learn-fare; amending and renumbering s. 409.938, F.S., relating to childhood immunization requirements; amending and renumbering s. 409.186, F.S., relating to public assistance policy simplification; creating s. 414.15, F.S.; providing for diversion; amending and renumbering s. 420.627, F.S., relating to the emergency assistance program; creating s. 414.17, F.S.; providing for audits of the temporary family assistance program; creating s. 414.18, F.S.; providing for review of federal waivers and law; creating s. 414.20, F.S.; providing for other support services; creating s. 414.21, F.S.; providing for transitional medical benefits; creating s. 414.22, F.S.; providing for transitional education and training; creating s. 414.23, F.S.; providing for program evaluation; creating s. 414.24, F.S.; providing for integrated welfare reform and child welfare services; creating s. 414.25, F.S.; providing exemption from leased real property requirements; renumbering s. 409.295, F.S., relating to court-appointed guardians; renumbering s. 409.315, F.S., relating to public assistance payment on death; amending and renumbering s. 409.345, F.S., relating to the creation of debt to recipients of public assistance payments, to conform; amending and renumbering s. 409.355, F.S., relating to public inspection of public assistance records; amending and renumbering s. 409.212, F.S., relating to optional state supplementation; amending and renumbering s. 409.275, F.S., relating to the administration of the food stamp program, to conform; creating s. 414.32, F.S.; providing for prohibitions and restrictions relating to food stamps; creating s. 414.33, F.S.; providing for violations of the food stamp program; renumbering s. 409.328, F.S., relating to annual reports concerning administrative complaints and disciplinary actions involving food stamp

program violations; renumbering s. 409.60, F.S., relating to emergency relief; amending and renumbering s. 409.2562, F.S., relating to privatization and contracting of the public assistance overpayment recovery program; renumbering s. 409.25625, F.S., relating to the reemployment of laid-off career service employees in the privatization of the public assistance overpayment recovery program; amending and renumbering s. 409.25655, F.S., relating to the pilot work experience and job training for noncustodial parents program; amending s. 409.2567, F.S., relating to child support collection for children receiving temporary family assistance; requiring a report; amending and renumbering s. 409.325, F.S., relating to fraud; renumbering s. 409.3251, F.S., relating to the Stop Inmate Fraud Program; amending and renumbering s. 409.335, F.S., relating to the recovery of payments made due to mistake or fraud; renumbering s. 409.3282, F.S., relating to cause for employee dismissal; renumbering s. 409.285, F.S., relating to the opportunity for hearing and appeal; creating s. 414.44, F.S.; providing for a discretionary supplement for the disabled; providing for a study; creating s. 414.45, F.S.; providing for data collection and reporting; creating s. 414.46, F.S.; providing for department rulemaking; creating s. 414.47, F.S.; providing for transfer and carry forward of certain funds; amending s. 20.19, F.S., relating to responsibilities of the Economic Services Program Office of the Department of Health and Rehabilitative Services, to conform; amending s. 39.044, F.S., relating to detention, to conform; amending s. 61.30, F.S., relating to child support guidelines, to conform; amending s. 97.021, F.S., relating to the definition of public assistance in the election code, to conform; amending s. 216.136, F.S., relating to duties of the Social Services Estimating Conference, to conform; amending s. 230.2305, F.S., relating to the prekindergarten early intervention program, to conform; providing requirements for the establishment of performance standards; collaborative agreements; amending s. 402.3015, F.S., revising and conforming the state subsidized child care program; providing requirements for compliance with performance standards; development of collaborative agreements; and providing for withholding administrative fees for non-compliance; amending s. 233.068, F.S., relating to job-related vocational instruction, to conform; amending s. 240.40685, F.S., relating to the Certified Teacher-Aide Welfare Transition Program, to conform; amending s. 240.61, F.S., relating to college reach-out program, to conform; amending s. 246.50, F.S., relating to participation by independent postsecondary schools in the Certified Teacher-Aide Welfare Transition Program, to conform; amending s. 402.27, F.S., relating to child care and early childhood resource and referral, to conform; amending s. 402.33, F.S., relating the authority of the Department of Health and Rehabilitative Services to charge fees for services provided, to conform; amending s. 402.40, F.S., relating to child welfare training academies, to conform; amending s. 402.45, F.S., relating to the community resource mother or father program, to conform; amending s. 409.2566, F.S., relating to the Child Support Enforcement Application Fee Trust Fund, to conform; amending s. 409.259, F.S., relating to partial payment of filing fees in only non-aid-to-families-with-dependent-children cases, to conform; amending s. 409.903, F.S., relating to mandatory payments for eligible persons, to conform; amending s. 409.942, F.S., relating to the electronic benefit transfer program, to conform; amending s. 411.232, F.S., relating to the Children's Early Investment Program, to conform; amending s. 411.242, F.S., relating to the ENABL program, to conform; creating s. 411.243, F.S.; requiring the department to create the Teen Pregnancy Prevention Community Incentive Grant initiative; providing for evaluation; amending s. 420.621, F.S., relating to definitions, to conform; amending s. 421.10, F.S., relating to rentals and tenant selection, to conform; amending s. 497.419, F.S., relating to the cancellation or default of preneed contracts for funeral and cemetery services, to conform; amending ss. 11.50, 194.013, 239.117, 239.301, 240.35, 282.502, 400.407, 400.418, 400.42, 400.618, 400.619, 409.2564, 409.328, 420.625, 772.102, 895.02, and 921.0012, F.S.; correcting cross references; amending s. 212.08, F.S.; providing exemptions from sales and use taxes for household fuels for licensed family day care homes and educational materials for certain preschool and prekindergarten programs; creating s. 383.0112, F.S.; providing for a Commission on Responsible Fatherhood in the Department of Health and Rehabilitative Services; providing for purpose, guiding principles, and responsibilities of the commission; providing for a report; creating s. 383.0113, F.S.; creating the commission; providing for membership; providing for travel expenses and per diem and reimbursement of members; prescribing powers and duties of the commission; providing for removal of commission members; providing for development of a budget request; creating s. 383.0114, F.S.; permitting prenatal and infant health care coalitions to establish programs to encourage responsible fatherhood and to support such programs already in existence; amending s. 402.26, F.S.; providing legislative intent relating to development of family-friendly workplaces; amending s. 402.27,

F.S.; providing additional responsibilities of child care resource and referral agencies; requiring family day care homes to provide certain information to such agencies; creating s. 402.281, F.S.; creating the Gold Seal Quality Care program for child care facilities and family day care homes which meet certain standards; providing for intergovernmental cooperation to eliminate duplicative and unnecessary inspections of child care facilities and provide for abbreviated inspections; requiring a report to the Legislature; amending s. 402.301, F.S.; providing policy to encourage child care providers to serve children with disabilities; amending s. 402.3015, F.S.; revising purpose of the subsidized child care program; revising the definition of "at-risk children"; amending s. 402.302, F.S.; revising the definition of "family day care home"; amending s. 402.305, F.S.; exempting the staff in part-time child care facilities that have specified characteristics from certain credentialing requirements; providing an alternative requirement for such a facility; amending s. 402.305, F.S.; requiring certain training in serving children with disabilities for directors of child care facilities; revising minimum safety standards relating to CPR training; providing minimum standards for infant-only child care centers; providing a suspension of square-footage requirements during transition periods; amending s. 402.3051, F.S.; providing a three-tiered system of reimbursement for subsidized child care providers; creating s. 402.3053, F.S.; amending s. 409.185, F.S.; requiring the Department of Health and Rehabilitative Services to withhold financial assistance payments from recipients when fraud is suspected; requiring certain notice to the recipient; requiring an interview within a specified timeframe to resolve the matter; providing for subsidized child care contracts within each district of the Department of Health and Rehabilitative Services; providing procedures and requirements; amending s. 402.313, F.S.; providing utility rate requirements for family day care homes; requiring the department to establish minimum standards for such homes; amending s. 402.315, F.S.; providing for use of licensing fees; amending s. 409.178, F.S.; revising the Child Care Partnership Act; creating a Child Care Executive Partnership; providing for a Child Care Partnership Program; providing for use of state and federal funds to match local and employer funds for a public-private partnership subsidized child care program; providing for a child care purchasing pool; providing for pilot projects; providing for funding through a specified date; providing for requests for proposals; providing requirements; providing for legislative review; creating s. 409.179, F.S.; providing for a family-friendly workplace campaign; providing for selection of annual award winners by the Executive Office of the Governor; amending ss. 61.11 and 943.05, F.S.; specifying contents and procedures for writs of bodily attachment in connection with court-ordered child support obligations; creating s. 409.25645, F.S.; providing for pilot programs using administrative orders for genetic testing in child support cases; providing procedures and requirements; creating s. 409.25656, F.S.; providing garnishment procedures for payment of delinquent child support obligations; amending s. 409.2572, F.S.; providing for sanctions for certain noncooperation by an applicant or recipient of public assistance; providing for use of DNA testing to identify the fathers of children receiving public assistance; providing for operation of family transition program sites as mandatory programs; providing for amendment to federal waiver; providing certain involvement of community organizations and for safeguards for children whose temporary family assistance benefits have expired; repealing ss. 409.026, 409.029, 409.185, 409.1857, 409.211, 409.2345, 409.235, 409.2351, 409.255, 409.326, 409.327, 409.3284, 409.921, 409.922, 409.923, 409.924, 409.925, 409.926, 409.927, 409.928, 409.929, 409.930, 409.931, 409.932, 409.933, 409.934, 409.935, 409.936, 409.937, 409.939, 409.940, 409.941, 409.943, 414.01, 414.02, 414.03, 414.04, 414.05, 414.06, 414.07, 414.08, 414.09, 414.10, 414.11, and 414.12, F.S., relating to Department of Health and Rehabilitative Services functions, Florida Employment Opportunity Act, determination of eligibility for and amount of financial assistance, community employment and work experience program, mandatory supplementation, rules governing aid-to-families-with-dependent-children program concerning full benefits for certain families without employment restrictions, aid-to-families-with-dependent-children program, short-term emergency financial assistance for housing, aid-to-families-with-dependent-children unemployed parent program, violation of food stamp program by recipient, violation of food stamp program by retail food store, retail items not purchasable, short title, legislative intent, definitions, general provisions of family transition program, federal waivers and evaluation, responsibilities of the department, benefit limitations and enhanced services applicable to all participants, review panels, full durational review, enhanced services, court-ordered participation, incentives for employers, family transition program learnfare requirement, family transition program aid-to-families-with-dependent-children dependency diversion, rulemaking, reporting, family transition

program recognition awards, required quarters of work for aid-to-families-with-dependent-children unemployed parent program, vendor payment for housing authority, periods of substantially high unemployment, federal waivers necessary to implement ch. 95-431, Laws of Florida, county aid for poor mothers, allowance authorized, conditions of allowance, time limit on allowance, orphans dependent on poor female relative and impoverished orphans, implementation, history of each case, method of family investigation, appointments, residence of child, required school attendance, and designation of county welfare board, respectively, to conform; providing for certain budget and expenditure structuring to facilitate implementation of the act; providing for implementation; creating the "Workforce Florida Act of 1996"; providing legislative intent; providing for a workforce development strategy; providing for a charter process; providing for Regional Workforce Development Boards; delineating board membership, roles, and duties; creating the "Untried Worker Placement and Employment Incentive Act"; defining the term "untried worker"; authorizing the pilot program; outlining program responsibilities; providing for future repeal; amending s. 288.0475, F.S.; revising the membership of the board of directors of Enterprise Florida Jobs and Education Partnership; authorizing the partnership to appoint subcommittees to comply with certain federal requirements; deleting reference to the advisory committee to the State Job Training Coordinating Council; providing additional powers and duties of the Enterprise Florida Jobs and Education Partnership board; providing for financial disclosure by board members; requiring the Enterprise Florida Jobs and Education Partnership to establish performance goals and standards; amending s. 446.20, F.S.; designating the Enterprise Florida Jobs and Education Partnership as the State Human Resource Investment Council; repealing s. 446.31, F.S., relating to the Florida Human Resource Development Council; providing for the future repeal of the Advisory Board on Constructive Youth Programs, the Education Success Incentive Council, and the Quick Response Advisory Committee; providing for the application of the act; providing a timeframe for the designation of primary service providers; providing legislative intent relating to the transfer of functions to the Enterprise Florida Jobs and Education Partnership and to the Regional Workforce Development Boards; creating s. 290.0067, F.S.; providing for renaissance area; providing for legislative findings; providing for a pilot program; providing for future repeal; providing effective dates.

— was referred to the Committee on Ways and Means.

By the Committees on Finance and Taxation; Natural Resources; and Representative Kelly and others—

CS for HB 1127—A bill to be entitled An act relating to petroleum underground storage tanks; amending s. 376.30, F.S.; establishing priorities for payments from the Inland Protection Trust Fund; amending s. 376.301, F.S.; providing definitions; amending s. 376.303, F.S.; deleting obsolete language with respect to powers and duties of the Department of Environmental Protection; including an additional type of storage tank within a group which is not required to be registered under the program for aboveground hazardous substance tanks; amending s. 376.305, F.S.; deleting language with respect to certain persons who may be entitled to reimbursement for rendering assistance in containing or removing certain pollutants; providing for waiver of certain storage system closure requirements under certain circumstances; providing for site rehabilitation funding; amending s. 376.3071, F.S.; providing additional legislative findings; providing for the creation of a nonprofit public benefit corporation to assist the state in financing certain functions; providing legislative intent regarding duties of the department relating to improving the efficiency of the Petroleum Restoration Program and site rehabilitation; revising provisions relating to the Inland Protection Trust Fund; providing for additional uses of moneys in the fund; revising language with respect to the duty of the department to adopt rules for site selections and cleanup; providing criteria; revising provisions relating to the department's duty to seek recovery and reimbursement; providing criteria for voluntary cleanup; specifying nonreimbursable cleanup; providing for the application of programs for reimbursement for cleanup expenses; limiting certain amounts of reimbursement; requiring the department to develop schedule of reimbursement payments; requiring payment of reimbursement based on present value; providing for the granting and variances of a waiver; providing for a petroleum cleanup participation program; requiring the department to implement a cost-sharing cleanup program to provide rehabilitation funding assistance under certain circumstances; providing criteria; providing procedures;

providing for eligibility; requiring a copayment; requiring a limited contamination assessment report; providing limitations; providing exceptions; amending s. 376.30711, F.S.; revising language with respect to eligibility for site rehabilitation reimbursement; providing for preapproved site rehabilitation; providing legislative declarations; requiring the department to use competitive bid procedures or negotiated contracts for certain purposes; providing procedures; providing criteria; providing limitations; requiring the department to conduct a pilot project for certain purposes; providing for a report; creating s. 376.30713, F.S.; providing for preapproved advanced cleanup; providing legislative findings; providing procedures for applications; providing requirements; authorizing the department to contract for preapproved advanced cleanup; requiring a report; providing for future repeal; amending s. 376.3072, F.S.; revising provisions relating to the Florida Petroleum Liability and Restoration Insurance Program; providing additional criteria; providing for a supplemental deductible; providing for redetermination of eligibility for insurance; amending s. 376.3073, F.S.; directing the department to contract with local governments for certain cleanup operations under certain circumstances; creating s. 376.3075, F.S.; creating the Inland Protection Financing Corporation to assist the department in financing petroleum contamination site remediation; providing for a board of directors; providing powers and duties; authorizing the corporation to contract with the department for certain purposes; authorizing the corporation to issue and incur indebtedness; providing limitations; providing requirements; exempting the corporation from all taxation; authorizing the corporation to validate obligations; providing for termination of the corporation; amending s. 376.308, F.S.; providing that certain persons shall not be subject to certain administrative or judicial actions to complete site rehabilitation; amending s. 376.311, F.S.; revising provisions relating to penalties for discharge; prohibiting certain employees of the department to hold employment or have a contractual arrangement with certain entities; amending ss. 287.0595 and 316.302, F.S.; correcting cross references; repealing s. 376.30712, F.S., relating to enforcement of rehabilitation schedules; repealing s. 376.3074, F.S., relating to noncompliance fees; providing severability; providing an appropriation; providing an effective date.

— was referred to the Committees on Natural Resources; and Ways and Means.

By the Committee on Finance and Taxation; and Representative Lacasa—

CS for HB 1149—A bill to be entitled An act relating to pollutant discharge prevention and response; amending s. 376.031, F.S.; revising definitions; amending s. 376.065, F.S.; clarifying the cleanup capability requirements for terminal facilities; authorizing additional requirements for bulk product facilities; deleting obsolete language; revising penalty provisions; amending s. 376.07, F.S.; revising rules relating to operation and inspection requirements for terminal facilities and vessels; revising penalty provisions; amending s. 376.071, F.S.; revising vessel discharge contingency plan requirements; revising penalty provisions; amending s. 376.09, F.S.; revising provisions relating to removal of pollutants; revising and clarifying certain claims against the Florida Coastal Protection Trust Fund; amending s. 376.10, F.S., relating to personnel and equipment; amending ss. 376.11 and 376.121, F.S.; correcting cross references; amending s. 376.12, F.S.; revising provisions relating to liability; clarifying exceptions to limitation of liability; clarifying defenses to liability; clarifying liability of third parties; creating s. 376.123, F.S.; providing a mechanism for filing claims against the fund; conforming claims against the fund to the provisions of the Oil Pollution Act of 1990; clarifying procedures for claims for cleanup costs; amending s. 376.14, F.S., relating to claims and service of process against providers of financial responsibility; amending s. 376.16, F.S.; revising penalty and enforcement provisions; amending s. 376.205, F.S.; clarifying individual causes of action; revising provisions relating to costs; creating s. 376.207, F.S.; prohibiting polluting lobster traps; amending s. 376.301, F.S.; revising definitions; amending s. 376.303, F.S.; providing a registration exemption for storage tanks containing sodium hypochlorite; providing requirements for terminal facilities and bulk product facilities with respect to preventing pollution of surface and ground waters; amending s. 316.2397, F.S.; allowing flashing red lights for Department of Environmental Protection emergency response vehicles; amending ss. 287.0595 and 316.302, F.S.; correcting cross references; repealing s. 376.06, F.S., relating to the prohibition against operation of a terminal facility without required registration; repealing s. 376.163, F.S., relating

to establishment of the Pollutant Discharge Technical Council; providing effective dates.

(Substituted for CS for SB 790 on the Special Order Calendar this day.)

By the Committee on Tourism and Cultural Affairs; and Representative Bloom and others—

CS for HB's 2159 and 2233—A bill to be entitled An act relating to the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; repealing s. 399.035(1)(f), F.S., relating to accessibility requirements for elevators in buildings having fewer than three stories; amending s. 509.013, F.S.; revising exceptions to the definition of "public lodging establishment"; amending s. 509.032, F.S.; restricting the right of entry and access to public lodging establishments and public food service establishments for purposes of required inspections to the division alone, and not its agent; providing for storage of any food or food product that may have contributed to a food-borne illness until the responsible health authority examines, samples, seizes, or requests destruction of the food or food product; authorizing the division to supervise any such destruction; creating s. 509.049, F.S.; requiring the division to adopt by rule minimum food safety protection standards for the training of food service employees; requiring the licensees of public food service establishments or designated certified food service managers to provide training in accordance with the rule to all employees under their supervision or control; amending s. 509.072, F.S.; limiting uses of moneys deposited into the Hotel and Restaurant Trust Fund from the fee assessed against public lodging and public food service establishments to fund the Hospitality Education Program; amending s. 509.101, F.S.; requiring operators of public food service establishments to maintain their latest food service inspection report or a copy thereof on premises and make it available to the public upon request; amending s. 509.221, F.S.; revising provisions relating to the number of bathrooms each public lodging establishment and each public food service establishment is required to maintain; amending s. 509.251, F.S.; eliminating reference to certain fee adjustments based on the number of previous year's sanitation and safety inspections required of the public lodging establishment or public food service establishment; providing delinquent fees applicable to license renewals filed with the division during an additional period after the expiration date; eliminating reference to reinstatement fees; amending s. 509.291, F.S.; changing composition of the advisory council; amending s. 509.302, F.S.; prescribing additional duties of the Director of the Division of Hotels and Restaurants and the director of education of the Hospitality Education Program; authorizing the program to affiliate with members of the State University System, State Community College System, or a privately funded college or university; providing budgetary requirements for the program; revising provisions relating to funding, availability, and oversight of school-to-career transition programs in the hospitality services field; authorizing the development of food safety training programs; providing annual funding for the development of food safety training programs and non-transient public lodging training programs; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By the Committee on Tourism and Cultural Affairs; and Representative Barreiro and others—

CS for HB 2587—A bill to be entitled An act relating to the Fine Arts Endowment Program; amending s. 265.2861, F.S.; increasing population requirements for State Touring Program; amending ss. 265.601, 265.602, 265.603, 265.605, 265.606, and 265.607, F.S.; redesignating the Fine Arts Endowment Program of 1985 as the Cultural Endowment Program; revising definitions; abolishing the Fine Arts Endowment Trust Fund; providing for moneys in the fund to be used to support certain dance, music, theater, visual arts, literature, and media arts disciplines, and museum programs; revising the requirements for matching funds collected under the program by a sponsoring organization; providing for retention on priority list for qualified sponsoring organizations; providing an effective date.

—was referred to the Committees on Community Affairs; and Ways and Means.

RETURNING MESSAGES ON SENATE BILLS

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1662, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1662—A bill to be entitled An act relating to welfare reform; providing a new title for ch. 414, F.S.; creating s. 414.015, F.S.; designating ch. 414, F.S., as the "Work and Gain Economic Self-sufficiency (WAGES) Act"; creating s. 414.025, F.S.; providing legislative intent; creating s. 414.026, F.S.; creating the WAGES Program State Board of Directors within the Executive Office of the Governor; providing for the appointment of members and terms of office; providing for reimbursement of per diem and travel expenses; requiring the board of directors to appoint a program director to supervise the administration of the WAGES Program; providing for expiration of the board of directors and legislative review; creating s. 414.027, F.S.; requiring the board of directors to develop a WAGES Program statewide implementation plan; requiring the plan to be annually updated; creating s. 414.028, F.S.; requiring the WAGES Program State Board of Directors to create and charter local WAGES coalitions to plan and coordinate the delivery of services under the program; providing for membership of the local coalitions; providing duties and functions of the local coalitions; requiring the local coalition to develop a program plan that includes a teen pregnancy prevention component; providing for staff support for local coalitions; creating s. 414.035, F.S.; providing definitions; creating s. 414.045, F.S.; requiring the Department of Health and Rehabilitative Services to submit a state plan to the Federal Government; providing requirements for the plan; creating s. 414.055, F.S.; requiring the Division of Jobs and Benefits of the Department of Labor and Employment Security to establish jobs and benefits offices at which an individual may apply to participate in the WAGES Program or receive certain types of assistance; providing that a public employment office of the division may function as a jobs and benefits office; providing for the future transfer of the duties, personnel, and appropriations under the authority of the Department of Health and Rehabilitative Services with respect to administering the WAGES Program to the Department of Labor and Employment Security; creating s. 414.065, F.S.; providing for the Department of Labor and Employment Security to provide work activities under the WAGES Program; specifying the activities that satisfy the work requirements for a participant in the WAGES Program; providing for workers' compensation for a participant assigned to community service; requiring an adult participant in the WAGES Program to participate in work activities for a minimum number of hours each week; providing certain exemptions from work activity requirements; providing penalties for noncompliance with work activity requirements; providing for temporary assistance to be based on pay after performance; providing exceptions to noncompliance penalties; providing work activity requirements for noncustodial parents; authorizing the Department of Labor and Employment Security to assign work requirements according to a specified priority; requiring the department to provide work activities, training, and other program services under contract when practical; providing contract requirements; creating s. 414.075, F.S.; providing eligibility standards for participating in the WAGES Program; providing for determining an individual's resources; providing that an individual who transfers resources is disqualified from participating in the WAGES Program; creating s. 414.085, F.S.; providing income eligibility standards for participating in the WAGES Program; providing for determining an individual's income; creating s. 414.095, F.S.; providing additional eligibility requirements for participating in the WAGES Program; providing eligibility for certain noncitizens; providing for eligibility of stepparents and caretaker relatives; limiting the temporary assistance available for a pregnant woman; requiring that a family cooperate with the state agency that administers the child support enforcement program; providing for program application; specifying the responsibilities of a participant in the WAGES Program; providing for determining the level of temporary assistance; providing for disregarding a certain amount of a participant's income; providing for calculating assistance levels; providing methods for paying temporary assistance; providing certain restrictions on receiving temporary assistance; providing for pre-eligibility fraud screening; providing for the assistance levels to be reduced under certain circumstances; creating s. 414.105, F.S.; providing a time limitation on program participation; providing certain exceptions; creating s. 414.115, F.S.; limiting the temporary assistance available for

additional children; transferring, renumbering, and amending s. 409.1855, F.S., relating to the learnfare program; providing for a reduction in a participant's temporary assistance if a dependent child fails to comply with requirements for school attendance; transferring, renumbering, and amending s. 409.938, F.S.; requiring that a participant who has a preschool child comply with requirements for childhood immunizations; transferring, renumbering, and amending s. 409.186, F.S.; authorizing the Department of Health and Rehabilitative Services to align the requirements for specified public assistance programs; requiring the secretary of the department to notify the Legislature of certain proposed rule changes; providing for the proposed rule to take effect unless the secretary is advised that the proposed rule exceeds the delegated authority of the Legislature; creating s. 414.15, F.S.; requiring the Department of Labor and Employment Security to provide diversion assistance to an applicant in response to an emergency; providing certain limitations on diversion assistance; transferring, renumbering, and amending s. 420.627, F.S.; providing for an emergency assistance program; providing criteria for receiving assistance; providing for assistance in paying a rental security deposit; creating s. 414.17, F.S.; providing audit requirements for the WAGES Program; requiring the Department of Health and Rehabilitative Services to review waivers granted by the Federal Government and make certain determinations; creating s. 414.20, F.S.; providing additional support services to be provided under the WAGES Program if resources permit; creating s. 414.21, F.S.; providing for transitional medical benefits; creating s. 414.22, F.S.; authorizing transitional education and training for program participants; creating s. 414.23, F.S.; requiring the Department of Labor and Employment Security to evaluate the programs operated under ch. 414, F.S.; creating s. 414.25, F.S.; providing that the Department of Health and Rehabilitative Services and the Department of Labor and Employment Security are exempt from specified requirements with respect to the leasing of property; providing for expiration of the exemption; transferring and renumbering s. 409.295, F.S., relating to the appointment of a guardian; transferring and renumbering s. 409.315, F.S., relating to the payment of assistance upon death; transferring, renumbering, and amending s. 409.345, F.S.; providing that the acceptance of temporary assistance creates a debt of the person accepting assistance; providing for discharge of the debt; transferring and renumbering s. 409.355, F.S., relating to certain limitations on the use of public assistance rolls; transferring, renumbering, and amending s. 409.275, F.S.; providing for the Department of Health and Rehabilitative Services to administer the federal food stamp program; creating s. 414.32, F.S.; providing certain prohibitions and restrictions with respect to receiving food stamps; providing circumstances under which a person is disqualified from receiving food stamps; creating s. 414.33, F.S.; requiring the Department of Health and Rehabilitative Services to establish procedures for notifying federal and state agencies of violations under the food stamp program; transferring, renumbering, and amending s. 409.328, F.S., relating to the annual report of administrative complaints and disciplinary actions involving the food stamp program; transferring and renumbering s. 409.60, F.S., relating to emergency relief; transferring, renumbering, and amending s. 409.2562, F.S., relating to the public assistance overpayment recovery program; providing for the recovery of overpayments made under the WAGES Program; transferring and renumbering s. 409.25625, F.S., relating to the privatization of the recovery of public assistance overpayments; transferring, renumbering, and amending s. 409.25655, F.S.; providing for the pilot work experience and job-training program for noncustodial parents to be established in two judicial circuits; transferring, renumbering, and amending s. 409.325, F.S., relating to penalties imposed for public assistance fraud; revising conditions that constitute prima facie evidence that a person received assistance from the state; providing for the examination of records; requiring the Department of Health and Rehabilitative Services to develop a error-prone or fraud-prone case profile within its public assistance information system; providing for screening applications against the profile; transferring and renumbering s. 409.3251, F.S., relating to the Stop Inmate Fraud Program within the Division of Public Assistance Fraud of the Office of the Auditor General; transferring, renumbering, and amending s. 409.335, F.S.; requiring the Department of Health and Rehabilitative Services to determine if recovery of certain overpayments would create extreme hardship; authorizing the department to reduce the amount of repayment under certain circumstances; transferring and renumbering s. 409.3282, F.S., relating to the dismissal of an employee of the Department of Health and Rehabilitative Services for certain actions; creating s. 414.44, F.S.; requiring the Department of Health and Rehabilitative Services to collect data necessary to administer ch. 414, F.S.; creating s. 414.45, F.S.; requiring the Department of Health and Rehabilitative Services and the Department of Labor and Employment Security to

adopt rules; amending s. 230.2305, F.S.; revising requirements of the prekindergarten early intervention program to include children of parents who participate in the WAGES Program; requiring that services be provided a specified number of hours each day; amending s. 239.249, F.S.; requiring school districts and community colleges to participate in the performance-based, incentive funding program for vocational and technical education; providing for payment for vocational and technical education for participants in the WAGES Program; amending s. 402.3015, F.S.; revising provisions of the subsidized child care program; providing for eligibility to participate in the program; requiring the Department of Health and Rehabilitative Services to establish a fee schedule; providing for services to be provided under contract with community child care coordinating agencies; providing for service agreements and vouchers; requiring that a facility provide a specified amount of child care under the program; providing for insurance coverage through the Division of Risk Management of the Department of Insurance; providing for support services; requiring the department to assist recipients of subsidized child care in developing cooperative child care arrangements; amending s. 402.305, F.S., relating to licensing standards for child care facilities; revising requirements for calculating the staff-to-children ratio for a facility that employs a participant in the WAGES program; revising the minimum standard for outdoor play area for children younger than a specified age; amending s. 402.3051, F.S.; providing for reimbursing child care providers at market rates; revising definitions; requiring the Department of Health and Rehabilitative Services to establish reimbursement procedures; requiring the department and local government agencies that license child care facilities to develop and implement a plan to eliminate unnecessary inspections and abbreviate certain other inspections of child care facilities; requiring a report to the Legislature; amending s. 409.2554, F.S.; redefining the term "public assistance" for purposes of child support enforcement to include food stamps and temporary assistance paid under the WAGES Program; creating s. 409.25644, F.S.; providing for the Department of Revenue to notify persons who control credits, personal property, or debts owed to a person who is delinquent in paying a child-support obligation; providing that such credits, personal property, or debts are subject to levy by the Department of Revenue; requiring notice of intent to levy; providing for the delinquent obligor to contest the notice of levy in the circuit court or pursuant to chapter 120, F.S.; requiring the Department of Revenue to notify the Comptroller to withhold certain payments to a delinquent child-support obligor; amending s. 409.2572, F.S.; providing that an applicant for or recipient of public assistance is ineligible for assistance until the person cooperates with the state agency responsible for administering the child support enforcement program; amending s. 409.2598, F.S.; providing for the suspension or denial of a license or registration issued under ch. 370, or ch. 372, F.S., for a person who is delinquent in paying child support; amending s. 415.504, F.S.; requiring the Department of Health and Rehabilitative Services to provide the local sheriff's office with reports of child abuse involving impregnation of a child under a specified age or an unemancipated minor by a person 21 years of age or older; amending s. 827.04, F.S.; defining, as a separate offense of child abuse, the offense of a person 21 years of age or older impregnating a child under a specified age or an unemancipated minor; providing penalties; reenacting s. 787.04(5), F.S., relating to removing minors from state or concealing minors contrary to state agency order or court order, and s. 914.16, F.S., relating to limits on interviews of child abuse victims, to incorporate the amendment to s. 827.04, F.S., in references; amending s. 901.15, F.S., relating to arrests by law enforcement officers without warrants, to conform a reference to the amendment to s. 827.04, F.S.; amending s. 921.0012, F.S.; ranking the offense of impregnating a child under a specified age or an unemancipated minor for purposes of sentencing; conforming a cross-reference to changes made by the act; amending s. 11.50, F.S., relating to the Division of Public Assistance Fraud of the Auditor General; providing for investigations with respect to assistance provided under ch. 414, F.S.; amending s. 20.19, F.S., relating to the Department of Health and Rehabilitative Services; revising duties of the Economic Services Program Office and the Children and Families Program Office to conform to changes made by the act; amending s. 39.044, F.S., relating to juvenile detention; deleting an obsolete reference; amending ss. 61.30, 97.021, 194.013, F.S., relating to child support guidelines, elections, and tax adjustments; revising references to reflect the termination of the program known as Aid to Families with Dependent Children and the creation of the WAGES Program; amending s. 216.286, F.S., relating to appropriations; deleting references to the Florida Employment Opportunity Act; amending s. 233.068, F.S., relating to job-related vocational instruction; deleting references to the program known as Project Independence and providing for program functions to be continued under the WAGES Program; amending ss. 239.117,

239.301, 240.35, F.S., relating to student fees and adult education; conforming references to changes made by the act; amending ss. 240.40685, 240.61, 246.50, F.S., relating to the Certified Teacher-Aide Welfare Transition Program and the college reach-out program; conforming references to reflect the transfer of program participants to the WAGES Program; amending ss. 400.407, 400.418, 400.42, 400.618, 400.619, F.S., relating to assisted living facilities and adult family-care homes; conforming cross-references to reflect the transfer of provisions governing optional state supplementation payments to ch. 414, F.S.; amending ss. 402.27, 402.33, 402.40, 402.45, F.S., relating to the child care resource and referral network, fees for department services, child welfare training academies, and community resource programs; conforming cross-references to changes made by the act; amending ss. 409.2564, 409.2566, 409.259, 409.903, 409.910, 409.942, F.S., relating to recipients of public assistance; conforming cross-references to reflect the termination of the AFDC program and the creation of the WAGES Program; amending ss. 411.232, 411.242, F.S., relating to the Children's Early Investment Program and the Florida Education Now and Babies Later (ENABL) Program; conforming references to reflect the termination of the AFDC program and the creation of the WAGES Program; amending ss. 420.621, 420.625, 421.10, F.S., relating to public housing programs; conforming cross-references to changes made by the act; amending ss. 497.419, 772.102, 895.02, F.S., relating to funeral and cemetery services and public assistance fraud, conforming cross-references to changes made in the act; repealing ss. 402.3135, 402.3145, 409.026, 409.029, 409.185, 409.1857, 409.211, 409.2345, 409.235, 409.2351, 409.255, 409.2569, 409.326, 409.327, 409.3284, 409.921, 409.922, 409.923, 409.924, 409.925, 409.926, 409.927, 409.928, 409.929, 409.930, 409.931, 409.932, 409.933, 409.934, 409.935, 409.936, 409.937, 409.939, 409.940, 409.941, 409.943, 414.01, 414.02, 414.03, 414.04, 414.05, 414.06, 414.07, 414.08, 414.09, 414.10, 414.11, 414.12, F.S., relating to the subsidized child care case management and transportation programs; department functions with respect to social and economic services; the Florida Employment Opportunity Act; eligibility for financial assistance; the community employment and work experience program; mandatory supplementation; provisions governing the AFDC program; emergency assistance for housing; continuation of support services; penalties for violations of the food stamp program; the Family Transition Act; and obsolete provisions governing assistance for poor mothers with dependent children; providing effective dates.

House Amendment 1 (with title amendment)—On page 14, line 24, delete everything after the enacting clause and insert:

Section 1. *Chapter 414, Florida Statutes, entitled "Poor Mothers with Dependent Children," is retitled "Work Requirements and Economic Assistance for Families."*

Section 2. Section 414.015, Florida Statutes, is created to read:

414.015 Short title.—Sections 414.015-414.25 may be cited as the "Florida Family Independence Act."

Section 3. Section 414.025, Florida Statutes, is created to read:

414.025 Legislative intent.—

(1) The purpose of this act is to develop opportunities for families, which provide for their needs, enhance their well-being, and preserve the integrity of the family free of impediments to self-reliance.

(2) The temporary family assistance program shall emphasize work, self-reliance, and personal responsibility, while meeting the transitional needs of program participants who need short-term assistance toward achieving independent, productive lives and gaining the responsibility that comes with self-sufficiency.

(3) The temporary family assistance program shall take full advantage of federal flexibility to design a program that achieves efficiency through simplification and focuses on outcomes rather than process.

(4) This act shall not be interpreted to entitle any individual or family to assistance under the program funded under Title IV-A of the Social Security Act, as amended.

Section 4. Section 414.035, Florida Statutes, is created to read:

414.035 Definitions.—As used in ss. 414.015-414.45, the term:

(1) "Alternative payee" means an individual who receives temporary assistance payments on behalf of a minor.

(2) "Applicant" means an individual who applies to participate in the temporary family assistance program and submits a signed and dated application.

(3) "Assistance group" means a minor child and a parent, guardian, adult custodian, or caretaker relative who reside in the same house or living unit.

(4) "Department" means the Department of Health and Rehabilitative Services.

(5) "Homeless" means an individual who lacks a fixed, regular, and adequate nighttime residence or an individual who has a primary nighttime residence that is:

(a) A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters, and transitional housing for the mentally ill;

(b) An institution that provides a temporary residence for individuals intended to be institutionalized; or

(c) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(6) "Minor child" means a child under 18 years of age, or under 19 years of age if the child is a full-time student in a secondary school or at the equivalent level of vocational or technical training, and does not include anyone who is married or divorced.

(7) "Participant" means an individual who receives temporary assistance or services under the temporary family assistance program.

(8) "Public assistance" means benefits paid on the basis of the temporary family assistance, food stamp, Medicaid, or optional state supplementation program.

(9) "Relative caretaker" means an adult who has assumed the primary responsibility of caring for a child and who is related to the child by blood or marriage.

Section 5. Section 414.055, Florida Statutes, is created to read:

414.055 Temporary family assistance program.—The temporary family assistance program provides cash assistance, support services, and work requirements for low-income families with children. Eligibility for benefits or services is determined under this chapter and relevant federal law.

Section 6. Section 414.065, Florida Statutes, is created to read:

414.065 Work activity requirements.—

(1) WORK ACTIVITIES.—The following activities may be used individually or in combination to satisfy the work activity requirements for temporary family assistance:

(a) Unsubsidized employment.—Unsubsidized employment is full-time or part-time employment that is not directly supplemented by federal or state funds.

(b) Subsidized private-sector employment.—Subsidized private-sector employment is employment in a private for-profit or private not-for-profit enterprise which is directly supplemented by federal or state funds. Subsidies may be provided in the forms listed in this paragraph, which may be used alone or in combination:

1. Work supplementation, which is diversion of the participant's normal benefits to the employer as a subsidy. Under work supplementation, the participant is paid wages by the employer that equal or exceed the applicable federal minimum wage. Work supplementation shall not be provided for more than 6 months. At the end of the work supplementation period, the employer is expected to retain the participant as a regular employee without subsidy.

2. On-the-job training, which is full-time, paid employment in which the employer provides training needed for the employee to perform the

skills required for the position. The employer is paid a subsidy to offset the cost of the training and supervision provided. Upon satisfactory completion of the training, the employer is expected to retain the participant as a regular employee without subsidy. The on-the-job training agreement shall provide that, in the case of dismissal of an employee due to loss of the on-the-job training subsidy, the employer shall repay some or all of the subsidy previously paid by the state.

3. Additional incentive payments to encourage employment, as may be defined by the department. Such incentive payments may include payments to encourage employment of hard-to-place individuals in which the amount of the payment shall be weighted to show the proportional extent to which the participant has limitations associated with long-term welfare receipt and difficulty in sustaining long-term employment. Such factors may include extent of prior welfare receipt, lack of employment experience, lack of education, lack of job skills, age, health, caretaker responsibilities, and other factors determined appropriate by the department. The department may also define participants who have complied with program requirements and who are approaching the time limit for receipt of benefits as hard-to-place. Incentive payments made under this paragraph may include payments in which an initial payment is made upon employment and the majority of the payment is made upon retention of the employee for a specific period, such as 6 months.

4. Tax credits for which employers who employ participants under the provisions of this act may qualify, such as Enterprise Zone Tax Credits, Targeted Jobs Tax Credits, or other federal or state tax benefits. The department shall provide information and assistance, as appropriate, to use such credits to accomplish program goals.

(c) Subsidized public-sector employment.—Subsidized public-sector employment is employment in the public sector, including federal, state, or local government, which is directly supplemented by federal or state funds. The applicable subsidies under paragraph (b) may be used with public-sector employment, except that the priority for subsidized employment shall be private-sector employment. Public-sector employment is distinguished from work experience in that the employee is paid wages and receives the same benefits as any nonsubsidized employee performing similar work in the organization.

(d) Work experience.—Work experience is unpaid job training experience at a supervised public or private not-for-profit agency. Instead of wages, participants in work experience receive their normal family assistance benefit. The family assistance benefit may be paid to the participant after performance at the job site, to provide a work experience that is more like regular employment. Pay may be proportional to the amount of time worked. As used in this section, work experience, community work, and workfare are synonymous.

(e) Job search and job readiness assistance.—Job search refers to supervised or unsupervised job-seeking activities. Job readiness assistance that supports job seeking may include:

1. Orientation to the world of work and basic job-seeking and job-retention skills.
2. How to complete applications for employment and write resumes.
3. How to conduct oneself in a job interview, including appropriate dress and conduct.

Job readiness assistance may also include the provision of access to employment resource centers containing job listings, telephones, facsimile machines, typewriters, and word processors. Job search and job readiness assistance may be used as the primary program activity for a defined period or used in conjunction with other program activities such as work experience.

(f) Vocational education or training.—Vocational education or training is education or training designed to provide participants with the skills and certification necessary for employment in an occupational area. Vocational education or training may be used as a primary program activity for participants when it has been determined that the individual has demonstrated compliance with other phases of program participation and successful completion of the vocational education or training is likely to result in employment entry at a higher wage than the participant would have been likely to attain without completion of the vocational education or training. Vocational education or training may be combined with other program activities and also may be used to

upgrade skills or prepare for a higher paying occupational area for a participant who is employed.

1. Vocational education shall not be used as the primary program activity for a period which exceeds 12 months. In addition, use of vocational education or training shall be restricted to not more than 20 percent of adult participants, or subject to other limitation as established in federal law. Vocational education included in a program leading to a high school diploma shall not be considered vocational education for purposes of this section.

2. Providers shall use funds appropriated to vocational education or training programs or agencies through other federal, state, or local funding sources to the maximum extent possible. The department may provide payment of additional funds to vocational education or training providers. However, any funds used may be paid only in conjunction with performance-based contracts. Under a performance-based contract, a portion of payment may be paid upon completion of training, but the major part of the payment shall be for employment entry at a specific wage or job-retention for a specific duration. Performance-based payments made under this subparagraph shall be limited to education or training for targeted occupational areas identified through the Occupational Forecasting Conference under s. 216.136, or other programs as identified by the Jobs and Education Partnership.

(g) Job skills training directly related to employment.—Job skills training directly related to employment refers to job skills training in a specific occupational area in which there is a written commitment by the employer to offer employment to participants who successfully complete the training. The training would include customized training designed to meet the needs of a specific employer or a specific industry. A participant entering job skills training directly related to employment may be required to complete entrance assessments or tests before entry into the training, if the assessments or tests would be required for employment upon completion of the training.

(h) Education services related to employment for participants under age 20.—Education services related to employment for participants under age 20 is education designed to prepare a participant for employment in an occupational area and should be coordinated with school-to-work activities. The activities shall be restricted to participants under the age of 20 who have not received a high school diploma, a high school equivalency diploma, or a certificate of high school completion.

(i) School attendance.—Attendance at secondary school or attendance at a program designed to prepare the participant to receive a high school equivalency diploma or certificate of high school completion shall be the required program activity for any participant under the age of 20 who:

1. Has not completed secondary school or the equivalent;
2. Is a dependent child, or who is a head of household; and
3. For whom it has not been determined that another program activity is more appropriate for the participant.

(j) Teen parent services.—Participation in medical, educational counseling, and other services that are a part of a comprehensive program is a required activity for each teen parent who participates in the program.

(2) PARTICIPATION REQUIREMENTS.—All individuals who are not otherwise exempted are required to participate in work activities as a condition for receipt of benefits. Except as otherwise provided in this section, an individual is considered to meet the work participation requirement if he or she is engaged in program activities for at least the greater of the following:

- (a) The minimum average hours per week established in federal law; or
- (b) An average of 35 hours per week.

The required hours of participation in work experience shall not exceed the combined value of temporary family assistance and food stamp benefits divided by the federal minimum wage, unless the number of hours resulting from this calculation is less than the minimum participation requirement established in federal law.

(3) **EXEMPTION FROM PARTICIPATION REQUIREMENTS.**—The following individuals are exempt from work participation requirements:

- (a) A minor child under age 16, except that a child exempted from this provision shall be subject to the requirements of s. 414.125.
- (b) An individual who is eligible for benefits under the social security income (SSI) program due to age or disability.
- (c) Adults who are not included in the calculation of benefits in child-only cases.
- (d) One custodial parent with a child under 6 months of age, except that the parent may be required to attend parenting classes or other activities to better prepare for the responsibilities of raising a child. If the custodial parent is age 19 or younger and has not completed high school or the equivalent, he or she may be required to attend school or other appropriate educational activities.
- (e) A child with severe or prolonged health care needs necessitating full-time or extended parenting or caretaking.
- (f) A child with serious exceptional educational or other educational needs requiring specialized attention by a parent or caretaker relative in addition to the child's school attendance.

(4) **PENALTIES FOR NONPARTICIPATION IN WORK REQUIREMENTS.**—The department shall establish procedures for administering penalties for nonparticipation in work requirements. If an individual in a family receiving assistance fails to engage in work activities required in accordance with this section, the following penalties shall apply:

- (a) **First noncompliance:** cash assistance shall be terminated for the family until the individual who failed to comply does so, and food stamp benefits shall not be increased as a result of the loss of cash benefits.
- (b) **Second noncompliance:** cash assistance and food stamps shall be terminated for the family until the individual demonstrates compliance in the required work activity for a period of 30 days. Upon compliance, benefits shall be reinstated to the date of compliance. Prior to the imposition of sanctions for a second noncompliance, the participant shall be interviewed to determine why full compliance has not been achieved. The participant shall be counseled regarding compliance and, if appropriate, shall be referred for services that could assist the participant to fully comply with program requirements.
- (c) **Third noncompliance:** cash assistance and food stamps shall be terminated for the family for 3 months. The individual shall be required to demonstrate compliance in the work activity upon completion of the 3-month penalty period, before reinstatement of benefits.

Upon determination that a participant is in noncompliance, the department shall notify the participant of this finding. The notice shall advise the participant of the option to schedule an appeal of the finding and shall provide a telephone number for setting up an appeal. An individual who has failed to comply can eliminate prior sanctions by full compliance with work requirements for at least 6 months.

(5) **CONTINUATION OF BENEFITS FOR CHILDREN; PROTECTIVE PAYEES.**—

- (a) Upon the second or third occurrence of noncompliance, benefits for the child or children in a family who are under age 12 may be continued. Any such payments must be made through a protective payee. Under no circumstances shall such cash benefits be paid to an individual who has failed to comply with program requirements.
- (b) Protective payees shall be designated by the department and may include:
 - 1. A relative or other individual who is interested in or concerned with the welfare of the child or children and agrees in writing to utilize the benefits in the best interest of the child or children.
 - 2. A member of the community affiliated with a religious, community, neighborhood, or charitable organization who agrees in writing to utilize the benefits in the best interest of the child or children.

3. A volunteer or member of an organization who agrees in writing to fulfill the role of protective payee and to utilize the benefits in the best interest of the child or children.

(c) If it is in the best interest of the child or children, as determined by the department, for the staff member of a private agency, a public agency, the department, or any other appropriate organization to serve as a protective payee, such designation may be made, except that a protective payee must not be any individual involved in determining eligibility for benefits for the family, staff handling any fiscal processes related to issuance of benefits, or landlords, grocers, or vendors of goods, services, or items dealing directly with the recipient.

(d) The department may pay incidental expenses or travel expenses for costs directly related to performance of the duties of a protective payee as necessary to implement the provisions of this subsection.

(e) In the event the department is unable to designate a qualified protective payee, a referral shall be made under the provisions of chapter 415 for protective intervention.

(6) **PROPORTIONAL REDUCTION OF BENEFITS RELATED TO PAY AFTER PERFORMANCE.**—Notwithstanding the provisions of subsection (4), if an individual is receiving benefits under a pay-after-performance arrangement and the individual participates, but fails to meet the full participation requirement, then the benefit received shall be reduced and shall be proportional to the actual participation.

(7) **EXCEPTIONS TO NONCOMPLIANCE PENALTIES.**—The situations listed in this subsection shall constitute exceptions to the penalties for noncompliance with participation requirements, except that these situations do not constitute exceptions to the applicable time limit for receipt of cash assistance:

(a) **Noncompliance related to child care.**—Assistance shall not be terminated for refusal to participate in work activities if the individual is a single custodial parent caring for a child who has not attained 6 years of age, and the adult proves to the department an inability to obtain needed child care for one or more of the following reasons:

- 1. Unavailability of appropriate child care within a reasonable distance from the individual's home or worksite.
- 2. Unavailability or unsuitability of informal child care by a relative or under other arrangements.
- 3. Unavailability of appropriate and affordable formal child care arrangements.

(b) **Noncompliance related to medical incapacity.**—If an individual cannot participate in assigned work activities due to a medical incapacity, the individual may be excepted from the activity for a specific period, except that the individual shall be required to comply with the course of treatment necessary for the individual to resume participation.

(c) **Other good-cause exceptions for noncompliance.**—Individuals who are temporarily unable to participate due to circumstances beyond their control may be excepted from the noncompliance penalties. The department may define situations that would constitute good cause. These situations shall include caring for a disabled family member when the need for the care has been verified and alternate care is not available.

(8) **PARTICIPATION REQUIREMENTS FOR NONCUSTODIAL PARENTS.**—A noncustodial parent who is delinquent with child support payments may be ordered by the court to participate in work activities so that the parent may obtain employment and fulfill the obligation to provide support payments. A noncustodial parent who fails to satisfactorily engage in court-ordered work activities may be held in contempt of court. In the case of a noncustodial parent whose child has been placed in kinship care, emergency shelter, foster care, or other substitute care, when:

- (a) The family reunification plan includes participation in work activities; and
- (b) The noncustodial parent would be eligible for temporary family assistance and subject to the work activity requirement if the child were living with the parent,

the noncustodial parent may be required to participate in work activities under this act and may be provided support services needed for participation. Such noncustodial parents may be removed from program participation if they fail to comply with a reunification plan.

(9) **PRIORITIZATION OF WORK REQUIREMENTS.**—The department shall require participation in work activities to the maximum extent possible subject to federal and state funding levels. If funds are not projected to be sufficient to require full-time participation of all individuals required to participate in work activities, the department shall screen potential participants and assign priority based on the following criteria:

(a) In accordance with federal participation requirements, priority shall be assigned to full-time participation of at least one adult in each two-parent family.

(b) Among single-parent families, priority shall be assigned to families with older preschool children or school-age children and to a noncustodial parent under court order to work and provide child support.

(c) Priority may be assigned to individuals who have access to child care alternatives which do not require expenditure of subsidized child care funds.

(d) Priority may be assigned based on the amount of time remaining until the participant reaches the applicable time limit or the requirement of the family reunification plan.

The department may limit an individual's required weekly participation to the minimum required to meet federal participation requirements in lieu of the level defined in paragraph (2)(b). The department may develop screening and prioritization procedures within service districts or within counties based on substate allocation of resources, availability of community resources, or the work activity needs of the service area.

(10) **USE OF CONTRACTS.**—In providing for work activities or other services, the department shall provide the services by contract whenever practicable. In contracting for work activities or other services, the following shall apply:

(a) Contracts for work activities shall be performance-based. Wherever possible, payment shall be tied to performance outcomes that include factors such as, but not limited to, job entry, job entry at a target wage, and job retention, rather than completion of training, education, or other phase of the program participation process.

(b) Contracts for work activities may include performance-based incentive payments that vary according to how difficult the participant will be to place. The payments may be weighted to show the proportional extent to which the participant has limitations associated with long-term welfare receipt and difficulty in sustaining long-term employment. The factors may include extent of prior welfare receipt, lack of employment experience, lack of education, lack of job skills, and other factors determined appropriate by the department.

(c) The department may contract for services with charitable, religious, and private organizations. The contracts shall comply with federal requirements related to nondiscrimination and other requirements that safeguard the rights of beneficiaries of services. Services may be provided under contract, certificate, voucher, or other form of disbursement.

(d) The department may enter into contracts to provide short-term work experience for the chronically unemployed as provided in this section.

(e) Any organization, as defined in s. 501(c) of the Internal Revenue Code of 1986, that receives funds under this act shall disclose receipt of federal funds in any advertising, promotional, or other material in accordance with federal requirements.

(11) **IMPLEMENTATION.**—In the event that federal welfare reform legislation as described in section 132 is not enacted by the Congress, the department shall revise the state Job Opportunities and Basic Skills Training (JOBS) program to conform to the provisions of this section to the extent permissible under federal law.

(a) Notwithstanding any provisions of s. 409.029 to the contrary, in areas of the state not covered by a federal waiver which includes waiver

of Job Opportunities and Basic Skills Training (JOBS) program requirements, the department shall implement changes made to the state Job Opportunities and Basic Skills Training (JOBS) program upon approval by the federal agency.

(b) Notwithstanding any provisions of ss. 409.921-409.943 to the contrary, in areas of the state covered by federal waivers which include waiver of Job Opportunities and Basic Skills Training (JOBS) program provisions, the department shall request amendment of such waivers to conform to the provisions of this section which are beyond those which are permitted by change to the state Job Opportunities and Basic Skills Training (JOBS) program.

(c) In pursuing such waiver, the department may agree to modifications to the waiver terms and conditions that include penalties for non-compliance that begin with removal of the noncompliant individual's benefits upon first occurrence and include incremented penalties upon subsequent occurrences of noncompliance if the department determines that the penalties as specified in this section will not be approved by the federal agency.

(d) This section shall be effective not later than July 1, 1996, and shall be implemented in accordance with changes to the state Job Opportunities and Basic Skills Training (JOBS) program and changes to federal waivers as specified in this section.

Section 7. Section 414.075, Florida Statutes, is created to read:

414.075 Resource eligibility standards.—

(1) **RESOURCES DEFINED.**—Resources are liquid or nonliquid items of value that are owned, singly or jointly, or considered owned by an individual who has access to their cash value upon disposition, unless specifically excluded under this section.

(a) For purposes of program simplification and effective program management, certain resource definitions as outlined in the food stamp regulations in 7 C.F.R. s. 273.8 shall be applied as determined by the department.

(b) Unless expressly excluded in this section, the resources of all mandatory members of the assistance group shall be counted in the eligibility determination.

(2) **MAXIMUM ALLOWABLE RESOURCES.**—The maximum allowable resources, including both liquid and nonliquid resources, of all members of the assistance group shall not exceed \$5,000.

(3) **INCLUDED RESOURCES.**—In determining the resources of an assistance group, the following shall be included and documented by the department in sufficient detail to permit verification:

(a) Liquid resources, such as cash on hand, money in checking and savings accounts, savings certificates, stocks and bonds, lump-sum payments in the month of receipt, funds held in individual retirement accounts, and funds held in Keogh plans which do not involve the assistance group member in a contractual relationship with individuals who are not assistance group members. In counting resources of assistance groups with individual retirement accounts or included Keogh plans, the department shall include the total cash value of the account or plan minus the amount of the penalty, if any, that would be exacted for the early withdrawal of the entire amount in the account or plan.

(b) Nonliquid resources, such as personal property, licensed and unlicensed vehicles, buildings, land, recreational properties, and any other property, if these resources are not specifically excluded under subsection (5). The value of a nonliquid resource shall be its equity value. The equity value is the fair market value, less encumbrances.

(4) **JOINTLY OWNED RESOURCES.**—Resources owned jointly by separate assistance groups shall be considered available in their entirety to each assistance group, unless it can be demonstrated by the applicant assistance group that the resources are inaccessible to that assistance group. If the assistance group can demonstrate that it has access to only a portion of the resource, the value of that portion of the resource shall be counted toward the assistance group's resource level. The resource shall be considered totally inaccessible to the assistance group if the resource cannot practicably be subdivided and the assistance group's access to the value of the resource is dependent on the

agreement of a joint owner who refuses to comply. For the purpose of this provision, ineligible aliens or disqualified persons residing with the assistance group shall be considered assistance group members. Resources shall be considered inaccessible to persons residing in shelters for battered women and children, if:

(a) The resources are jointly owned by these persons and by members of their former household; and

(b) The shelter resident's access to the value of the resources is dependent on the agreement of a joint owner who still resides in the former household.

(5) **EXCLUDED RESOURCES.**—In determining the resources of an assistance group, only the following shall be excluded:

(a) The home which is the usual residence of the assistance group. For the purposes of this section, the term "home" means the dwelling house and contiguous property.

(b) Produce from a garden or livestock grown and used exclusively for consumption by the assistance group.

(c) Household goods, personal effects, including one burial plot per assistance group member, and the cash value of life insurance policies.

(d) The cash value of any pension plans or funds.

(e) One licensed vehicle of reasonable value used for training, employment, or education purposes. One additional vehicle used for training, employment, or education purposes shall be excluded if its fair market value is less than the amount permitted under food stamp program. Any vehicle necessary to transport a physically disabled assistance group member shall be excluded. A vehicle shall be considered necessary for the transportation of a physically disabled assistance group member if the vehicle is specially equipped to meet the specific needs of the disabled person or if the vehicle is of a special type which makes it possible to transport the disabled person.

(f) Property which annually produces income consistent with its fair market value, even if only used on a seasonal basis. Such property includes rental homes and vacation homes.

(g) Property, such as farmland or work-related equipment, such as the tools of a tradesman or the machinery of a farmer, which is essential to the employment or self-employment of an assistance group member.

(h) Installment contracts for the sale of land or buildings, if the contract or agreement is producing income consistent with its fair market value.

(i) Any governmental payments designated for the restoration of a home damaged in a disaster, if the assistance group is subject to a legal sanction when the funds are not used as intended.

(j) Resources having a cash value which is not accessible to the assistance group, including, but not limited to, irrevocable trust funds, security deposits on rental property or utilities, property in probate, and real property which the assistance group is making a good-faith effort to sell at a reasonable price and which has not been sold.

(k) Funds paid to a homeless shelter which are being held for the family to enable them to pay deposits or other costs associated with moving to a new shelter arrangement.

(l) Resources, such as those of students or self-employed persons, which have been prorated as income.

(m) Indian lands held jointly with the Indian Tribe, or land that can be sold only with the approval of the Bureau of Indian Affairs of the United States Department of the Interior.

(n) Resources excluded by express provision of federal law.

(o) A federal earned income tax credit received either as a lump sum or as payments under s. 3507 of the Internal Revenue Code for the month of receipt and the following month for the individual and that individual's spouse.

(p) Nonliquid assets against which a lien has been placed as a result of taking out a business loan and the assistance group is prohibited by the security or lien agreement with the lienholder from selling the assets.

(q) Property, real or personal, to the extent that it is directly related to the maintenance or use of a vehicle excluded under paragraph (e). Only that portion of real property determined necessary for maintenance or use is excludable under this provision.

An exclusion that applies because of use of a resource by or for an assistance group member also applies when the resource is being used by or for an ineligible alien or disqualified person whose resources are being counted as part of the assistance group's resources.

(6) **TRANSFER OF RESOURCES.**—

(a) At the time of application, an applicant assistance group shall be asked to provide information regarding any resources which any assistance group member, or ineligible alien or disqualified person whose resources are being considered available to the assistance group, had transferred within the 3-month period immediately preceding the date of application. Assistance groups which have knowingly transferred resources for the purpose of qualifying or attempting to qualify for temporary family assistance benefits shall be disqualified from participation in the program for up to 1 year from the date of the discovery of the transfer. This disqualification period shall be applied if the resources are knowingly transferred in the 3-month period before application or if they are knowingly transferred after the assistance group is determined eligible for benefits.

(b) Eligibility for the program shall not be affected by the following transfers:

1. Resources which would not otherwise affect eligibility.

2. Resources sold or traded at or near fair market value.

3. Resources transferred between members of the same assistance group, including ineligible aliens and disqualified persons whose resources are considered available to the assistance group.

4. Resources transferred for reasons other than qualifying or attempting to qualify for temporary family assistance benefits.

(c) If the department establishes that an applicant assistance group knowingly transferred resources for the purpose of qualifying or attempting to qualify for benefits, the assistance group shall be sent a notice of denial, explaining the reason for and period of disqualification. The period of disqualification shall begin in the month of application. If the assistance group is participating in the program when the transfer is discovered, a notice of adverse action, explaining the reason for and period of disqualification, shall be sent. The period of disqualification shall be effective with the first benefits to be issued after the notice of adverse action has expired, unless the assistance group has requested a fair hearing and continued benefits.

(d) The length of the disqualification period shall be based on the amount by which nonexempt transferred resources, when added to other countable resources, exceeds the allowable resource limit. The disqualification period shall be specified by the department in a table which relates periods of time to the benefits which would otherwise be received, and the value of the resource.

Section 8. Section 414.085, Florida Statutes, is created to read:

414.085 Income eligibility standards.—

(1) **INCOME DEFINED.**—"Income" means cash received at regular intervals from any source, including, but not limited to, wages, benefits, contributions, and rentals, unless expressly excluded under this section.

(a) For purposes of program simplification and effective program management, certain income definitions as outlined in the food stamp regulations in 7 C.F.R. s. 273.9 shall be applied as determined by the department.

(b) Participation in the temporary family assistance program shall be limited to those families whose gross assistance group income is equal

to or less than 130 percent of the federal income poverty level established in s. 673(2) of the Community Services Block Grant Act, 42 U.S.C. s. 9901(2).

(c) The earned and unearned income of all assistance group members shall be counted in the temporary family assistance benefit calculation, unless expressly excluded by language contained in this section.

(d) The earned or unearned income of an individual disqualified from the temporary family assistance program shall continue to count in its entirety for the remaining assistance group members.

(e) The earned or unearned income of an individual disqualified from an assistance group for failing to comply with the requirement to provide a social security number shall continue to count as income, less a prorated share for that individual.

(f) The department shall perform a set of computerized exchanges of information to verify the income and eligibility information of applicants and recipients of temporary family assistance. The computer matches shall be conducted with both federal and state sources.

(2) **NET AND GROSS INCOME STANDARDS.**—The net and gross income eligibility standards shall be based on the federal income poverty levels established as provided in s. 673(2) of the Community Services Block Grant Act, 42 U.S.C. s. 9902(2).

(a) The gross income eligibility standards for the temporary family assistance program shall be 130 percent of the federal income poverty levels.

(b) The net income eligibility standards for the temporary family assistance program shall be the federal income poverty levels.

(c) The income eligibility limits, as described in this subsection, are revised each October 1 to show the annual adjustment to the federal income poverty guidelines.

(d) Assistance groups which meet all conditions of eligibility under this chapter shall have benefits calculated based upon the payment standard as provided in s. 414.095.

(3) **INCLUDED INCOME.**—Assistance group income means all income received by the assistance group from whatever source, excluding only items specified in subsection (4).

(a) Earned income shall include:

1. All gross wages and salaries received by an assistance group.

2. The gross income from a self-employment enterprise, including the total gain from the sale of any capital goods or equipment related to the business, excluding the costs of doing business as provided in subsection (4). Ownership of rental property shall be considered a self-employment enterprise. However, income derived from the rental property shall be considered earned income only if an assistance group member is actively engaged in the management of the property, on an average of 20 hours or more per week. Payments from a roomer or boarder shall also be considered self-employment income.

3. Training allowances from vocational and rehabilitative programs recognized by federal, state, or local governments, to the extent such allowances are not a reimbursement. Training allowances under Job Training Partnership Act, other than earnings as specified in subparagraph 5., are excluded from consideration as income.

4. Payments under Title I (VISTA, University Year for Action, etc.) of the Domestic Volunteer Service Act of 1973 Pub. L. No. 93-113 Stat., as amended, shall be considered earned income.

5. Earnings to individuals who are participating in on-the-job training programs under s. 204(5) Title II of the Job Training Partnership Act. This provision does not apply to assistance group members under 19 years of age who are attending school.

6. Any income received by a closely held corporation minus the cost of doing business, which income shall be counted as earned income to the principal owner of the corporation. A closely held corporation is a corporation which has one or a few shareholders.

(b) Unearned income shall include, but not be limited to:

1. Payments required by federal law to be included as countable income.

2. Annuities; pensions; retirement, veteran's, or disability benefits; workers' or unemployment compensation, including any amounts deducted to repay claims for intentional program violations; old-age, survivor's, or social security benefits; strike benefits; adoption or foster care payments for children or adults who are considered members of the assistance group; gross income, minus the cost of doing business, derived from rental property only if an assistance group member is actively engaged in the management of the property, on an average of less than 20 hours per week.

3. Support or alimony payments made directly to the assistance group, which are not currently subject to an assignment of rights to support as specified in this chapter, from individuals who are not members of the assistance group.

4. Scholarships, educational grants, fellowships, deferred payment loans for education, and veteran's educational benefits that are provided for rent, mortgage, or food.

5. Payments from government-sponsored programs, dividends, interest, royalties, and all other direct money payments from any source which can be construed to be a gain or benefit.

6. Moneys which are withdrawn or dividends which are or could be received by an assistance group from trust funds considered to be excluded resources under s. 414.075. The trust fund withdrawals shall be considered income in the month received, unless otherwise exempt under the provisions of subsection (4). Dividends which the assistance group has the option of either receiving as income or reinvesting in the trust fund shall be considered income in the month they become available to the assistance group, unless otherwise exempt under the provisions of subsection (4).

(c) The earned or unearned income of an individual disqualified from the assistance group for intentional program violation shall continue to be attributed in its entirety to the remaining assistance group members. However, the earned or unearned income of an individual disqualified from an assistance group for failing to comply with the requirement to provide a social security number, or for being an ineligible alien, shall continue to be counted as income, less a prorated share for that individual.

(d) Income shall not include the following:

1. Moneys withheld from an assistance payment, earned income, or other income source, or moneys received from any income source which are voluntarily or involuntarily returned, to repay a prior overpayment received from that income source, if that the overpayment was not excludable under subsection (4). However, assistance moneys withheld by another program for purposes of recouping an overpayment from an assistance group which resulted from the assistance group's intentional failure to comply with that program's requirements shall be included as income.

2. Child support payments received by temporary family assistance recipients which must be transferred to the department to maintain temporary family assistance eligibility.

(4) **INCOME EXCLUSIONS.**—Only the following items shall be excluded from assistance group income and no other income shall be excluded:

(a) Any gain or benefit which is not in the form of money payable directly to the assistance group, including nonmonetary or in-kind benefits, such as meals, clothing, public housing, or produce from a garden, and vendor payments. Monetary payments that are not payable directly to an assistance group, but are paid to a third party for an assistance group expense, are vendor payments and are excludable as follows:

1. A payment made in money on behalf of an assistance group shall be considered a vendor payment whenever a person or organization outside of the assistance group uses its own funds to make a direct payment to either the assistance group's creditors or a person or organization providing a service to the assistance group.

2. The following payments which are not made directly to the assistance group, but are paid to a third party on behalf of the assistance group to pay an assistance group expense, shall be considered excluded vendor payments and shall not be counted as income to the assistance group:

- a. Medical assistance.
- b. Child care assistance.
- c. Housing assistance payments made to a third party on behalf of an assistance group residing in transitional housing for the homeless.
- d. Emergency assistance for a migrant or seasonal farmworker assistance group during the period the assistance group is in the job stream. This assistance may include, but is not limited to, emergency vendor payments for housing or transportation.
- e. Assistance payments provided to a third party on behalf of an assistance group under a state or local general assistance program, or another local basic assistance program comparable to general assistance, if, under state law, no assistance under the program may be provided directly to the assistance group in the form of a cash payment or an instrument that can be converted to cash.

3. Payments in money that are not made to a third party, but are made directly to the assistance group, are counted as income and are not excluded as a vendor payment.

4. Moneys that are legally obligated and otherwise payable to the assistance group, but which are diverted by the provider of the payment to a third party for an assistance group expense, shall be counted as income and not excluded as a vendor payment.

5. All Title IV educational income is excluded when determining benefits under the act. Student income from Title IV sources includes grants and loans, work study, federal Perkins loans authorized under Title IV, and Bureau of Indian Affairs programs and loans.

(b) Non-Title-IV educational moneys, such as deferred loans, grants, scholarships, fellowships, and veteran's educational benefits, are excluded from income to the extent such income does not exceed the amount of the income used for or made available as an allowance determined by a school, institution, program, or other grantor for tuition, mandatory fees, including the rental or purchase of any equipment, materials, and supplies for the student's course of study, books, supplies, transportation, dependent care, and other miscellaneous personal expenses. Any expenses specifically identified for living expenses, such as rent or mortgage, utilities, and food, are not excludable. If the grantor of the money in question does not specifically earmark allowable expenses, the student is allowed to provide verification of expenses in question. To be excluded, the person receiving the moneys shall be enrolled at a recognized institution of postsecondary education, at a school for the handicapped, in a vocational education program, or in a program providing for a secondary school diploma.

(c) All loans, including loans from private individuals as well as commercial institutions, other than educational loans on which repayment is deferred. Federal deferred payment educational loans, to the extent that they provide income assistance beyond that used for tuition and mandatory school fees set forth in paragraph (b) are not excludable under this paragraph.

(d) Any income received too infrequently or irregularly to be reasonably anticipated, but not in excess of \$30 in a quarter.

(e) Reimbursements for past or future expenses, to the extent they do not exceed actual expenses and do not represent a gain or benefit to the assistance group.

(f) Moneys received and used for the care and maintenance of a third-party beneficiary who is not an assistance group member.

(g) The earned income, as defined in paragraph (3)(a), of children who are assistance group members, who are students at least half-time, and who have not attained their 19th birthday.

(h) Money received in the form of a nonrecurring lump-sum payment, including, but not limited to, income tax refunds, rebates, or credits; retroactive lump-sum social security, supplemental security income, public assistance, railroad retirement benefits, or other payments;

lump-sum insurance settlements; or refunds of security deposits on rental property or utilities.

- (i) The cost of producing self-employment income.
- (j) Any income that is specifically excluded by any federal statute from consideration as income for the purpose of determining eligibility for the temporary family assistance program.
- (k) Cash donations based on need received from one or more private nonprofit charitable organizations, but not to exceed \$300 in a quarter.
- (l) Earned income tax credit payments received either as a lump sum or as an advanced payment.
- (m) Any payment made to a federal employment and training grant program participant for costs that are reasonably necessary and directly related to participation in the employment and training program.
- (n) Income of a supplemental security income recipient necessary for the fulfillment of a plan for achieving self-support which has been approved under s. 1612(b)(4)(A)(iii) or s. 1612(b)(4)(B)(iv) of the Social Security Act.

Section 9. Section 414.095, Florida Statutes, is created to read:

414.095 Determining assistance group eligibility and temporary family assistance benefit levels.—

(1) ELIGIBILITY.—An applicant shall meet certain eligibility requirements before receiving services or temporary family assistance under this act. The department shall make a determination of eligibility based on the criteria listed in this act. The department shall monitor continued eligibility for temporary cash assistance through the food stamp eligibility process.

(2) ADDITIONAL ELIGIBILITY REQUIREMENTS.—

(a) An applicant shall be a United States citizen, or a qualified non-citizen as defined in this section.

(b) An applicant shall be a legal resident of the state.

(c) All assistance group members shall provide the department with a social security number or shall provide proof of application for a social security number, as a condition of eligibility. Individuals failing to provide the department with the social security number or proof of application for a social security number shall be denied temporary family cash assistance.

(d) A minor child shall reside with a custodial parent or parents, or with another adult caretaker relative who is within the specified degree of blood relationship as defined by the temporary family assistance state plan of operations, or in a setting approved by the department.

1. A parent means a mother, a legal or putative father, or an adoptive mother or father.

2. A caretaker relative shall meet the specified degree of relationship as defined in rules by the department.

(e) To be eligible for benefits or services under the temporary family assistance program, assistance groups applying for assistance shall have a minor child and meet the income and resource requirements of the program. All minor children living in the assistance group, as well as the parents of the minor children, shall be included in the eligibility determination, unless specifically excluded.

(f) Eligibility for temporary family assistance shall be available to the following assistance group members, if all eligibility requirements are met:

1. A minor child who resides with a custodial parent or other adult caretaker relative.

2. The parent of a minor child with whom the child resides.

3. The caretaker relative with whom the minor child resides who chooses to have his or her needs included in the assistance group.

4. Unwed minor children and their children, if living at home or in an adult-supervised setting.

5. A pregnant woman.

(3) **ELIGIBILITY FOR NONCITIZENS.**—Qualified noncitizens are individuals who are lawfully present in the United States as refugees or asylees under ss. 207 and 208 of the Immigration and Nationality Act, aliens whose deportation is withheld under s. 243(h) of the Immigration and Nationality Act, or aliens who have been admitted as permanent residents and meet specific criteria under federal law. Nonqualified noncitizens include nonimmigrant aliens, including tourists, business visitors, foreign students, exchange visitors, temporary workers, and diplomats. In addition, nonqualified noncitizens include individuals paroled into the United States for less than 1 year. Individuals otherwise eligible may receive temporary family assistance if they are qualified noncitizens as defined in this act, to the extent permitted by federal law. The income and resources of sponsors and their spouses shall be considered to the maximum extent permitted by federal law.

(a) A child born in the United States to illegal or ineligible aliens shall be eligible for temporary family assistance under this act if the assistance group meets all eligibility requirements of the program.

(b) When the parent can legally work in the United States, the parent shall be required to participate in the work activities provided in s. 414.065.

(c) The department shall participate in the Systematic Alien Verification for Entitlements program established by the United States Immigration and Naturalization Service, in order to verify the validity of documents provided by aliens and to verify an alien's eligibility for benefits.

(d) The income of ineligible aliens and disqualified individuals, less a prorated share for the ineligible alien, counts in the temporary family assistance benefit eligibility determination.

(e) Resources of ineligible aliens and disqualified individuals who are mandatory members of the assistance group shall be considered available in their entirety to the assistance group.

(4) **STEPPARENTS.**—A family that contains a stepparent has the following special eligibility options if the family meets all other eligibility requirements:

(a) A family that does not contain a mutual minor child has the option to include or exclude a stepparent in determining eligibility if the stepparent's monthly gross income is less than 185 percent of the federal poverty level for a two-person family.

1. If the stepparent chooses to be excluded from the family, temporary assistance, without shelter expense, shall be provided for the child. The parent of the child must comply with work activity requirements as provided in s. 414.065. Income and resources from the stepparent may not be included in determining eligibility; however, any income and resources from the parent of the child shall be included in determining eligibility.

2. If a stepparent chooses to be included in the family, the department shall determine eligibility using the requirements for a nonstepparent family. A stepparent whose income is equal to or greater than 185 percent of the federal poverty level for a two-person family does not have the option to be excluded from the family, and all income and resources of the stepparent shall be included in determining the family's eligibility.

(b) A family that contains a mutual minor child does not have the option to exclude a stepparent from the family, and the income and resources from the stepparent shall be included in determining eligibility.

(c) A family that contains two stepparents, with or without a mutual minor child, does not have the option to exclude a stepparent from the family, and the income and resources from each stepparent must be included in determining eligibility.

(5) **CARETAKER RELATIVES.**—A family that contains a caretaker relative of a minor child has the option to include or exclude the caretaker relative in determining eligibility. If the caretaker relative chooses to be included in the family, the caretaker relative must meet all eligibility requirements, including resource and income requirements, and must comply with work activity requirements as provided in s. 414.065. If the caretaker relative chooses to be excluded from the family, eligibility shall be determined for the minor child based on the child's income and resources. The assistance level for the minor child shall be based on the shelter obligation of the caretaker relative.

(6) **PREGNANT WOMAN WITH NO OTHER CHILD.**—Temporary family cash assistance for a pregnant woman shall not be available until the last month of pregnancy, except when the department determines that the woman is restricted from work activities by orders of a physician.

(7) **CHILD SUPPORT ENFORCEMENT.**—As a condition of eligibility, the assistance group shall cooperate with the agency responsible for administering the child support enforcement program. Cooperation is defined as:

(a) Assisting in identifying and locating a noncustodial parent and providing complete and accurate information on that parent;

(b) Assisting in establishing paternity; and

(c) Assisting in establishing, modifying, or enforcing a support order with respect to the child.

(8) **ASSIGNMENT OF RIGHTS TO SUPPORT.**—As a condition of receiving assistance, the assistance group shall assign to the state any rights any assistance group member may have to support from any other person, as required in s. 409.2561.

(9) **APPLICATIONS.**—The date of application is the date the department or authorized entity receives a signed and dated request for assistance. The request for assistance shall be denied after 30 days from the date of the initial request if the individual fails to respond to scheduled appointments and no further contact is made with the department regarding the request.

(10) **RIGHTS AND RESPONSIBILITIES.**—Individuals applying for or receiving benefits under this act shall have the following rights and responsibilities:

(a) Participate in establishing eligibility by providing facts on those circumstances affecting eligibility and by obtaining or authorizing the department to obtain documents or information from others in order to establish eligibility.

(b) Have eligibility determined without discrimination based on race, color, sex, age, marital status, handicap, religion, national origin, or political beliefs.

(c) Receive notification of any reduction or termination of benefits.

(d) Provide correct and complete information about the assistance group's circumstances as they relate to eligibility, both at the time of application and at subsequent intervals.

(e) Keep the department informed of any changes that could affect eligibility.

(f) Use benefits for the purpose for which they are intended.

(11) **DETERMINATION OF LEVEL OF BENEFITS.**—Benefits shall be based on a payment standard as determined by the Legislature, subject to availability of funds. There shall be three payment levels for a specific family size, based on the following criteria:

(a) Families who do not have a shelter obligation.

(b) Families whose shelter obligation is greater than zero, but less than or equal to \$50.

(c) Families with a shelter obligation greater than \$50 or homeless families.

The following chart depicts the benefit levels for implementation purposes:

THREE TIER SHELTER PAYMENT STANDARD

Family size	Zero shelter obligation	Greater than zero, less than or equal to \$50	Greater than \$50 shelter obligation
1	\$95	\$153	\$180
2	\$158	\$205	\$241
3	\$198	\$258	\$303
4	\$254	\$309	\$364
5	\$289	\$362	\$426
6	\$346	\$414	\$487
7	\$392	\$467	\$549
8	\$438	\$519	\$610
9	\$485	\$570	\$671
10	\$534	\$623	\$733
11	\$582	\$676	\$795
12	\$630	\$728	\$857
13	\$678	\$781	\$919

(12) DISREGARDS.—

(a) As an incentive to employment, the first \$200 plus one-half of the remainder shall be disregarded from earned income. In order to be eligible for the earned income disregard, the individual shall:

1. Be a current recipient; or
2. Be eligible for temporary family assistance without the earned income disregard.

(b) Children who are assistance group members and not head of the assistance group or caretakers, who have not yet graduated from high school, who are still attending high school or its equivalent, and who have not yet attained age 19 shall have their earned income disregarded.

(13) CALCULATION OF BENEFIT LEVELS.—

(a) Benefits shall be calculated based on average monthly gross earned and unearned family income, less any applicable disregards. The resulting monthly net income amount shall be subtracted from the applicable payment standard to determine the monthly benefit amount.

(b) A deduction shall not be allowed for child care payments. Child care shall be paid by subsidized child care.

(14) METHODS OF PAYMENT OF BENEFITS.—Benefits may be paid in the following manner:

- (a) Direct payments to families through state warrant, electronic benefit transfer, or vouchers.
- (b) Subsidized employment payments.
- (c) Pay after performance through public or private not-for-profit agencies.
- (d) Payment to an alternate payee.

(15) PROHIBITIONS AND RESTRICTIONS.—

(a) Families without a minor child living in the home shall not be eligible to receive benefits or services under this act. However, a pregnant woman shall be eligible for temporary family cash assistance if all eligibility requirements are otherwise met.

(b) Temporary family cash assistance, without shelter expense, shall be available to a teen parent under 18 years of age, and the teen parent's child. However, temporary assistance may not be paid directly to the teen parent but must be paid, on behalf of the teen parent and child, to an alternative payee who is designated by the department. To receive temporary family cash assistance, the teen parent shall:

1. Attend school or an approved alternative training program, unless the child is under 12 weeks of age or the parent has completed high school; and
2. Reside with a parent, legal guardian, or other adult caretaker relative, or in a setting approved by the department. The income and

resources of the parents shall be considered available to the teen parent, as they are responsible for providing support and care for their child living in the home.

3. Attend parenting and family classes which provide a curriculum specified by the department, as available.

(c) The teen parent is not required to live with a parent, legal guardian, or other adult caretaker relative if the department determines:

1. The teen parent has suffered or might suffer harm in his or her parent's, legal guardian's, or relative's home; or
2. The requirement is not in the best interest of the teen parent or the child. If the department determines that residing with a parent, legal guardian, or other adult caretaker relative is not in the best interest of the teen parent or child, the department shall provide or assist the teen parent in finding a suitable home, a second-chance home, or a maternity home, or other appropriate adult-supervised supportive living arrangement. The teen parent shall be required to attend parenting classes and classes on family planning.

The department shall not delay providing cash assistance to the teen parent pending a determination as to where the teen parent should live and sufficient time for the move itself. A teen parent determined to need placement that is unavailable shall continue to be eligible for assistance so long as the teen parent cooperates with the department. The teen parent shall be provided with counseling to make the transition from independence to supervised living and with a choice of living arrangements.

(d) If a parent or caretaker relative does not cooperate with the state in establishing, modifying, or enforcing a support order with respect to a child of the individual, or a child who is in the care of an adult relative, benefits to the entire assistance group shall be denied until the agency responsible for administering the child support enforcement program indicates cooperation by the individual.

(e) If a parent or caretaker relative does not assign any rights the family member may have on behalf of the family member or of any other person for whom the family member has applied for or is receiving the assistance, to support from any other person, benefits to the entire assistance group shall be denied until the parent or caretaker relative assigns the rights to the department.

(f) Individuals who are convicted in federal or state court of receiving benefits, whether funded under this act, Title XIX, the Food Stamp Act of 1977, or supplemental security income under Title XVI, in two or more states simultaneously shall be banned from receiving assistance for 10 years.

(g) An individual shall be ineligible to receive benefits or services under this act during any period the individual is fleeing to avoid prosecution or custody or confinement after conviction, under the laws of the place from which the individual flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the individual flees, or in the case of New Jersey is a high misdemeanor, or violating a condition of probation or parole imposed under a federal or state law.

(h) Parents or other caretaker relatives shall report to the department by the end of the 5-day period that begins with the date that it becomes clear to the parent or relative that the minor child will be absent from the home for a period of 30 or more consecutive days. The parent or other caretaker relative who fails to report this information to the department shall not be eligible for assistance for a period of 30 days for the first occurrence, 60 days for the second occurrence, and 90 days for the third and subsequent occurrences.

(i) When the parents of a minor child live apart and equally share custody and control of the child, the family shall be ineligible for temporary family assistance, unless a parent clearly demonstrates to the department primary day-to-day custody.

(16) PRE-ELIGIBILITY FRAUD SCREENING.—Applicants meeting an error-prone profile as determined by the department shall be subject to pre-eligibility fraud screening as a means of reducing mis-spent funds and preventing fraud.

(17) **PROPORTIONAL REDUCTION.**—If the Social Services Estimating Conference forecasts an increase in the temporary family assistance caseload and there is insufficient funding therefor, a proportional reduction as determined by the department shall be applied to the payment levels in subsection (3).

Section 10. Section 414.105, Florida Statutes, is created to read:

414.105 Time limitations on temporary family cash assistance.—Unless otherwise expressly provided in this act, an applicant or current recipient shall receive temporary family cash assistance for no more than 24 months in any 60-month period, for no more than a cumulative total of 60 months as an adult, whether or not consecutive.

(1) The time limitation on temporary family cash assistance shall not exceed 36 months in any 72-month period and shall not exceed a cumulative total of 60 months of adult benefits, whether or not consecutive, for cases in which the participant, subject to the work activity provisions of this act:

(a) Has received aid to families with dependent children or temporary family assistance for any 36 months of the preceding 60 months; or

(b) Is a custodial parent under the age of 24 who:

1. Has not completed a high school education or its equivalent; or
2. Had little or no work experience in the preceding year.

(2) Hardship exemptions to the time limitations of this act are subject to the limitations prescribed under federal law. Criteria for hardship exemptions include:

(a) Diligent participation in activities, combined with inability to obtain employment.

(b) Diligent participation in activities, combined with extraordinary barriers to employment, including the conditions which may result in an exemption to work requirements.

(c) Significant barriers to employment, combined with a need for additional time.

(d) Diligent participation in activities and a need by teen parents for an exemption in order to have 24 months of eligibility beyond receipt of the high school diploma or equivalent.

(e) A recommendation of extension for a minor child of a participating family that has reached the end of the benefit eligibility period. The recommendation must be the result of a review which determines that the termination of the child's assistance would be likely to result in the child being placed into emergency shelter or foster care. Benefits shall be provided through a protective payee.

Hardship exemption benefits for a recipient who is eligible for work activities and who is not working shall be reduced by 10 percent. Upon the employment of the recipient, full benefits shall be restored.

(3)(a) The department shall establish community review panels for the purposes provided in this section. Each review panel shall consist of seven members and shall include a member or designee of the local health and human services board, a member or designee of the private industry council or jobs and education partnership regional board, a participant or former participant in the temporary family assistance program, and four members at large who shall be selected from a pool of individuals that includes members of the local business community, members of the education community, and members affiliated with community organizations with an interest in self-sufficiency issues. The membership of each community review panel shall reflect the demographics of the district the panel represents. The district administrator shall submit nominees for each review panel to the health and human services board for confirmation. The member of the review panel designated from the health and human services board shall serve as interim chair until a permanent chair is elected by the members of the panel.

(b) The department shall provide support staff and services for the review panels, and shall provide all review panel members with intensive training in public assistance issues and the goals of the temporary family assistance program.

(c) Review panel members, while serving on review panels, are agents of the state for purposes of sovereign immunity under s. 768.28.

(4) The department shall establish a review hearing process for the approval of hardship exemptions by community review panels, subject to the following:

(a) The individual must apply for a hardship exemption.

(b) The individual must be allowed to bring an advocate to the review hearing.

(c) A hardship exemption may not exceed 12 months, may include reduced benefits at the option of the community review panel, and, for an adult participant, must be included within the adult participant's cumulative 60-month benefit limit.

(d) If an individual fails to comply with program requirements during a hardship exemption period, the hardship exemption shall be removed.

(5) For individuals who have moved from another state and have legally resided in this state for less than 12 months, the time limitation for cash assistance shall be the shorter of the respective time limitations used in the two states, and months in which cash assistance was received in any state shall count towards the cumulative 60-month benefit limit.

(6) For individuals subject to a time limitation under the Family Transition Act of 1993, that time limitation shall continue to apply. Months in which cash assistance was received through the family transition program shall count towards the time limitations under this act.

(7) Except when cash assistance was received through the family transition program, the calculation of the cash assistance time limitation shall begin with the first month of receipt of cash assistance after the effective date of this act.

(8) Child-only cases shall not be subject to time limitations, and benefits received while a minor child shall not count towards time limitations.

(9) In the event that federal law includes supplemental security income benefits as income in the calculation of eligibility for temporary cash assistance, cases eligible for both the supplemental security income and temporary cash assistance programs shall not be subject to time limitations.

Section 11. Section 414.115, Florida Statutes, is created to read:

414.115 Limited assistance for children born to families receiving assistance.—

(1) The department shall provide limited additional temporary family cash assistance to:

(a) An existing temporary family assistance case due to the birth of a child when the birth occurs more than 10 months after the implementation date of this act; or

(b) A new temporary family assistance case when the birth occurs more than 10 months after both the implementation date of this act and the application or reapplication for temporary family assistance.

For purposes of this subsection, "an existing temporary family assistance case" means a case that is receiving temporary family assistance on the implementation date of this act and, if it closes any time after the implementation date, is closed for less than 6 continuous months; "a new temporary family assistance case" means a case that was not receiving benefits on the implementation date of this act; "reapplication" means a new application by a parent or other caretaker relative who has previously received temporary family assistance in a case that has been closed for 6 continuous months or more prior to the new application.

(2) Subsection (1) shall not apply:

(a) When the additional child was conceived as a result of verifiable rape, sexual assault, or incest;

(b) To children who are the firstborn, including all children in the case of multiple birth, of minors included in a temporary family assistance group who become first-time minor parents;

(c) To a child when parental custody has been legally transferred; or

(d) To a child who is no longer able to live with his or her parents as a result of:

1. The death of the child's parent or parents;
2. The incapacity of the child's parent or parents as documented by a physician, such that the parent or parents are unable to care for the child;
3. Legal transfer of the custody of the child to another individual;
4. Incarceration of the child's parent or parents, except that the child shall not receive assistance if a parent is subsequently released and reunited with the child; or
5. A situation in which the child's parent's or parents' institutionalization is expected to be for an extended period, as defined by the department.

(3) A child born subject to this section shall be considered a temporary family assistance recipient for all purposes, including Medicaid eligibility.

(4) For the first child born to a recipient under subsection (1), the department shall provide temporary family cash assistance equal to 50 percent of the maximum allowable amount for an individual. This provision shall not apply to a child who is born into a family that does not include other children.

(5) For a second or subsequent child born to a recipient under subsection (1), the department shall provide no additional temporary family cash assistance.

Section 12. Section 409.1855, Florida Statutes, is renumbered as section 414.125, Florida Statutes, and amended to read:

(Substantial rewording of section. See s. 409.1855, F.S., for present text.)

414.125 Learnfare requirement. —

(1) *In determining the amount of temporary family cash assistance paid to an assistance group, the department shall exclude the benefit payment for an otherwise eligible dependent child or for an otherwise eligible teenage recipient, who fails to meet the school attendance requirement. The school attendance requirement is that the dependent child or teenage recipient shall attend school and shall not accumulate the number of unexcused absences that would jeopardize the student's academic progress under the rules of the school district. When the school district determines that the student has resumed school attendance, the student shall be included in the calculation of the temporary family cash assistance amount. Benefits shall not be reduced if the dependent child or teenage recipient has good cause for nonattendance. Good cause shall include:*

(a) *The student is expelled from school and alternative schooling is not available.*

(b) *The student is a teen parent and is exempt from required program participation due to the age of the child, as otherwise provided in this chapter.*

(c) *The student is a teen parent and no child care is available.*

The provisions of this subsection shall not apply to a dependent child or other teenage recipient who has been assigned a work activity other than education.

(2) *In determining the amount of temporary family cash assistance paid to an assistance group, the department shall exclude the benefit payment for an otherwise eligible adult who fails to meet the school conference requirement. Each recipient with a school-age child is required to have a conference with an appropriate school official of the child's school during each grading period to ensure that the recipient is involved in the child's educational progress and is aware of any existing*

attendance or academic problems. Any child who is identified by the school district as not having attendance or academic problems shall be exempt from the requirements of this subsection.

Section 13. Section 409.938, Florida Statutes, is renumbered as section 414.13, Florida Statutes, and amended to read:

(Substantial rewording of section. See s. 409.938, F.S., for present text.)

414.13 Immunizations. —*Recipients of temporary family cash assistance shall begin and complete appropriate childhood immunizations as a condition of eligibility. At the time of application and redetermination of eligibility, the department shall advise applicants for and recipients of temporary family assistance who have preschool-age children of the availability of childhood immunizations through the county public health unit. The recipient must provide verification of compliance with this requirement. If the recipient fails to provide such verification, the child for whom such verification is not provided shall be removed from consideration as to the amount of assistance to be received. If the child subject to this requirement is the only child in the assistance group, the temporary family cash assistance shall be terminated. Upon subsequent provision of verification that the recipient has initiated compliance, the child's needs shall be included in the determination of the amount of assistance. The department shall waive this requirement if the failure to immunize the children is because of religious reasons or other good cause as defined by the department.*

Section 14. Section 409.186, Florida Statutes, is renumbered as section 414.14, Florida Statutes, and amended to read:

414.14 ~~409.186~~ Public assistance policy simplification. —

~~(1) To the extent possible Subject to federal approval, the department shall align the requirements for eligibility under this chapter with the food stamp program aid to families with dependent children, food stamps, and medical assistance eligibility policies and procedures to simplify the budgeting process and reduce errors. If the department determines that s. 414.075, relating to resources, or s. 414.085, relating to income, is inconsistent with related provisions of federal law which govern the food stamp program or medical assistance, and that conformance to federal law would simplify administration of the temporary family assistance program or reduce errors without materially increasing the cost of the program to the state, the Secretary of Health and Rehabilitative Services may propose a change in the resource or income requirements of the program by rule. The secretary shall provide written notice to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the relevant committees of both houses of the Legislature, summarizing the proposed modifications to be made by rule and changes necessary to conform state law to federal law. The proposed rule shall take effect 14 days after written notice is given, unless the President of the Senate or the Speaker of the House of Representatives advises the secretary that the proposed rule exceeds the delegated authority of the Legislature.~~

~~(2) This section shall take effect upon receipt of federal waiver authority.~~

Section 15. Section 414.15, Florida Statutes, is created to read:

414.15 Diversion. —

(1) A segment of applicants do not need ongoing financial assistance, but, due to an unexpected circumstance or emergency situation, require some immediate assistance in meeting a financial obligation while they are securing employment or child support. These immediate obligations may include a shelter or utility payment, a car repair to continue employment, or other assistance which will alleviate the applicant's emergency financial need and allow the person to focus on obtaining or continuing employment.

(2) Up-front diversion shall involve four steps:

(a) Linking applicants with job opportunities as the first option to meet the assistance group's need.

(b) Where possible, offering one-time help as an alternative to welfare.

(c) Screening applicants to respond to emergency needs.

(d) Performing up-front fraud prevention investigations, if appropriate.

(3) To be eligible for up-front diversion funds, all requirements of eligibility shall be met.

(4) The department shall screen each applicant assistance group on a case-by-case basis for barriers to obtaining or retaining employment. The screening shall identify barriers that, if corrected, may prevent the assistance group from receiving cash assistance on a regular basis. Assistance to overcome a barrier to employment is not limited to cash, but may include vouchers or other in-kind benefits.

(5) The diversion payment shall be limited to an amount not to exceed 2 months' assistance, based on assistance group size.

(6) The assistance group receiving up-front diversion shall sign an agreement restricting the assistance group from applying for temporary family assistance for 3 months, unless an emergency is demonstrated to the department. If a demonstrated emergency forces the assistance group to reapply for assistance within 3 months after receiving a diversion payment, the diversion payment shall be prorated over the 2-month period and subtracted from any regular assistance payment for which the applicant may be eligible.

Section 16. Section 420.627, Florida Statutes, is renumbered as section 414.16, Florida Statutes, and amended to read:

414.16 420.627 Emergency financial assistance program. —

(1) ~~LEGISLATIVE FINDINGS.~~ ~~The Legislature hereby finds and declares that:~~

(a) ~~Far too often, the homeless cycle begins with a family breakdown following a financial crisis — fathers or mothers desert or neglect their children because they cannot cope with their social and economic burdens, and teenagers quit school and leave home to drift into uncertain, often homeless, futures — resulting in growing numbers of new and temporary homeless.~~

(b) ~~In this state there is no short term emergency financial assistance program for needy families in immediate economic crisis. Because AFDC payments do not begin for 30 to 45 days after application for benefits, and because these benefits do not extend to families with both parents in the home, emergency financial assistance is needed to prevent severe family hardship, including homelessness, through early intervention to ameliorate the economic crisis.~~

(c) ~~Numerous studies have shown that such short term emergency financial assistance can often prevent long term problems, including family disintegration and homelessness. Recognizing this, the Federal Government, in the Temporary Emergency Financial Assistance Program under Title IV of the United States Social Security Act, provides for reimbursement of states for up to one half the cost of emergency assistance to needy families with children.~~

(d) ~~It is incumbent upon this state to take advantage of this federal assistance to attempt to prevent family displacement, severe family hardship, and homelessness through early intervention, thereby avoiding longer term problems which could be more costly to the state.~~

(1)(2) DEFINITION. — For purposes of this section, the term "family in an emergency situation" means a family which is totally without shelter or which faces the loss of shelter due to any of the following:

(a) Nonpayment of rent or mortgage which resulted in eviction or legal notice of impending eviction, *unless the eviction is due to willful negligence;*

(b) Household disaster, such as fire, flood, earthquake, or other accident, which renders the home uninhabitable; or

(c) Such other emergency situations as may be defined by rule of the department, subject to federal guidelines.

(2)(3) ESTABLISHMENT OF PROGRAM. — The department is authorized to establish, ~~subject to federal approval and financial participation,~~ an emergency financial assistance program for families in an emergency situation. ~~The department shall promulgate rules to implement said program in accordance with the guidelines established herein.~~

(3)(4) CRITERIA. — The department shall develop criteria for implementation of the program in accordance with the following guidelines:

(a) Assistance under this program shall be limited to families with at least one *minor child under the age of 18 who lives with a parent or caretaker relative one or both parents, with a relative or guardian, or in a foster home if the child would have been eligible for AFDC in the 6 months prior to entry into the foster home.*

(b) ~~The family shall have an intent to remain in Florida or shall be in this state for employment purposes.~~

(b)(e) The family may not have liquid assets which could be made available to meet the emergency.

(c)(d) Assistance under this program shall be limited to no more than *one payment 30 consecutive calendar days* in any 12-month period for the same family. *This payment may be made in conjunction with a diversion payment or may be separate from that process.*

(d)(e) Assistance shall be in the form of a one-party check, made payable to the landlord, mortgageholder, or vendor, and shall be limited to the amount of 1 month's rent, mortgage payment, or cost for emergency housing, and related expenses as defined by rule of the department. The amount of such payment shall be based upon demonstrated need, but may not exceed a maximum established by the Legislature.

(e)(f) The family's adjusted gross income may not exceed the prevailing *temporary family assistance AFDC Consolidated* need standard for the family's size.

(f)(g) Loss of income may not be the result of a strike or the result of voluntary termination of employment, unless good cause can be shown for such voluntary termination.

(g)(h) ~~The department shall have the authority to promulgate rules to determine whether the income and resources available to an applicant limited the applicant's ability to avoid the emergency. The department shall deny eligibility if the applicant fails to demonstrate, pursuant to the rules promulgated by the department, that income and resources limited the applicant's ability to avoid the emergency.~~

(h)(i) The department shall have the authority to deny eligibility when it ~~determines demonstrates,~~ based on rules promulgated by the department, that the applicant who is eligible with respect to income and resources has otherwise abused the program.

(5) ADMINISTRATION OF PROGRAM.

(a) ~~In order to ensure that emergency assistance will be expeditiously provided to eligible families in an emergency situation, this program shall be administered at the district level in accordance with department criteria developed pursuant to subsection (4). All determinations as to eligibility and distribution of emergency assistance payments shall be made by the district offices, and moneys disbursed under this program shall be disbursed through the district revolving funds.~~

(b) ~~Pending federal waiver approval, the department is encouraged to contract with local service providers for administration of this program in accordance with the provisions of this section. Upon approval, all determinations as to eligibility and distribution of emergency assistance payments may be made by the local service providers. Payment disbursed under this program must be made by the local service providers through revolving funds in accordance with this section.~~

(4)(6) RENTAL SECURITY DEPOSIT ASSISTANCE. —

(a) The department shall develop criteria necessary to implement a recoupment program related to security deposit assistance ~~provided under paragraph (4)(e).~~ Assistance shall be in the form of direct payment of security deposits to landlords of families eligible for emergency assistance. When the family vacates the rental unit, the landlord shall refund to the department the amount of the deposit remaining after subtracting any amount retained for damages pursuant to the lease.

(b) This program shall be funded from the appropriation for the emergency financial assistance program unless this procedure conflicts with federal requirements or the cost of recapturing rental deposits exceeds the amount recaptured.

(c) There is created an Emergency Housing Trust Fund in the State Treasury to be used by the department for the purpose of making grants to eligible persons pursuant to this section. Repayments of funds disbursed under the emergency financial assistance program shall be deposited in this trust fund to the extent allowed by federal and state regulations and shall not revert to the General Revenue Fund.

Section 17. Section 414.17, Florida Statutes, is created to read:

414.17 Audits.—The temporary family assistance program is subject to the Single Audit Act, 31 U.S.C.

Section 18. Section 414.18, Florida Statutes, is created to read:

414.18 Waivers.—

(1) **EXISTING FEDERAL WAIVERS.**—The department shall review existing federal waivers and determine the extent to which flexibility granted to states under federal legislation results in the waivers no longer being needed. If the department determines that termination of the waivers would reduce or eliminate potential federal cost neutrality liability, the department may take action in accordance with federal requirements. In taking such action, the department may continue research initiated in conjunction with such waivers, if the department determines that continuation will provide program findings that will be useful in assessing future welfare reform program alternatives.

(2) **ADDITIONAL FEDERAL WAIVERS.**—The department shall review federal law including revisions to federal food stamp requirements. If the department determines that federal food stamp waivers will further the goals of this chapter, including simplification of program policies or program administration, the department may obtain waivers as long as this can be accomplished within available resources.

Section 19. Section 414.20, Florida Statutes, is created to read:

414.20 Other support services.—Support services other than child care shall be provided, if resources permit, to assist individuals in complying with work activity requirements outlined in s. 414.065. If resources do not permit provision of needed support services, the department may prioritize or otherwise limit provision of support services. Nothing in this section shall be construed to constitute an entitlement to support services. Individuals or families are not qualified to receive support services under this chapter unless they meet all applicable eligibility requirements, including, but not limited to, all applicable work and participation requirements, and the department has sufficient funds to provide assistance. Lack of provision of support services may be considered as a factor in determining whether good cause exists for failure to comply with work activity requirements, but does not automatically constitute good cause for failing to comply with work activity requirements and does not affect any applicable time limit on the receipt of temporary family cash assistance under this act. Support services shall include, but shall not be limited to, the following:

(1) **TRANSPORTATION.**—Transportation expenses shall be provided to any individual when the assistance is needed to comply with work activities or employment, including transportation to and from child care. Payment may be made in cash or tokens in advance or through reimbursement paid against receipts or invoices. Support services funds may also be used to develop transportation resources to expand transportation options available to participants. These services may include cooperative arrangements with local transit authorities or school districts, and microenterprise development.

(2) **ANCILLARY EXPENSES.**—Ancillary expenses such as books, tools, clothing, fees, and costs necessary to comply with work activities or employment shall be provided.

(3) **MEDICAL SERVICES.**—Medical services not covered by Medicaid or other insurance and necessary for compliance with work requirements or to obtain employment may be provided. If federal restrictions do not permit use of federal funding for these services, services may be provided through state-only funding. The cost shall not exceed the department's medical fee schedule.

(4) **PERSONAL COUNSELING.**—Personal counseling may be provided to individuals who have a personal or family problem, such as drug or alcohol abuse, which serves as a barrier to compliance with work activity or employment. In providing these services, services available

in the community at no additional cost shall be used. If these services are not available, support services funds may be used. Personal or family counseling not available through Medicaid shall not be considered as a medical service for purposes of submission of the required state plan or utilization of federal funds.

Section 20. Section 414.21, Florida Statutes, is created to read:

414.21 Transitional medical benefits.—

(1) An assistance group who loses its temporary family assistance due to earnings shall remain eligible for Medicaid without reapplication during the immediately succeeding 12-month period.

(a) The assistance group shall be denied Medicaid during the 12-month period for any month in which the assistance group does not include a child who is dependent.

(b) The assistance group shall be denied Medicaid if the assistance group's average gross monthly earnings during the preceding month exceed 185 percent of the federal poverty level.

(2) The assistance group shall be informed of transitional Medicaid when the assistance group is notified of the termination of temporary family assistance. The notice shall include a description of the circumstances in which the transitional Medicaid may be terminated.

Section 21. Section 414.22, Florida Statutes, is created to read:

414.22 Transitional education and training.—In order to assist current and former participants in continuing their training and upgrading their skills, education, training, child care, or support services may be provided to participants for up to 2 years after they are no longer eligible for temporary family cash assistance. Nothing in this section shall be construed to constitute an entitlement to transitional education or training. If funds are not sufficient to provide services under this section, the department may limit or otherwise prioritize provision of these services. In providing these services:

(1) Education or training resources available in the community at no additional cost to the program shall be used whenever possible.

(2) The department may provide child care or other support services in addition to these services provided in conjunction with employment. For example, participants who are employed full time may receive subsidized child care assistance related to that employment and may also receive additional subsidized child care assistance in conjunction with training to upgrade their skills.

(3) Transitional education or training shall be job-related, but may include training to improve job skills in a participant's existing area of employment and may also include training to prepare a current or former participant for employment in another occupational area.

(4) The department may develop agreements with employers to share costs related to upgrading skills of participants who are hired by these employers. For example, the department may agree to provide support services such as transportation in conjunction with employer-provided training opportunities.

Section 22. Section 414.23, Florida Statutes, is created to read:

414.23 Evaluation.—The department shall arrange for evaluation of programs operated under this act, as follows:

(1) If required by federal waivers or other federal requirements, the department may provide for evaluation according to these requirements.

(2) The department shall participate in the evaluation of this program in conjunction with evaluation of the state's workforce development programs or similar activities aimed at evaluating program outcomes, cost effectiveness, or return on investment, and the impact of time limits, sanctions, and other welfare reform measures set out in this chapter on poor families and their children. Evaluation shall also contain information on the number of participants in work experience assignments who obtain unsubsidized employment, including, but not limited to, the length of time the unsubsidized job is retained, wages, and the public benefits, if any, received by such families while in unsubsidized employment. The evaluation shall solicit the input of consumers,

community-based organizations, service providers, employers, and the general public, and shall publicize, especially in low-income communities, the process for submitting comments.

(3) The department may share information with and develop protocols for information exchange with the Florida Education and Training Placement Information Program.

(4) The department may initiate or participate in additional evaluation or assessment activities that will further the systematic study of issues related to program goals and outcomes.

(5) In providing for evaluation activities, the department shall safeguard the use or disclosure of information obtained from program participants consistent with federal or state requirements. The department may use evaluation methodologies that are appropriate for evaluation of program activities, including random assignment of recipients or participants into program groups or control groups. To the extent necessary or appropriate, evaluation data shall provide information with respect to the state, district, or county, or other substate area.

(6) The department may contract with a qualified organization for evaluations conducted under this section.

(7) Evaluations described in this section are exempt from the provisions of s. 402.105.

Section 23. Section 414.24, Florida Statutes, is created to read:

414.24 Integrated welfare reform and child welfare services.—The department shall develop integrated service delivery strategies to better meet the needs of families subject to work activity requirements who are involved in the child welfare system or are at high risk of involvement in the child welfare system. To the extent that resources are available, the department shall provide funds to one or more service districts to promote development of integrated, nonduplicative case management within the department, other participating government agencies, and community partners. Alternative delivery systems shall be encouraged which include well-defined, pertinent outcome measures. Other factors to be considered shall include innovation regarding training, enhancement of existing resources, and increased private-sector and business-sector participation.

Section 24. Section 414.25, Florida Statutes, is created to read:

414.25 Exemption from leased real property requirements.—In order to facilitate the implementation of the provisions of this chapter, the department and the Department of Labor and Employment Security shall be exempt from the provisions of chapters 255 and 287, relating to procurement of leased real property. This exemption shall apply to any activities required or permitted as a result of implementation of this chapter. This exemption shall take effect upon this act becoming a law and shall expire on June 30, 1998.

Section 25. Section 409.295, Florida Statutes, is renumbered as section 414.26, Florida Statutes.

Section 26. Section 409.315, Florida Statutes, is renumbered as section 414.27, Florida Statutes.

Section 27. Section 409.345, Florida Statutes, is renumbered as section 414.28, Florida Statutes, and subsection (10) of said section is amended to read:

~~414.28 409.345~~ Public assistance payments to constitute debt of recipient.—

(10) PUBLIC ASSISTANCE.—For the purposes of this section, the term "public assistance" includes all money payments made to or on behalf of a recipient, including, but not limited to, assistance received under *this act* ~~ss. 409.235 and 409.255~~, the Medicaid program, and mandatory and optional supplement payments under the Social Security Act.

Section 28. Section 409.355, Florida Statutes, is renumbered as section 414.29, Florida Statutes, and amended to read:

(Substantial rewording of section. See s. 409.355, F.S., for present text.)

414.29 Safeguarding records and information.—The use or disclosure of information concerning applicants and recipients shall be limited to purposes directly connected with the following:

(1) The administration of the temporary family assistance program or programs of the state under Title IV-B, Title IV-D, Title IV-E, or Title IV-F or under Title I, Title X, Title XIV, Title XVI (AABD), Title XIX, or Title XX, or the supplemental security income (SSI) program established by Title XVI. These purposes include establishing eligibility, determining the amount of assistance, and providing services for applicants and recipients.

(2) Providing the current address of any recipient, upon the request of a federal, state, or local law enforcement officer, if the officer furnishes the name of the recipient and notifies that the recipient is:

(a) Fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the individual flees, or which, in the case of New Jersey is a high misdemeanor under the laws of that state; or

(b) Has information that is necessary for the officer to conduct the official duties of the officer and the location and apprehension of the recipient is within such official duties.

(3) Any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of any programs.

(4) The administration of any other federal or federally assisted program which provides assistance, in cash or in kind, or services, directly to individuals on the basis of need.

(5) Any audit or similar activity conducted in connection with the administration of any plan or program by any governmental entity which is authorized by law to conduct the audit or activity.

(6) The administration of the unemployment compensation program.

(7) The reporting to the appropriate agency or official of information on known or suspected instances of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child receiving public assistance under circumstances which indicate that the child's health or welfare is threatened.

(8) The department may implement and enforce the provisions for safeguarding information about applicants and recipients. Disclosure of any information that identifies by name or address any applicant or recipient to any federal, state, or local committee or legislative body other than any activity under subsection (5) is prohibited.

(9) Types of information to be safeguarded include, but are not limited to:

(a) Information related to the social and economic conditions or circumstances of a particular individual. Information obtained from the Internal Revenue Service and the Social Security Administration shall be safeguarded in accordance with procedures set forth by those agencies.

(b) Departmental evaluation of information about a particular individual.

(c) Medical data, including diagnosis and past history of disease or disability, concerning a particular individual.

(10) In the event of the issuance of a subpoena for the case record or for any agency representative to testify concerning an applicant or recipient, the court's attention is called, through proper channels, to the provisions, policies, rules, and regulations against disclosure of information.

(11) All information obtained under the income and eligibility verification requirements shall be stored and processed so that no unauthorized personnel can acquire or retrieve the information by any means.

Section 29. Section 409.212, Florida Statutes, is renumbered as section 414.30, Florida Statutes, and subsection (2) is amended to read as follows:

414.30 ~~409.212~~ Optional supplementation.—

(2) The base rate of payment for optional state supplementation shall be established by the department within funds appropriated. *Unless otherwise directed by the Legislature, on January 1 of each year, the department may establish a new Optional State Supplementation eligibility and monthly payment standard if the average state Optional State Supplementation monthly payment does not increase as a result. The new Optional State Supplementation eligibility and payment standard shall not exceed the sum of the Optional State Supplementation eligibility and monthly payment standard in effect on December 31 of the previous year and the incremental cost of living adjustment to the Federal Benefits Rate for the current year.* Additional amounts may be provided for mental health residents in facilities designed to provide limited mental health services as provided in s. 400.4075 ~~400.407(5)~~. The base rate of payment does not include the personal needs allowance.

Section 30. Section 409.275, Florida Statutes, is renumbered as section 414.31, Florida Statutes, and subsection (1) of said section, is amended to read:

~~414.31 400.275~~ State agency for administering federal food stamp program.—

(1) The department shall, ~~not later than December 31, 1970,~~ place into operation in each of the several counties of the state a food stamp program as authorized by the Congress of the United States. The department is designated as the state agency responsible for the administration and operation of such programs. ~~A commodity distribution program may be continued in a county until it has been approved by the United States Department of Agriculture for a food stamp program.~~

Section 31. Section 414.32, Florida Statutes, is created to read:

414.32 Prohibitions and restrictions relating to food stamps.—

(1) **DISQUALIFICATION FOR CHILD SUPPORT DELINQUENCY.**—An individual shall not be eligible to participate in the food stamp program as a member of any food stamp assistance group during any month the individual is delinquent in any payment due under a court order for the support of a child. The individual shall not be disqualified for child support arrears if a court is allowing the individual to delay payment or the individual is complying with a payment plan approved by a court or the state agency designated under part D of Title IV of the Social Security Act to provide support for the child.

(2) **REDUCTION OR DENIAL OF TEMPORARY FAMILY CASH ASSISTANCE.**—The food stamp allotment shall be reduced or terminated as otherwise provided in this chapter when temporary family cash assistance is reduced or denied because an individual in the assistance group failed to perform an action required by the temporary family assistance program.

(3) **DENIAL OF FOOD STAMP BENEFITS FOR RECEIPT OF MULTIPLE FOOD STAMP BENEFITS.**—An individual shall be ineligible to participate in the food stamp program as a member of any assistance group for a 10-year period if the individual is found by a state agency, or is convicted in a federal or state court, of having made a fraudulent statement or representation with respect to the identity or place of residence of the individual in order to receive multiple benefits simultaneously under the food stamp program.

(4) **DENIAL OF FOOD STAMP BENEFITS TO FLEEING FELONS.**—An individual is ineligible to participate in the food stamp program during any period the individual is fleeing to avoid prosecution, custody, or confinement after conviction for a crime, or attempt to commit a crime, that is a felony under the law of the place from which the individual is fleeing, or, in the case of New Jersey is a high misdemeanor, or for violating a condition of probation or parole imposed under federal or state law.

Section 32. Section 414.33, Florida Statutes, is created to read:

414.33 Violations of the food stamp program.—In accordance with federal law and regulations, the department shall establish procedures for notification and referral to the appropriate federal and state regulatory agencies concerning any case involving violation of federal or state laws, rules, or regulations governing the administration of the food stamp program.

Section 33. Section 409.328, Florida Statutes, is renumbered as section 414.34, Florida Statutes.

Section 34. Section 409.60, Florida Statutes, is renumbered as section 414.35, Florida Statutes.

Section 35. Section 409.2562, Florida Statutes, is renumbered as section 414.36, Florida Statutes, and subsection (1) of said section is amended to read:

~~414.36 400.2562~~ Public assistance overpayment recovery program; contracts.—

(1) The Department of Health and Rehabilitative Services shall develop and implement a plan for the statewide privatization of activities relating to the establishment and recovery of public assistance overpayment claims. These activities shall include claims establishment, accounts receivable, recoupment, and collections functions for recovery of fraudulent and nonfraudulent benefits paid to recipients of *temporary family assistance*, food stamps, and aid to families with dependent children, collections on non-revenue-generating benefit overpayment accounts, and referral of potential public assistance fraud to the Division of Public Assistance Fraud of the Office of the Auditor General for investigation and prosecution.

Section 36. Section 409.25625, Florida Statutes, is renumbered as section 414.37, Florida Statutes.

Section 37. Section 409.25655, Florida Statutes, is renumbered as section 414.38, Florida Statutes, and paragraph (b) of subsection (10) of said section is amended to read:

~~414.38 400.25655~~ Pilot work experience and job training for noncustodial parents program.—

(10)

(b) Following the initial implementation of the pilot projects, a subsequent phase of evaluation must be conducted to determine the impact of the local work experience and job training pilot program on participants. The evaluation must include, but is not limited to:

1. The effect of the program on postprogram levels of earnings for noncustodial parents;

2. The effect of the program on longer-term job retention for noncustodial parents;

3. The payment of child support and its impact on net income for the custodial parent;

4. The effect of the payment of child support on the well-being of the children; and

5. Estimates of the impact of the local work experience and job training pilot program on aggregate expenditures for *temporary family assistance AFDC*, food stamps, Medicaid, child care, other support services, funds expended under ~~the Job Opportunities and Basic Skills Training (JOBS) program~~, the Job Training Partnership Act (JTPA), and similar publicly funded programs and services.

Section 38. Section 409.2567, Florida Statutes, is amended to read:

409.2567 Services to individuals not otherwise eligible.—All support and paternity determination services provided by the department shall be made available on behalf of all dependent children. Services shall be provided upon acceptance of public assistance or upon proper application filed with the department. The department shall adopt rules to provide for the payment of a \$25 application fee from each applicant who is not a public assistance recipient. The application fee shall be deposited in the Child Support Enforcement Application Fee Trust Fund to be used for the Child Support Enforcement Program. The obligor is responsible for all administrative costs, as defined in s. 409.2554. The court shall order payment of administrative costs without requiring the department to have a member of the bar testify or submit an affidavit as to the reasonableness of the costs. An attorney-client relationship exists only between the department and the legal services providers in Title IV-D cases. The attorney shall advise the obligee in Title IV-D cases that the attorney represents the agency and not the obligee. In Title IV-D cases, any costs, including filing fees, recording fees, mediation costs, service of process fees, and other expenses incurred by the clerk of the circuit court, shall be assessed only against the nonprevailing obligor after the

court makes a determination of the nonprevailing obligor's ability to pay such costs and fees. The Department of Revenue shall not be considered a party for purposes of this section; however, fees may be assessed against the department pursuant to s. 57.105(1).

The department shall submit a monthly report to the Governor and the chairs of the Appropriations Committee of the House of Representatives and the Ways and Means Committee of the Senate specifying the funds identified for collection from the noncustodial parents of children receiving temporary family assistance and the amounts actually collected.

Section 39. Section 409.325, Florida Statutes, is renumbered as section 414.39, Florida Statutes, and paragraph (e) of subsection (5) of said section is amended to read:

414.39 409.325 Fraud.—

(5)

~~(e) In addition to the penalties in paragraphs (a) and (b), violations of this section are punishable under ss. 409.326 and 409.327.~~

Section 40. Section 409.3251, Florida Statutes, is renumbered as section 414.40, Florida Statutes.

Section 41. Section 409.335, Florida Statutes, is renumbered as section 414.41, Florida Statutes, and amended to read:

414.41 409.335 Recovery of payments made due to mistake or fraud.—

(1) Whenever it becomes apparent that any person or provider has received any benefits under this chapter to which he is not entitled, either through simple mistake or fraud, the department shall take all necessary steps to recover the overpayment, ~~unless it is determined that extreme hardship would result if repayment were forced at that time.~~ The department may make appropriate settlements and shall establish a policy and cost-effective rules to be used in the recovery of such overpayments.

(2) *When a current or former recipient claims that recovery of an overpayment as a result of department error as defined by rule regarding temporary family assistance benefits or aid to families with dependent children benefits would create an extreme hardship, the department shall determine whether recovery of benefits creates an extreme hardship. The department shall define extreme hardship by rule. The department shall reduce the amount of recovery in the cases in which an individual demonstrates to the department that the payment or recoupment of the overpayment results or shall result in extreme hardship. The monthly payment or recoupment may be reduced, but shall not be excused. An extreme hardship determination shall not result in waiver of the overpayment in whole or in part.*

(3) *The department or its designee shall enforce income deduction orders against any liable adult individual, including the head of an assistance group, for recipient overpayment received as an adult in the temporary family assistance program, the aid-to-families-with-dependent-children program, the food stamp program, or the Medicaid program when the orders are the result of a court hearing or judgment.*

(4)(2) When the department has made a probable cause determination and alleged that an overpayment to a Medicaid provider has occurred, the department, after notice to the provider, may:

(a) Withhold, and continue to withhold during the pendency of an administrative hearing pursuant to chapter 120, any medical assistance reimbursement payments until such time as the overpayment is recovered, unless within 30 days after receiving notice thereof the provider:

1. Makes repayment in full; or
2. Establishes a repayment plan that is satisfactory to the department.

(b) Withhold, and continue to withhold during the pendency of an administrative hearing pursuant to chapter 120, medical assistance reimbursement payments if the terms of a repayment plan are not adhered to by the provider.

Should a provider request an administrative hearing pursuant to chapter 120, such hearing shall be conducted within 90 days following receipt

by the provider of the final audit report, absent exceptionally good cause shown as determined by the administrative hearing officer. Upon issuance of a final order, the balance outstanding of the amount determined to constitute the overpayment shall become due. Any withholding of payments by the department pursuant to this section shall be limited so that the monthly medical assistance payment shall not be reduced by more than 10 percent.

(5)(3) In all final agency actions and orders issued by hearing officers that relate to recovery of medical assistance overpayments made due to a mistake of the provider or fraud, the department shall make a motion to impose an interest penalty at 10 percent per year from the date of final agency action or order by a hearing officer until the overpayment is recovered by the department. When the hearing officer's decision is that an overpayment was not made in an amount as great as identified by the department, any collections made by the department pursuant to subsection (4)(2) shall be reimbursed within 60 days to the provider by the department with interest at 10 percent per year.

Section 42. Section 409.3282, Florida Statutes, is renumbered as section 414.42, Florida Statutes.

Section 43. Section 409.285, Florida Statutes, is renumbered as section 414.43, Florida Statutes.

Section 44. Section 414.44, Florida Statutes, is created to read:

414.44 Discretionary disability supplement.—

(1) The department shall establish a program to provide support for disability-related costs borne by families participating in the supplemental security income program when those families are ineligible for temporary family assistance solely because of the inclusion of supplemental security income in eligibility calculations. The department shall establish guidelines which delineate minimum payments, payment levels, application procedures, and criteria for documentation of unmet needs.

(2) The department shall conduct a study of families deemed ineligible for cash assistance because supplemental security income is included in their eligibility calculations. The purpose of the study is to provide information which describes the disability, any uncovered disability-related expenses, and the overall financial condition of affected families, and which can be used to estimate the number of participants in the program and to establish eligibility, need, and payment criteria.

Section 45. Section 414.45, Florida Statutes, is created to read:

414.45 Data collection and reporting.—The department shall collect data determined necessary for program evaluation and reporting to the United States Department of Health and Human Services and the United States Department of Agriculture under federal law.

Section 46. Section 414.46, Florida Statutes, is created to read:

414.46 Rulemaking.—The department shall adopt rules necessary to implement this program, including rules providing for good-cause exceptions to participation in work activity requirements and rules providing for fair and equitable treatment, reasonable verification procedures, timely action on an individual's case, reasonable written notice in advance of the department's action on an individual's case, a fair hearing to contest the department's action affecting an individual's case, and prompt corrective action after the department finds that an incorrect loss or denial of benefits in an individual's case has occurred. The department may adopt other rules governing the programs provided for in this chapter, as appropriate.

Section 47. Subsection (4) of section 11.50, Florida Statutes, is amended to read:

11.50 Division of Public Assistance Fraud.—

(4) The Department of Health and Rehabilitative Services shall report to the Auditor General the final disposition of all cases wherein action has been taken pursuant to s. 414.39 409.325, based upon information furnished by the Division of Public Assistance Fraud.

Section 48. Paragraph (b)2.b. of subsection (4) and paragraph (c)8.f. of subsection (19) of section 20.19, Florida Statutes, are amended to read:

20.19 Department of Health and Rehabilitative Services.—There is created a Department of Health and Rehabilitative Services.

(4) DEPUTY SECRETARY FOR HUMAN SERVICES.—The secretary shall appoint a Deputy Secretary for Human Services who serves at the pleasure of, and is directly responsible to, the secretary. The secretary shall appoint an Assistant Deputy Secretary for Human Services who serves at the pleasure of the secretary and is directly responsible to the Deputy Secretary for Human Services.

(b)

2. The following program offices are established and may be consolidated, restructured, or rearranged by the secretary; provided any such consolidation, restructuring, or rearranging is for the purpose of encouraging service integration through more effective and efficient performance of the program offices or parts thereof:

b. Economic Services Program Office.—The responsibilities of this office encompass all income support programs within the department, such as *temporary family assistance aid to families with dependent children* (AFDC), food stamps, and state supplementation of the supplemental security income (SSI) program.

(19) OUTCOME EVALUATION AND PROGRAM EFFECTIVENESS.—

(c) The department shall:

8. Implement continuous longitudinal studies to determine the long-range effects of programs. The longitudinal studies shall track a cohort representative sample of clients at 5 years after their initial completion of a program. Whenever possible, longitudinal studies shall compare a representative sample of clients completing the program with a comparable cohort group that did not enter the program.

f. The Economic Services Program Office shall determine the long-range effects of programs, including, but not limited to, programs that implement the provisions of the Family Support Act of 1988, Pub. L. No. 100-485, pursuant to s. 414.065 409-029.

Section 49. Subsection (6) of section 39.044, Florida Statutes, is amended to read:

39.044 Detention.—

(6) When any child is placed into secure, nonsecure, or home detention care or into other placement pursuant to a court order following a detention hearing, the court shall order the natural or adoptive parents of such child, the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay to the Department of Juvenile Justice, or institution having custody of the child, fees equal to the actual cost of the care, support, and maintenance of the child, as established by the Department of Juvenile Justice, unless the court determines that the parent or guardian of the child is indigent. The court may reduce the fees or waive the fees upon a showing by the parent or guardian of an inability to pay the full cost of the care, support, and maintenance of the child. In addition, the court may waive the fees if it finds that the child's parent or guardian was the victim of the child's delinquent act or violation of law or if the court finds that the parent or guardian has made a diligent and good faith effort to prevent the child from engaging in the delinquent act or violation of law. With respect to a child who has been found to have committed a delinquent act or violation of law, whether or not adjudication is withheld, and whose parent or guardian receives *temporary family assistance AFDC* or other public assistance for any portion of that child's care, the department must seek a federal waiver to garnish or otherwise order the payments of the portion of the public assistance relating to that child to offset the costs of providing care, custody, maintenance, rehabilitation, intervention, or corrective services to the child. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate.

Section 50. Paragraph (c) of subsection (2) of section 61.30, Florida Statutes, is amended to read:

61.30 Child support guidelines.—

(2) Income shall be determined for the obligor and for the obligee as follows:

(c) *Temporary family assistance Aid to families with dependent children* benefits shall be excluded from gross income.

Section 51. Subsection (21) of section 97.021, Florida Statutes, is amended to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

(21) "Public assistance" means assistance provided through the food stamp program; the Medicaid program; the Special Supplemental Food Program for Women, Infants, and Children; and the *temporary family assistance Aid to Families with Dependent Children* program.

Section 52. Subsection (2) of section 194.013, Florida Statutes, is amended to read:

194.013 Filing fees for petitions; disposition; waiver.—

(2) The value adjustment board shall waive the filing fee with respect to a petition filed by a taxpayer who demonstrates at the time of filing, by an appropriate certificate or other documentation issued by the Department of Health and Rehabilitative Services and submitted with the petition, that the petitioner is then an eligible recipient of public assistance payments under s. 414.095 409-185.

Section 53. Effective October 1, 1996, paragraph (a) of subsection (6) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(6) SOCIAL SERVICES ESTIMATING CONFERENCE.—

(a) Duties.—

1. The Social Services Estimating Conference shall develop such official information relating to the social services system of the state, including forecasts of social services caseloads, as the conference determines is needed for the state planning and budgeting system. Such official information shall include, but not be limited to, subsidized child care caseloads mandated for *transition-to-work programs by the Family Support Act of 1988*.

2. In addition, the Social Services Estimating Conference shall develop estimates and forecasts of the unduplicated count of children eligible for subsidized child care as defined in s. 402.3015(1). These estimates and forecasts shall ~~not~~ include children enrolled in the prekindergarten early intervention program established in s. 230.2305.

3. The Department of Health and Rehabilitative Services and the Department of Education shall provide information on caseloads and waiting lists for the subsidized child care and prekindergarten early intervention programs requested by the Social Services Estimating Conference or individual conference principals, in a timely manner.

Section 54. Effective October 1, 1996, section 230.2305, Florida Statutes, is amended to read:

230.2305 Prekindergarten early intervention program.—

(1) LEGISLATIVE INTENT; PURPOSE.—The Legislature recognizes that high-quality prekindergarten education programs increase children's chances of achieving future educational success and becoming productive members of society. It is the intent of the Legislature that such programs be developmental, serve as preventive measures for children at risk of future school failure, enhance the educational readiness of all children, and support family education and the involvement of parents in their child's educational progress. Each prekindergarten early intervention program shall provide the elements necessary to prepare children for school, including health screening and referral and a developmentally appropriate educational program and opportunities for parental involvement in the program. It is the legislative intent that the prekindergarten early intervention program not exist as an isolated program, but build upon existing services and work in cooperation with other programs for young children. It is intended that procedures such as, but not limited to, contracting, collocation, mainstreaming, and cooperative funding be used to coordinate the program with Head Start,

public and private providers of *child day care*, preschool programs for children with disabilities, programs for migrant children, Chapter I, subsidized *child day care*, adult literacy programs, and other services. It is further the intent of the Legislature that the Commissioner of Education seek the advice of the Secretary of Health and Rehabilitative Services in the development and implementation of the prekindergarten early intervention program and the coordination of services to young children. The purpose of the prekindergarten early intervention program is to assist *local communities school districts* in implementing programs that will enable all the families and children in the school district to be prepared for the children's success in school.

(2) **ELIGIBILITY PROGRAM.**—There is hereby created the prekindergarten early intervention program for children who are 3 and 4 years of age. A prekindergarten early intervention program shall be administered by a district school board and shall receive state funds pursuant to subsection (9). Prekindergarten early intervention programs shall be implemented and conducted by school districts pursuant to a plan developed and approved as provided in this section. School district participation in the prekindergarten early intervention program shall be at the discretion of each school district.

(a) At least 75 percent of the children projected to be served by the district program shall be economically disadvantaged 4-year-old children, including migrant children. Other children projected to be served by the district program may include any of the following up to a maximum of 25 percent of the total number of children served:

1. Three-year-old and four-year-old children who are referred to the school system who may not be economically disadvantaged but who are abused, prenatally exposed to alcohol or harmful drugs, or from foster homes, or who are marginal in terms of Exceptional Student Education placement.

2. Three-year-old children and four-year-old children who may not be economically disadvantaged but who are eligible students with disabilities and served in a specific part-time or combination of part-time exceptional student education programs with required special services, aids, or equipment and who are reported for funding part-time in the Florida Education Finance Program as exceptional students. These students may be funded from prekindergarten early intervention program funds the portion of the time not funded by the Florida Education Finance Program for the actual instructional time or one full-time equivalent student membership, whichever is the lesser. These part-time students with disabilities shall be counted toward the 25-percent student limit based on full-time equivalent student membership funded part-time by prekindergarten early intervention program funds. Also, 3-year-old or 4-year-old eligible students with disabilities who are reported for funding in the Florida Education Finance Program in a full-time or an authorized combination of full-time and part-time exceptional student programs as provided in s. 236.081(1)(c) may be mainstreamed in the prekindergarten early intervention program if such programming is reflected in the student's individual educational plan; if required special services, aids, or equipment are provided; and if there is no operational cost to prekindergarten early intervention program funds. These full-time exceptional students shall not count against the 75-percent or 25-percent student limit as stated in this paragraph.

3. Economically disadvantaged 3-year-old children ~~served in groups.~~

4. Economically disadvantaged children, children with disabilities, and children at risk of future school failure, from birth to age four, who are served at home through home visitor programs and intensive parent education programs such as the Florida First Start Program.

5. Children who meet federal and state requirements for eligibility for the migrant preschool program but who do not meet the criteria of "economically disadvantaged" as defined in paragraph (b), who shall not pay a fee.

6. After the groups listed in subparagraphs 1., 2., 3., and 4. have been served, 3-year-old and 4-year-old children who are not economically disadvantaged and for whom a fee is paid for the children's participation.

(b) An "economically disadvantaged" child shall be defined as a child eligible to participate in the free lunch program. Notwithstanding any change in a family's economic status or in the federal eligibility requirements for free lunch, a child who meets the eligibility requirements upon initial registration for the program shall be considered eligible *until the*

child reaches kindergarten age through the end of that school year. In order to assist the school district in establishing the priority in which children shall be served, *and to increase the efficiency in the provision of child care services in each district, the district shall enter into a written collaborative agreement with other publicly funded early education and child care programs within the district. Such agreement shall be facilitated by the interagency coordinating council and shall set forth, among other provisions, the measures to be undertaken to ensure the programs' achievement and compliance with the performance standards established in subsection (3) and for maximizing the public resources available to each program.* In addition, the central agency for state-subsidized child care or the local service district of the Department of Health and Rehabilitative Services shall provide the school district with an updated list of 3-year-old and 4-year-old children residing in the school district who are on the waiting list for state-subsidized child care.

(3) **STANDARDS.**—

(a) *Publicly supported preschool programs, including prekindergarten early intervention, subsidized child care, teen parent programs, Head Start, migrant programs, and Chapter 1 programs shall employ a simplified point of entry to the child care services system in every community. These programs shall share the waiting lists for unserved children in the community so that a count of eligible children is maintained without duplications.*

(b) *The Department of Education and the Department of Health and Rehabilitative Services, in consultation with the Legislature, shall develop a minimum set of performance standards for publicly funded early education and child care programs and a method for measuring the progress of local school districts and central agencies in meeting a desired set of outcomes based on these performance measures. The defined outcomes must be consistent with the state's first education goal, readiness to start school, and must also consider efficiency measures such as the employment of a simplified point of entry to the child care services system, coordinated staff development programs, and other efforts within the state to increase the opportunity for welfare recipients to become self-sufficient. Performance standards shall be developed for all levels of administration of the programs, including individual programs and providers, and must incorporate appropriate expectations for the type of program and the setting in which care is provided.*

(4)(3) **PLANS.**—Each district school board that chooses to participate in the prekindergarten early intervention program shall, *in consultation with the interagency coordinating council*, submit to the Commissioner of Education a plan for implementing and conducting a prekindergarten early intervention program for approval. ~~Each plan or amended plan shall be developed in cooperation with the local interagency coordinating council on early childhood services pursuant to subsection (11) and shall be approved by the commissioner.~~ A district school board shall submit a plan or amended plan for planning and evaluating prekindergarten programs, implementing new services, enhancing existing early childhood, prekindergarten, or child care programs provided by public or nonpublic entities, or contracting for the provision of services or facilities. ~~The plans~~ *School boards shall include in their plans* an explanation of the role of the prekindergarten early intervention program in the school district's effort to meet the first state education goal, readiness to start school, and the plan must include the utilization of public and private programs already in existence in the district, business-education partnerships, and preschool programs operated by vocational-technical schools, community colleges, and universities. ~~A district school board plan shall identify the locations where services will be provided and may include public school property or other sites that meet state and local licensing requirements for child day care facilities or State Board of Education rules, except that sites shall be located to the maximum extent practicable so as to provide easy access by parents, especially working parents of economically disadvantaged children. When a district uses nonschool facilities or nonschool facility staff for the provision of services, a contract is required; when a district uses nonschool facilities and provides district instructional staff, a cooperative agreement is required. Unless the commissioner requests a revised plan, districts with plans approved subsequent to July 1, 1989, must submit only amendments to their initial plans to the commissioner by November 15 of each subsequent year.~~

(5)(4) **PLAN APPROVAL.**—To be considered for approval, each plan, or amendment to a plan, must be prepared according to instructions issued by the Commissioner of Education and must include, without limitation:

(a) A description of the program curriculum and assurances that the program curriculum will be developmentally appropriate according to current nationally recognized recommendations for high-quality pre-kindergarten programs.

(b) The estimated number of children who will participate in the program based upon a needs assessment that considers existing services and unmet needs.

(c) The projected percentage of children who will participate in the program and who are economically disadvantaged.

(d) The criteria used by the district to establish a sliding fee scale for participants who are not economically disadvantaged, and a description of the sliding scale.

(e) A description of the program's administrative and supervisory structure.

(f) The ratio of direct instructional staff to children. The ratio must be one adult to 10 children, or a lower ratio. Upon written request from a school district, the commissioner may grant permission for a ratio of up to 1 adult to 15 children for individual schools or centers for which a 1 to 10 ratio would not be feasible.

(g) Information on the training and qualifications of program staff, including an assurance that all staff will have met the following minimum requirements:

1. The minimum level of training is to be the completion of a 30-clock-hour training course planned jointly by the Department of Education and the Department of Health and Rehabilitative Services to include the following areas: state and local rules that govern child care, health, safety, and nutrition; identification and report of child abuse and neglect; child growth and development; use of developmentally appropriate early childhood curricula; and avoidance of income-based, race-based, and gender-based stereotyping.

2. When individual classrooms are staffed by certified teachers, those teachers must be certified for the appropriate grade levels under s. 231.17 and State Board of Education rules. Teachers who are not certified for the appropriate grade levels must obtain proper certification within 2 years. However, the commissioner may make an exception on an individual basis when the requirements are not met because of serious illness, injury, or other extraordinary, extenuating circumstance.

3. When individual classrooms are staffed by noncertified teachers, there must be a program director or lead teacher who is eligible for certification or certified for the appropriate grade levels pursuant to s. 231.17 and State Board of Education rules in regularly scheduled direct contact with each classroom. Notwithstanding s. 231.15, such classrooms must be staffed by at least one person who has, at a minimum, a child development associate credential (CDA) or an amount of training determined by the commissioner to be equivalent to or to exceed the minimum, such as an associate in science degree in the area of early childhood education.

4. Beginning October 1, 1994, principals and other school district administrative and supervisory personnel with direct responsibility for the program must demonstrate knowledge of prekindergarten education programs that increase children's chances of achieving future educational success and becoming productive members of society in a manner established by the State Board of Education by rule.

To be eligible for state funding, all program plans must include a requirement that all personnel who are not certified under s. 231.17 must comply with screening requirements under ss. 231.02 and 231.1713.

(h) A description of proposed staff development activities, including arrangements for staff access to training in child growth and development and developmentally appropriate early childhood curriculum, ~~coordination with local teacher education centers established under s. 231.603,~~ and integration with district master inservice plans required under s. 236.0811.

(i) A description of the number and location of all program sites and how each site is considered easily accessible to the population to be served and to coordinated services.

(j) A description of the arrangements for transporting children to and from the program sites and their homes, if appropriate.

(k) A requirement that student participation be contingent upon parental involvement, and a description of the parental involvement activities integral to the program, which must include program site-based parental activities designed to fully involve parents in the program and which may include parenting education, home visitor activities, family support services coordination, and other activities.

(l) A description of the interagency coordinating council and efforts made to coordinate and maximize use of existing funds and community facilities, equipment, medical, educational, and social services, including coordination with adult literacy and vocational programs.

(m) Identification of the days and hours when services are to be provided, including a school day and school year equal to or exceeding the requirements for kindergarten under ss. 228.041 and 236.013 and strategies to provide care before school, after school, and 12 months a year, when needed. The strategies specified by this paragraph must be developed by the school district in cooperation with the central agency for state-subsidized child care or the local service district of the Department of Health and Rehabilitative Services and must be approved by the district interagency coordinating council established under subsection (11) (40). Programs may be provided on Saturdays and through other innovative scheduling arrangements.

(n) A description of the developmental and health screening and referral services to be provided each child in the program and assurances that needed developmental and health services will be provided through interagency coordination to the extent possible.

(o) A written description of the role of the program in the school district's effort to meet the first state education goal, readiness to start school, including a description of the ~~school board's~~ plan to involve non-public schools, public and private providers of day care and early education, and other community agencies that provide services to young children. This may include private child care programs, subsidized child care programs, and Head Start programs. The written description of the ~~school board's~~ plan to involve the groups listed above must be submitted annually.

(p) A description of how the program will be coordinated with the district program for grades K through 3 and with district preschool programs for children with disabilities and migrant children, *the teen parent program, and Chapter 1 programs.*

(q) A tentative budget.

(r) Strategies to allow for parental option regarding a child's participation at a school-based site or among contracted sites, when such an option is appropriate and within the school district. The school district may consider availability of sites, transportation, staffing ratios, costs, and other factors in determining the assignment and setting district guidelines. Parents may request and be assigned a site other than one first assigned by the district, provided the parents pay the cost of transporting the child to the site of the parents' choice.

(s) Strategies for school district coordination with the central agency for state-subsidized child care or the local service district of the Department of Health and Rehabilitative Services to verify family participation in *cash assistance programs Project Independence*, thus ensuring accurate reporting and full utilization of federal funds available through the Family Support Act, and for the agency's or service district's sharing of the waiting list for state-subsidized child care under paragraph (3)(a) (2)(b).

(6)(5) PLAN APPROVAL.—The Commissioner of Education has the final authority to approve or disapprove plans and amended plans.

(7)(6) EVALUATION.—Each school district shall conduct an evaluation of the effectiveness of the prekindergarten early intervention program. This evaluation shall include measures of the following:

(a) The children's achievement as measured by assessments upon entry into the program and upon completion of the program; and

(b) The children's readiness for kindergarten as measured by the instrument the district uses to assess the school readiness of all children

entering kindergarten. The results of this evaluation must be maintained by the school district and made available to the public upon request.

(8)(7) MONITORING AND TECHNICAL ASSISTANCE.—Pursuant to s. 229.565(5), the Commissioner of Education shall monitor each district prekindergarten early intervention program at least annually to determine compliance with the district plan and the provisions of this section. If a school board fails to bring its program into compliance within 3 months after the commissioner's evaluation citing specific deficiencies, the commissioner must withhold such funds as have been allocated to the school board for its prekindergarten early intervention program and which have not yet been released. The department shall develop manuals and guidelines for the development of district plans and shall provide ongoing technical assistance to ensure that each district program maintains high standards of quality and effectiveness.

(9)(8) ANNUAL REPORT.—Each district school board that implements a prekindergarten early intervention program under this section shall, through with the assistance of the district interagency coordinating council on early childhood services, submit an annual report of its program to the Commissioner of Education. The report must describe the overall program operations; activities of the district interagency coordinating council on early childhood services; expenditures; the number of students served; ratio of staff to children; staff qualifications; evaluation findings, including identification of program components that were most successful; and other information required by the Commissioner of Education or the state advisory council.

(10)(9) FUNDING.—

(a) This section shall be implemented only to the extent that funding is available. State funds appropriated for the prekindergarten early intervention program may only be used pursuant to the plan developed in consultation with the interagency coordinating council on early childhood services and may not be used for the construction of new facilities, the transportation of students, or the purchase of buses, but may be used for educational field trips which enhance the curriculum.

1. At least 70 percent of the total funds allocated to each school district under this section must be used for implementing and conducting a prekindergarten early intervention program or contracting with other public or nonpublic entities for programs to serve eligible children. The maximum amount to be spent per child for this purpose is to be designated annually in the General Appropriations Act.

2. No more than 30 percent of the funds allocated to each school district pursuant to this section may be used to enhance existing public and nonpublic programs for eligible children, to provide before-school and after-school care for children served under this section, to remodel or renovate existing facilities under chapter 235, to lease or lease-purchase facilities in accordance with subsection (4) (3) of this section, to purchase classroom equipment to allow the implementation of the prekindergarten early intervention program, and to provide training for program teachers and administrative personnel employed by the school district and by agencies with which the school district contracts for the provision of prekindergarten services.

3. Funds may also be used pursuant to subparagraphs 1. and 2. to provide the prekindergarten early intervention program for more than 180 school days.

(b) A minimum grant for each district is to be determined annually in the General Appropriations Act. The funds remaining after allocating the minimum grants must be prorated based on an allocation factor for each district and must be added to each district's minimum grant. The allocation factor is to be calculated as follows:

District percentage of state 3-year-old and 4-year-old children	x 1/4	+	District percentage of state free lunch students	x 3/4
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The calculation of each district's allocation factor is to be based upon the official estimate of the total number of 3-year-old and 4-year-old children by school district and estimate of the number of economically disadvantaged children in need of child care services as indicated on the locally maintained waiting list the official record of the Department of Educa-

tion for K-12 student participation in the free lunch program by school district for the prior fiscal year.

(e) A portion of the funds appropriated by the Legislature for the prekindergarten early intervention program must be allocated by the commissioner to districts whose plans include exemplary programs or services that emphasize parental involvement or innovative approaches to work with at-risk disadvantaged children, unique sites that minimize access problems, programs or services that have the potential of advancing the state-of-the-art for work with disadvantaged young children, programs selected to serve as training and demonstration sites, or programs participating in a self-study process leading to accreditation by a nationally recognized early childhood accrediting agency.

(11)(40) DISTRICT INTERAGENCY COORDINATING COUNCILS.—

(a) To be eligible for a prekindergarten early intervention program, each school district must develop, implement, and evaluate its prekindergarten program in cooperation with a district interagency coordinating council on early childhood services.

(b) Each district coordinating council must consist of at least 12 members to be appointed by the district school board, the county commission for the county in which participating schools are located, and the Department of Health and Rehabilitative Services' district administrator and must include at least the following:

1. One member who is a parent of a child enrolled in, or intending to enroll in, the public school prekindergarten program, appointed by the school board.
2. One member who is a director or designated director of a prekindergarten program in the district, appointed by the school board.
3. One member who is a member of a district school board, appointed by the school board.
4. One member who is a representative of an agency serving children with disabilities, appointed by the Department of Health and Rehabilitative Services' district administrator.
5. Four members who are representatives of organizations providing prekindergarten educational services, one of whom is a representative of a Head Start Program, appointed by the Department of Health and Rehabilitative Services' district administrator; one of whom is a representative of a Title XX subsidized child day care program, if such programs exist within the county, appointed by the Department of Health and Rehabilitative Services' district administrator and two of whom are private providers of preschool care and education to 3-year-old and 4-year-old children, one appointed by the county commission and one appointed by the Department of Health and Rehabilitative Services' district administrator. If there is no Head Start Program or Title XX program operating within the county, these the school board must appoint two members must to represent community interests in prekindergarten education.
6. Two members who are representatives of agencies responsible for providing social, medical, dental, adult literacy, or transportation services, one of whom represents the county public health unit, both appointed by the county commission.
7. One member to represent a local child advocacy organization, appointed by the Department of Health and Rehabilitative Services' district administrator.
8. One member to represent the district K-three program, appointed by the school board.

(c) Each district interagency coordinating council shall:

1. Assist district school boards in developing a plan or an amended plan to implement a prekindergarten early intervention program. The plan and all amendments must be signed by the council chair, the chair of the district school board, and the district school superintendent before being submitted to the Commissioner of Education for approval.
2. Coordinate the delivery of educational, social, medical, child care, and other services.

Section 55. Paragraph (d) of subsection (2) of section 233.068, Florida Statutes, is amended to read:

233.068 Job-related vocational instruction.—

(2) OPEN-ENTRY PROGRAMS IN CAREER DEVELOPMENT AND APPLIED TECHNOLOGY.—By the 1998-1999 school year, up to 30 school districts may establish programs in which students who have differing abilities and career plans may pursue an education that develops academic and vocational skills required by specified related occupations. Each program must:

(d) Include participation by local businesses that employ people in the occupations for which the program provides training, through new programs or established programs such as the Florida Compact, other business partnerships, the programs used by the Department of Education to implement the Blueprint for Career Preparation, *temporary cash assistance Project Independence*, or federal Job Training Partnership Act programs.

Section 56. Paragraph (f) of subsection (2) of section 239.117, Florida Statutes, is amended to read:

239.117 Postsecondary student fees.—

(2) The following students are exempt from any requirement for the payment of registration, matriculation, and laboratory fees for instruction:

(f) A student enrolled in an employment and training program pursuant to s. ~~414.065 409-029~~. Such a student may receive a fee exemption only if the student applies for and does not receive student financial aid, including Job Training Partnership Act or Family Support Act funds. Schools and community colleges shall help such students apply for financial aid, but shall not deny such students program participation during the financial aid application process. Such a student may not be required to incur debt within the financial aid package. Fee-exempt instruction provided at community colleges pursuant to this subsection generates an additional one-fourth of a full-time equivalent enrollment.

Section 57. Subsection (5) is added to section 402.3015, Florida Statutes, to read:

402.3015 Subsidized child care program; purpose; fee; transitional child care.—

(5) *The central agency for state subsidized child care or the local service district of the Department of Health and Rehabilitative Services shall cooperate with the local interagency coordinating council, as defined in s. 230.2305, in the development of written collaborative agreements with each local school district.*

(a) *The central agency shall develop, in consultation with the local interagency council, a plan for implementing and conducting child care programs. Such plan shall include the tentative budget and measures for maximizing public resources.*

(b) *The department shall monitor each subsidized child care provider at least annually to determine compliance with the collaborative agreement facilitated by the local interagency coordinating council. If a provider fails to bring its program into compliance with the agreement or the plan within 3 months after an evaluation citing deficiencies, the department must withhold such administrative funds as have been allocated to the program and which have not yet been released.*

Section 58. Paragraph (a) of subsection (3) of section 239.301, Florida Statutes, is amended to read:

239.301 Adult general education.—

(3)(a) Each school board or community college board of trustees shall negotiate with local personnel of the Department of Health and Rehabilitative Services for basic and functional literacy skills assessments for participants in employment and training programs pursuant to s. ~~414.065 409-029~~. Such assessments shall be conducted at a site mutually acceptable to the school board or community college board of trustees and the Department of Health and Rehabilitative Services.

Section 59. Subsection (3) of section 240.35, Florida Statutes, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction.

(3) Students enrolled in dual enrollment and early admission programs pursuant to s. 240.116 and students enrolled in employment and training programs pursuant to s. ~~414.065 409-029~~ are exempt from the payment of registration, matriculation, and laboratory fees; however, such students may not be included within calculations of fee-waived enrollments. Students enrolled in programs pursuant to s. ~~414.065 409-029~~ shall be granted a fee exemption only if they have applied for student financial aid including Job Training Partnership Act or Family Support Act funds and did not receive financial assistance. Colleges shall assist these students in applying for financial aid, and these students shall not be denied participation in programs during the application process for financial aid. These students shall not be required to obtain loans as a part of their financial aid package. Fee-exempt instruction provided pursuant to this subsection shall generate an additional one-fourth full-time equivalent enrollment.

Section 60. Paragraph (a) of subsection (4), paragraph (c) of subsection (6), and paragraph (b) of subsection (7) of section 240.40685, Florida Statutes, are amended to read:

240.40685 Certified Teacher-Aide Welfare Transition Program.—

(4) By July 1, 1995, the agencies shall complete an implementation plan that addresses at least the following recommended components of the program:

(a) A method of selecting participants. The method must not duplicate services provided by those assigned by *the temporary cash assistance program Project Independence* to screen participants, but must assure that screening personnel are trained to identify recipients of public assistance whose personal aptitudes and motivation make them most likely to succeed in the program and advance in a career related to the school community.

Incentives may include a stipend during periods of college classroom training, a bonus and recognition for a high grade-point average, child care and prekindergarten services for children of participants, and services to increase a participant's ability to advance to higher levels of employment. Nonfinancial incentives should include providing a mentor or tutor, and service incentives should continue and increase for any participant who plans to complete the baccalaureate degree and become a certified teacher. Services may be provided in accordance with family choice by community colleges and school district technical centers, through family service centers and full-service schools, or under contract with providers through central agencies.

(6)

(c) Historically black colleges or universities that have established programs that serve recipients of *temporary family assistance Aid to Families with Dependent Children* are eligible to participate in the Performance Based Incentive Funding Program and may earn an incentive award determined by the Jobs and Education Partnership for successful placement of program completers in jobs as teacher aides in at-risk schools.

(7)

(b) A participating school district may use funds appropriated by the Legislature from Job Training Partnership Act service delivery area allotments to provide at least 6 months of on-the-job training to participants in the Certified Teacher-Aide Welfare Transition Program. Participating school districts may also use funds provided by grant diversion of funds from *the temporary family assistance program Aid to Families with Dependent Children* for the participants during the practicum portion of their training to earn the certificate required for their employment.

Section 61. Subsection (2) of section 240.61, Florida Statutes, is amended to read:

240.61 College reach-out program.—

(2) In developing the definition for "low-income educationally disadvantaged student," the State Board of Education shall include such factors as: the family's taxable income; family receipt of *temporary family assistance aid to families with dependent children* in the preceding

year; family receipt of public assistance in the preceding year; the student's cumulative grade point average; the student's promotion and attendance patterns; the student's performance on state standardized tests; the student's enrollment in mathematics and science courses; and the student's participation in a dropout prevention program.

Section 62. Subsection (2) of section 246.50, Florida Statutes, is amended to read:

246.50 Certified Teacher-Aide Welfare Transition Program; participation by independent postsecondary schools.—An independent postsecondary school may participate in the Certified Teacher-Aide Welfare Transition Program and may receive incentives for successful performance from the Performance Based Incentive Funding Program if:

(2) The school serves recipients of *temporary family assistance aid to families with dependent children* in a certified teacher-aide program;

Section 63. Paragraph (a) of subsection (6) of section 282.502, Florida Statutes, is amended to read:

282.502 Information system coordinating council; creation; membership; duties.—

(6)(a) The entities identified in subsection (5) shall share the information contained in their respective data files as directed by the coordinating council, notwithstanding provisions of the following statutes which might otherwise constitute barriers to such sharing: ss. 39.045, 39.411, 228.093, 393.13, 394.459, ~~414.29 400.355~~, 413.22, 413.341, 415.51, 415.608, 455.241, 943.045, 943.05, 943.051, 943.0525, 943.054, 943.057, and 945.10.

Section 64. Paragraph (a) of subsection (4) of section 400.407, Florida Statutes, is amended to read:

400.407 License required; fee, display.—

(4)(a) The biennial license fee required of a facility is \$240 per license, with an additional fee of \$30 per resident based on the total licensed resident capacity of the facility, except that no additional fee will be assessed for beds designated for recipients of optional state supplementation payments provided for in s. ~~414.30 400.212~~. The total fee shall not exceed \$10,000, no part of which shall be returned to the facility. Effective July 1, 1995, the agency shall adjust the per bed license fee and the total licensure fee annually by not more than the change in the consumer price index based on the 12 months immediately preceding the increase.

Section 65. Paragraph (b) of subsection (1) of section 400.418, Florida Statutes, is amended to read:

400.418 Disposition of fees and administrative fines.—

(1) Income from license fees, inspection fees, late fees, and administrative fines generated pursuant to ss. 400.407, 400.417, 400.419, and 400.431 shall be deposited in the Health Care Trust Fund administered by the agency. Such funds shall be directed to and used by the agency for the following purposes:

(b) An amount of \$5,000 of the trust funds accrued each year under this part shall be allocated to pay for inspection-related physical and mental health examinations requested by the agency pursuant to s. 400.426 for residents who are either recipients of supplemental security income or have monthly incomes not in excess of the maximum combined federal and state cash subsidies available to supplemental security income recipients, as provided for in s. ~~414.30 400.212~~. Such funds shall only be used where the resident is ineligible for Medicaid.

Section 66. Subsection (4) of section 400.42, Florida Statutes, is amended to read:

400.42 Certain solicitation prohibited; third-party supplementation.—

(4) An assisted living facility may accept additional supplementation from third parties on behalf of residents receiving optional state supplementation in accordance with s. ~~414.30 400.212~~.

Section 67. Paragraph (a) of subsection (2) of section 400.618, Florida Statutes, is amended to read:

400.618 Definitions.—As used in ss. 400.616-400.629, the term:

(2) "Adult family-care home" means a full-time, family-type living arrangement, in a private home, under which a person or persons provide, for profit or not for profit, room, board, and one or more personal services, as appropriate for the level of functional impairment, for no more than five aged persons or disabled adults who are not relatives. The following establishments are not adult family-care homes:

(a) An establishment that provides personal services for three or fewer adults who do not receive optional state supplementation under s. ~~414.30 400.212~~, but that does not hold itself out to the public to be an establishment that regularly provides such services.

Section 68. Subsection (9) of section 400.619, Florida Statutes, is amended to read:

400.619 Licensure requirements.—

(9) Each adult family-care home must designate at least one licensed space for a resident receiving optional state supplementation as defined in s. ~~414.30 400.212~~. The Department of Health and Rehabilitative Services shall specify by rule the procedures to be followed for referring residents who receive optional state supplementation to adult family-care homes. Those homes licensed as adult foster homes or assisted living facilities prior to January 1, 1994, that convert to adult family-care homes, are exempt from the requirement of designating one space for a resident receiving optional state supplementation.

Section 69. Subsection (5) of section 402.27, Florida Statutes, is amended to read:

402.27 Child care and early childhood resource and referral.—The Department of Health and Rehabilitative Services shall establish a statewide child care resource and referral network. Preference shall be given to using the already established central agencies for subsidized child care as the child care resource and referral agency. If the agency cannot comply with the requirements to offer the resource information component or does not want to offer that service, the Department of Health and Rehabilitative Services shall select the resource information agency based upon a request for proposal. At least one child care resource and referral agency must be established in each district of the department, but no more than one may be established in any county. Child care resource and referral agencies shall provide the following services:

(5) Assistance to families in applying for various sources of subsidy including, but not limited to, Title XX/SSBG subsidized child care, head start, prekindergarten early intervention programs, *temporary family assistance Project Independence*, private scholarships, and the federal dependent care tax credit.

Section 70. Paragraph (g) of subsection (1) of section 402.33, Florida Statutes, is amended to read:

402.33 Department authority to charge fees for services provided.—

(1) As used in this section, the term:

(g) "State and federal aid" means cash assistance or cash equivalent benefits based on an individual's proof of financial need, including, but not limited to, *temporary family assistance aid to families with dependent children* and food stamps.

Fees, other than third-party benefits and benefit payments, may not be charged for services provided to indigents whose only sources of income are from state and federal aid. In addition, fees may not be charged parents of a minor client for services requested by the minor without parental consent or for services provided a minor client who has been permanently committed to the care and custody of the department with parental rights permanently severed. However, lack of parental consent does not preclude the charging of fees established under chapter 39. The department may not require a client who is receiving wages which are below the minimum wage under the federal Fair Labor Standards Act to pay fees from such wages. Voluntary payments for services must be encouraged.

Section 71. Paragraph (a) of subsection (3) of section 402.40, Florida Statutes, is amended to read:

402.40 Child welfare training academies established; Child Welfare Standards and Training Council created; responsibilities of council; Child Welfare Training Trust Fund created.—

(3) CHILD WELFARE STANDARDS AND TRAINING COUNCIL.—

(a) There is created within the Department of Health and Rehabilitative Services the Child Welfare Training Council, hereinafter referred to as the council. The 21-member council shall consist of the Commissioner of Education or his or her designee; a member of the judiciary who has experience in the area of dependency and has served at least 3 years in the Juvenile Division of the circuit court, to be appointed by the Chief Justice of the Supreme Court; and 19 members to be appointed by the Secretary of Health and Rehabilitative Services as follows:

1. Nine members shall be dependency program staff:

a. An intake supervisor or counselor, a protective services supervisor or counselor, a foster care supervisor or counselor, and an adoption and related services supervisor or counselor. Each such member shall have at least 5 years' experience working with children and families, at least two members shall each have a master's degree in social work, and any member not having a master's degree in social work shall have at least a bachelor's degree in social work, child development, behavioral psychology, or any other discipline directly related to providing care or counseling for families.

b. A representative from a licensed, residential child-caring agency contracted with by the state; a representative from a runaway shelter or similar program primarily serving adolescents, which shelter or program must be contracted with by the state; and a representative from a licensed child-placing agency contracted with by the state. At least two of these members shall each have a master's degree in social work, and any member not having a master's degree in social work shall have a degree as cited in subparagraph a. All three members shall have at least 5 years' experience working with children and families.

c. A family foster home parent and an emergency shelter home parent, both of whom shall have been providing such care for at least 5 years and shall have participated in training for foster parents or shelter parents on an ongoing basis.

2. One member shall be a supervisor or counselor from *the temporary family assistance* ~~an Aid to Families with Dependent Children~~ program.

3. Two members shall be educators from the state's university and community college programs of social work, child development, psychology, sociology, or other field of study pertinent to the training of dependency program staff.

4. One member shall be a pediatrician with expertise in the area of child abuse and neglect.

5. One member shall be a psychiatrist or licensed clinical psychologist with extensive experience in counseling children and families.

6. One member shall be an attorney with extensive experience in the practice of family law.

7. One member shall be a guardian ad litem or a child welfare attorney, either of whom shall have extensive experience in the representation of children.

8. One member shall be a state attorney with experience and expertise in the area of dependency and family law.

9. One member shall be a representative from a local law enforcement unit specializing in child abuse and neglect.

10. One member shall be a lay citizen who is a member of a child advocacy organization.

The initial members of the council shall be appointed within 30 days of the effective date of this section. Of the initial appointments, the member appointed by the Chief Justice of the Supreme Court, three members

appointed pursuant to subparagraph 1., one member appointed pursuant to subparagraph 3., and the members specified in subparagraphs 4. and 5. shall be appointed to terms of 3 years each; three members appointed pursuant to subparagraph 1., one of the members appointed pursuant to subparagraph 3., and the members specified in subparagraphs 2., 6., and 7. shall be appointed for terms of 2 years each; and three members appointed pursuant to subparagraph 1., and the members specified in subparagraphs 8., 9., and 10. shall be appointed to terms of 1 year each. Thereafter, all appointed members shall serve terms of 3 years each. No person shall serve more than two consecutive terms.

Section 72. Paragraph (c) of subsection (4) of section 402.45, Florida Statutes, is amended to read:

402.45 Community resource mother or father program.—

(4) A community resource mother or father shall be an individual who by residence and resources is able to identify with the target population, and meets the following minimum criteria:

(c) Is a *temporary family assistance* ~~an AFDC~~ recipient or person with an income below the federal poverty level, or has an income equivalent to community clients.

Section 73. Subsection (7) of section 409.2564, Florida Statutes, is amended to read:

409.2564 Actions for support.—

(7) In a judicial circuit with a work experience and job training pilot project, if the obligor is a noncustodial parent of a child receiving public assistance as defined in this chapter, is unemployed or underemployed or has no income, then the court shall order the obligor to seek employment, if the obligor is able to engage in employment, and to immediately notify the court upon obtaining employment, upon obtaining any income, or upon obtaining any ownership of any asset with a value of \$500 or more. If the obligor is still unemployed 30 days after any order for support, the court shall order the obligor to enroll in a work experience, job placement, and job training program for noncustodial parents as established in s. 414.38 ~~409.25655~~.

Section 74. Section 409.2566, Florida Statutes, is amended to read:

409.2566 Child Support Enforcement Application Fee Trust Fund.— There is hereby created the Child Support Enforcement Application Fee Trust Fund to be used for the deposit of application fees of *non-temporary-family-assistance* ~~non-AFDC~~ applicants for child support enforcement services.

Section 75. Subsection (1) of section 409.259, Florida Statutes, is amended to read:

409.259 Partial payment of filing fees in only *non-temporary-family-assistance* ~~non-AFDC~~ cases.—

(1) Notwithstanding the provisions of s. 28.241, each clerk of the circuit court shall only be reimbursed at the prevailing rate of federal financial participation on the amount of \$40 for each *non-temporary-family-assistance* ~~non-AFDC~~ support civil action, suit, or proceeding instituted in the circuit court. The prevailing rate of the state match shall be paid by the local government in the form of a certified public expenditure. The clerk of the circuit court shall bill the department monthly. The clerk of the circuit court and the department shall maintain a monthly log of the number of *non-temporary-family-assistance* ~~non-AFDC~~ civil actions, suits, or proceedings filed. These monthly logs will be used to determine the number of \$40 filings the clerk of court may submit for reimbursement at the prevailing rate of federal financial participation.

Section 76. Subsection (6) of section 409.328, Florida Statutes, is amended to read:

409.328 Annual report concerning administrative complaints and disciplinary actions involving food stamp program violations.— The department is directed to prepare and submit a report to the President of the Senate, the Speaker of the House of Representatives, the chairs of the legislative Health and Rehabilitative Services committees, and the Division of Public Assistance Fraud by January 1 of each year, beginning

in 1993. In addition to any other information the Legislature may require, the report must include statistics and relevant information detailing:

(6) The number of criminal complaints brought under s. 414.39 409.325, and their disposition.

Section 77. Subsections (1) and (3) of section 409.903, Florida Statutes, are amended to read:

409.903 Mandatory payments for eligible persons.—The department shall make payments for medical assistance and related services on behalf of the following persons who the department determines to be eligible, subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(1) Persons who receive payments from or are determined eligible for the *temporary family assistance program* ~~federal and state program known as Aid to Families with Dependent Children (AFDC)~~, and certain persons who were eligible for that program but who became ineligible or who would be eligible but do not meet certain technical requirements. This group includes, but is not limited to:

- (a) Low-income, single-parent families and their children.
- (b) Low-income, two-parent families in which at least one parent is disabled or otherwise incapacitated.
- (c) Certain unemployed two-parent families and their children.
- (3) A child under age 21 living in a low-income, two-parent family, and a child under age 7 living with a nonrelative, if the income and assets of the family or child, as applicable, do not exceed the cash-assistance limits under the *temporary family assistance* ~~Aid to Families with Dependent Children~~ program.

Section 78. Subsection (1) of section 409.942, Florida Statutes, is amended to read:

409.942 Electronic benefit transfer program.—

(1) The Department of Health and Rehabilitative Services shall establish an electronic benefit transfer program for the dissemination of food stamp benefits and *temporary family assistance* ~~aid to families with dependent children~~ payments, including refugee cash assistance payments, asylum applicant payments, and child support disregard payments. If the Federal Government does not enact legislation or regulations providing for dissemination of supplemental security income by electronic benefit transfer, the state may include supplemental security income in the electronic benefit transfer program.

Section 79. Paragraph (a) of subsection (3) of section 411.232, Florida Statutes, is amended to read:

411.232 Children's Early Investment Program.—

(3) ESSENTIAL ELEMENTS.—

(a) Initially, the program shall be directed to geographic areas where at-risk young children and their families are in greatest need because of an unfavorable combination of economic, social, environmental, and health factors, including, without limitation, extensive poverty, high crime rate, great incidence of low birthweight babies, high incidence of alcohol and drug abuse, and high rates of teenage pregnancy. The selection of a geographic site shall also consider the incidence of young children within these at-risk geographic areas who are cocaine babies, children of *temporary family assistance* ~~AFDC~~ mothers, children of teenage parents, low birthweight babies and very young foster children. To receive funding under this section, an agency, board, council, or provider must demonstrate:

1. Its capacity to administer and coordinate the programs and services in a comprehensive manner and provide a flexible range of services;
2. Its capacity to identify and serve those children least able to access existing programs and case management services;

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

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

5. Its ability to use existing federal, state, and local governmental programs and services in implementing the investment program;

6. Its ability to coordinate activities and services with existing public and private, state and local agencies and programs such as those responsible for health, education, social support, mental health, child care, respite care, housing, transportation, alcohol and drug abuse treatment and prevention, income assistance, employment training and placement, nutrition, and other relevant services, all the foregoing intended to assist children and families at risk;

7. How its plan will involve project participants and community representatives in the planning and operation of the investment program;

8. Its ability to participate in the evaluation component required in this section; and

9. Its consistency with the strategic plan pursuant to s. 411.221.

Section 80. Paragraph (a) of subsection (3) of section 411.242, Florida Statutes, is amended to read:

411.242 Florida Education Now and Babies Later (ENABL) program.—

(3) ESSENTIAL ELEMENTS.—

(a) The ENABL program should be directed to geographic areas in the state where the childhood birth rate is higher than the state average and where the children and their families are in greatest need because of an unfavorable combination of economic, social, environmental, and health factors, including, without limitation, extensive poverty, high crime rate, great incidence of low birthweight babies, high incidence of alcohol and drug abuse, and high rates of childhood pregnancy. The selection of a geographic site shall also consider the incidence of young children within these at-risk geographic areas who are cocaine babies, children of mothers receiving *temporary family assistance* ~~aid to families with dependent children (AFDC)~~, children of teenage parents, low birthweight babies, and very young foster children. To receive funding under this section, a community-based local contractor must demonstrate:

1. Its capacity to administer and coordinate the ENABL pregnancy prevention public education program and services for children and their families in a comprehensive manner and to provide a flexible range of age-appropriate educational services.

2. Its capacity to identify and serve those children least able to access existing pregnancy prevention public education programs.

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

4. The proximity of its program to young children, parents, and other family members to be served by the ENABL program, or its ability to provide offsite educational services.

5. Its ability to incorporate existing federal, state, and local governmental educational programs and services in implementing the ENABL program.

6. Its ability to coordinate its activities and educational services with existing public and private state and local agencies and programs, such as those responsible for health, education, social support, mental health, child care, respite care, housing, transportation, alcohol and drug abuse treatment and prevention, income assistance, employment training and placement, nutrition, and other relevant services, all of the foregoing intended to assist children and families at risk.

7. How its plan will involve project participants and community representatives in the planning and operation of the ENABL program.

8. Its ability to participate in the evaluation component required in this section.

9. Its consistency with the strategic plan pursuant to s. 411.221.

10. Its capacity to match state funding for the ENABL program at the rate of \$1 in cash or in matching services for each dollar funded by the state.

Section 81. Section 411.243, Florida Statutes, is created to read:

411.243 Subject to the availability of funds, the Department of Health and Rehabilitative Services shall create a Teen Pregnancy Prevention Community Incentive Grant initiative. The purpose of this initiative is to create collaborative community partnerships to reduce teen pregnancy. Participating communities shall examine their needs and resources relative to teen pregnancy prevention, and develop plans which provide for a collaborative approach to how existing, enhanced, and new initiatives together will reduce teen pregnancy in a community. Community incentive grants shall provide funds for communities to implement plans which provide for a collaborative, comprehensive, outcome-focused approach to reducing teen pregnancy.

(1) The requirements of the community incentive grants are as follows:

(a) The goal required of all grants is to reduce the incidence of teen pregnancy. All grants must be designed and required to maintain the data to substantiate reducing the incidence of teen pregnancy in the targeted area in their community.

(b) The target population is teens through 19 years of age, including both males and females and mothers and fathers.

(c) Grants must target a specified geographic area or region, for which data can be maintained to substantiate the teen pregnancy rate.

(d) In order to receive funding, communities must demonstrate collaboration in the provision of existing and new teen pregnancy prevention initiatives. This collaboration shall include developing linkages to the health care, social services, and education systems.

(e) Plans must be developed for how a community will reduce the incidence of teen pregnancy in a specified geographic area or region. These plans must include:

1. Provision for collaboration between existing and new initiatives for a comprehensive, well-planned, outcome-focused approach. All organizations involved in teen pregnancy prevention in the community must be involved in the planning and implementation of the community incentive grant initiative.

2. Provision in the targeted area or region for all of the components identified below. These components may be addressed through a collaboration of existing initiatives, enhancements, or new initiatives. Community incentive grant funds must address current gaps in the comprehensive teen pregnancy prevention plan for communities.

a. Primary prevention components are:

- (I) Prevention strategies targeting males.
- (II) Role modeling and monitoring.
- (III) Intervention strategies targeting abused or neglected children.
- (IV) Human sexuality education.
- (V) Sexual advances protection education.
- (VI) Reproductive health care.
- (VII) Intervention strategies targeting younger siblings of teen mothers.
- (VIII) Community and public awareness.

b. Secondary prevention components are:

- (I) Home visiting.
- (II) Parent education, skill building, and supports.
- (III) Care coordination and case management.
- (IV) Career development.
- (V) Goal setting and achievement.

Community plans must provide for initiatives which are culturally competent and relevant to the families' values.

(2) The state shall conduct an independent process and outcome evaluation of all the community incentive grant initiatives. The evaluation shall be conducted in three phases: The first phase shall focus on process, including implementation and operation, to be reported on after the first year of operation; the second phase shall be an interim evaluation of the outcome, to be completed after the third year of operation; the third phase shall be a final evaluation of process, outcome, and achievement of the overall goal of reducing the incidence of teen pregnancy, to be completed at the end of the fifth year of operation.

(3) The state shall provide technical assistance, training, and quality assurance to assist the initiative in achieving its goals.

Section 82. Section 420.621, Florida Statutes, is amended to read:

420.621 Definitions.—As used in ss. 420.621-420.625 ~~420.621-420.627~~, the following terms shall have the following meanings, unless the context otherwise requires:

~~(1) "AFDC" means Aid to Families with Dependent Children as administered under chapter 400.~~

~~(1)(2)~~ "Department" means the Department of Health and Rehabilitative Services.

~~(2)(3)~~ "District" means a service district of the Department of Health and Rehabilitative Services, as set forth in s. 20.19.

~~(3)(4)~~ "Homeless" means having a nighttime residence:

(a) In a public or private emergency shelter; such as, an armory, school, church, government building or, where a temporary voucher is provided by a public or private agency, in a hotel, apartment, or boarding home.

(b) On the streets or under a bridge or aqueduct, in a park, subway, bus terminal, railroad station, airport, abandoned building, or vehicle, or in any other public or private space that is not designed for shelter.

~~(4)(5)~~ "Local coalition for the homeless" means a coalition established pursuant to s. 420.623.

~~(5)(6)~~ "New and temporary homeless" means those individuals or families who are homeless due to external factors, such as unemployment or other loss of income, personal or family-life crises, or the shortage of low-income housing.

~~(6)(7)~~ "Secretary" means the Secretary of ~~the Department of Health and Rehabilitative Services.~~

Section 83. Paragraph (d) of subsection (3) of section 420.625, Florida Statutes, is amended to read:

420.625 Grant-in-aid program.—

(3) ESTABLISHMENT.—There is hereby established a grant-in-aid program to help local communities in serving the needs of the homeless through a variety of supportive services, which may include, but are not limited to:

(d) Emergency ~~financial~~ assistance for persons who are totally without shelter or facing loss of shelter, but who are not eligible for such assistance under s. ~~414.16~~ ~~420.627~~.

Section 84. Paragraph (d) of subsection (1) of section 421.10, Florida Statutes, is amended to read:

421.10 Rentals and tenant selection.—

(1) In the operation or management of housing projects an authority shall at all times observe the following duties with respect to rentals and tenants selection:

(d) The Department of Health and Rehabilitative Services, pursuant to 45 C.F.R. s. 233.20(a)(3)(vii)(c), shall not consider as income for ~~temporary family aid to families with dependent children~~ assistance received by recipients from other agencies or organizations such as public housing authorities.

Section 85. Subsection (7) of section 497.419, Florida Statutes, is amended to read:

497.419 Cancellation of, or default on, preneed contracts.—

(7) No preneed contract shall restrict any contract purchaser who is an applicant for, or a recipient of, supplemental security income, *temporary family assistance aid to families with dependent children*, or Medicaid from making his contract irrevocable.

Section 86. Paragraph (a)2. of subsection (1) of section 772.102, Florida Statutes, is amended to read:

772.102 Definitions.—As used in this chapter, the term:

(1) "Criminal activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime which is chargeable by indictment or information under the following provisions:

2. Section ~~414.39~~ ~~400.325~~, relating to public assistance fraud.

Section 87. Paragraph (a) of subsection (1) of section 895.02, Florida Statutes, is amended to read:

895.02 Definitions.—As used in ss. 895.01-895.08, the term:

(1) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime which is chargeable by indictment or information under the following provisions of the Florida Statutes:

1. Section 210.18, relating to evasion of payment of cigarette taxes.
2. Section 403.727(3)(b), relating to environmental control.
- ~~3. Section 400.325, relating to public assistance fraud.~~
- 3.4. Section 409.920, relating to Medicaid provider fraud.
4. Section 414.39, relating to public assistance fraud.
5. Section 440.105 or s. 440.106, relating to workers' compensation.
6. Chapter 517, relating to sale of securities and investor protection.
7. Section 550.235, s. 550.3551, or s. 550.3605, relating to dogracing and horseracing.
8. Chapter 550, relating to jai alai frontons.
9. Chapter 552, relating to the manufacture, distribution, and use of explosives.
10. Chapter 562, relating to beverage law enforcement.
11. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.
12. Section 655.50, relating to reports of currency transactions, when such violation is punishable as a felony.
13. Chapter 687, relating to interest and usurious practices.
14. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.
15. Chapter 782, relating to homicide.
16. Chapter 784, relating to assault and battery.
17. Chapter 787, relating to kidnapping.
18. Chapter 790, relating to weapons and firearms.

19. Section 796.03, s. 796.04, s. 796.05, or s. 796.07, relating to prostitution.

20. Chapter 806, relating to arson.

21. Chapter 812, relating to theft, robbery, and related crimes.

22. Chapter 815, relating to computer-related crimes.

23. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.

24. Section 827.071, relating to commercial sexual exploitation of children.

25. Chapter 831, relating to forgery and counterfeiting.

26. Chapter 832, relating to issuance of worthless checks and drafts.

27. Section 836.05, relating to extortion.

28. Chapter 837, relating to perjury.

29. Chapter 838, relating to bribery and misuse of public office.

30. Chapter 843, relating to obstruction of justice.

31. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

32. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.

33. Chapter 874, relating to criminal street gangs.

34. Chapter 893, relating to drug abuse prevention and control.

35. Chapter 896, relating to offenses related to financial transactions.

36. Sections 914.22 and 914.23, relating to tampering with a witness, victim, or informant, and retaliation against a witness, victim, or informant.

37. Sections 918.12 and 918.13, relating to tampering with jurors and evidence.

Section 88. References to s. 409.325, Florida Statutes, in paragraph (a) of subsection (3) of section 921.0012, Florida Statutes, are amended to read:

921.0012 Sentencing guidelines offense levels; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(a) LEVEL 1
414.39(2) 400.325(2)	3rd	Unauthorized use, possession, forgery, or alteration of food stamps, Medicaid ID, value greater than \$200.
414.39(3)(a) 400.325(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.

Section 89. Effective July 1, 1996, paragraphs (j) and (q) of subsection (7) of section 212.08, Florida Statutes, are amended to read:

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

(7) MISCELLANEOUS EXEMPTIONS.—

(j) Household fuels.—Also exempt from payment of the tax imposed by this chapter are sales of utilities to residential households or owners

of residential models in this state by utility companies who pay the gross receipts tax imposed under s. 203.01, and sales of fuel to residential households or owners of residential models, including oil, kerosene, liquefied petroleum gas, coal, wood, and other fuel products used in the household or residential model for the purposes of heating, cooking, lighting, and refrigeration, regardless of whether such sales of utilities and fuels are separately metered and billed direct to the residents or are metered and billed to the landlord. If any part of the utility or fuel is used for a nonexempt purpose, the entire sale is taxable. The landlord shall provide a separate meter for nonexempt utility or fuel consumption. *For the purposes of this paragraph, licensed family day care homes shall also be exempt.*

(q) School books and school lunches.—This exemption applies to school books used in regularly prescribed courses of study, and to school lunches served to students, in public, parochial, or nonprofit schools operated for and attended by pupils of grades 1 through 12. *Also included in this exemption are educational materials for pupils taught in preschool and prekindergarten programs offered by public, parochial, or nonprofit entities, or by licensed family day care homes, or by licensed for-profit entities that serve children through the department's subsidized child care programs.* School books and food sold or served at community colleges and other institutions of higher learning are taxable.

Section 90. Effective July 1, 1996, section 383.0112, Florida Statutes, is created to read:

383.0112 The Commission on Responsible Fatherhood; purpose; principles and responsibilities.—The purpose of the Commission on Responsible Fatherhood is to raise awareness of the problems created when a child grows up without the presence of a responsible father, to identify obstacles that impede or prevent the involvement of responsible fathers in the lives of their children, and to identify strategies that are successful in encouraging responsible fatherhood.

(1) PRINCIPLES.—The following principles shall guide the work of the commission:

(a) The historically low expectations held about fathers must change in all areas of society, and responsible fathers must be encouraged to be full partners in parenting their children.

(b) Networks of peer support for fathers are an essential part of any successful strategy to connect or reconnect responsible fathers to their children.

(c) Women have a crucial role in promoting and supporting the involvement of responsible fathers in the lives of their children and that role must not be overlooked or diminished.

(d) Family violence must not be tolerated.

(e) Special attention should be focused on interventions aimed at males and females prior to parenthood.

(f) The areas where responsible fathering appear to break down should be addressed. Those areas include, but are not limited to, fathers who are absent from the home and voluntarily do not participate in their children's lives, fathers who have been involuntarily obstructed from participating in the lives of their children, and fathers who are present in the home but are disengaged from their children's lives.

(2) RESPONSIBILITIES.—In order to carry out the purpose of this act, subject to the availability of funds, the commission shall:

(a) Compile available information on the extent and implications of the absence of responsible fathers from families.

(b) Identify barriers in both the public and private sectors to responsible fatherhood and make recommendations that pursue the elimination of those barriers.

(c) Identify successful strategies that encourage responsible fatherhood and recommend and promote those which should be recognized, expanded, or replicated.

(d) Identify how existing state and community resources can be used to encourage responsible fatherhood.

(e) Identify strategies to use to meet the needs of children and families when a responsible father is not available for a family.

(f) Work in cooperation with local community-based prenatal and infant health care coalitions as established under the provisions of s. 383.216 to formulate and implement plans to increase the participation of responsible fathers in families.

(g) Sponsor a statewide symposium on the issue of responsible fatherhood no later than December 1996.

(h) Present a report to the Governor, with copies to the Speaker of the House, the President of the Senate, and the Chief Justice of the Supreme Court annually, with the first report presented no later than December 31, 1996.

Section 91. Effective July 1, 1996, section 383.0113, Florida Statutes, is created to read:

383.0113 Commission on Responsible Fatherhood; creation; membership; powers and duties.—There is created the Commission on Responsible Fatherhood in the Department of Health and Rehabilitative Services.

(1) The commission shall consist of not more than 25 members, as follows:

(a) Seven members to be appointed by the Governor.

(b) The executive director of the Florida Center for Children and Youth or the director's designee.

(c) The executive director of the Florida Coalition Against Domestic Violence or the director's designee.

(d) A judge, to be appointed by the Chief Justice of the Supreme Court.

(e) A representative of Healthy Start, to be chosen by the Florida Association of Healthy Start Coalitions.

(f) Two members of the House of Representatives, to be appointed by the Speaker.

(g) Two members of the Senate, to be appointed by the President.

(h) A representative from the Florida Association of Deans and Directors of Schools and departments of social work from Florida colleges and universities.

(i) A representative of the Florida chapter of the National Congress for Fathers and Children.

(j) A representative of Men Against Destruction, Defending Against Drugs and Social Disorder (MAD DADS).

(k) A representative of the Family Law Section of The Florida Bar Association.

(l) A representative of the American Association of Retired Persons.

(m) A representative of the Florida Chamber of Commerce.

(n) A representative from the Florida Family Council.

(o) Three additional members to be appointed by the other members of the commission based on specific needs.

(2) Technical assistance will be provided to the commission by the following:

(a) The Secretary of Health and Rehabilitative Services, or the secretary's designee.

(b) The Commissioner of Education, or the commissioner's designee.

(c) The Secretary of Labor and Employment Security, or the secretary's designee.

(d) The executive director of the Department of Revenue, or the director's designee. The designee shall have experience with child support enforcement programs.

(e) A representative of The Parent Network of Florida.

(f) A representative of the Florida Network of Youth and Family Services.

Per diem and travel expenses for the individuals providing technical assistance shall be provided from the budgets of those agencies.

(3) All members of the commission, other than the Governor's appointments and the commission's appointments, must be appointed within 30 days after the effective date of this act. The appointments of the Governor shall be made 30 days after the other appointments have been completed, to allow for the composition of the commission to be broadly reflective of the public. The chairperson and vice chairperson of the commission shall be appointed by the Governor. The commission is encouraged to appoint subcommittees, including regional subcommittees, that include citizens who are knowledgeable in a subject area but who are not members of the commission and who may not vote on the final report and recommendations of the commission, but may submit reports and recommendations for review by the commission and may be invited to testify to the commission by a member of the commission.

(4) The commission shall hold its first meeting within 30 days after the appointments, except the Governor's and the commission's appointments, are made. Members of the commission shall serve without compensation but shall be allowed per diem and travel expenses, as provided in s. 112.061. Per diem and travel expenses of members of the commission employed by the state are to be provided from the budgets of those employing agencies. Members of the commission who serve as members of the Legislature are to be reimbursed from the legislative budget.

(5) The commission shall meet as the resources of the commission allow.

(6) Subject to the availability of funds, the Department of Health and Rehabilitative Services is directed to contract with one or more corporations, agencies, individuals, or governmental entities to accomplish the goals of this act. The department must ensure that the corporations, agencies, individuals, or governmental entities, either separately or together, are able to provide staff support services and must have the research ability to carry out the purposes and responsibilities of the commission.

(7) The commission shall have the authority to apply for grants and accept private contributions.

(8) The commission is assigned to the Department of Health and Rehabilitative Services for administrative and fiscal accountability purposes, but it shall otherwise function independently of the control, supervision, and direction of the department.

(9) The Governor may remove any member of the commission for cause.

(10) The commission shall develop a budget pursuant to the provisions of chapter 216.

Section 92. Effective July 1, 1996, section 383.0114, Florida Statutes, is created to read:

383.0114 Community-based programs to encourage responsible fatherhood. The community-based prenatal and infant health care coalitions established pursuant to s. 383.216 are permitted to establish and support community-based programs that encourage responsible fatherhood. Programs may be implemented in many areas of a community including, but not limited to, schools, hospitals, the workplace, and the courts.

Section 93. Effective July 1, 1996, subsections (1) and (4) of section 402.26, Florida Statutes, are amended to read:

402.26 Child care; legislative intent. —

(1) The Legislature recognizes the critical importance to the citizens of the state of both safety and quality in child care. Child care in Florida is in the midst of continuing change and development, driven by extraordinary changes in demographics. Many parents with children under age 6 are employed outside the home. For the majority of Florida's children, child care will be a common experience. For many families, child care is

an indispensable part of the effort to meet basic economic obligations or to make economic gains. State policy continues to recognize the changing composition of the labor force and the need to respond to the concerns of Florida's citizens as they enter the child care market. *In particular, the Legislature recognizes the need to have more working parents employed in family-friendly workplaces. In addition, the Legislature recognizes the abilities of public and private employers to assist the family's efforts to balance family child care needs with employment opportunities.*

(4) It is also the intent of the Legislature to promote the development of child care options in the private sector and disseminate information that will assist the public in determining appropriate child care options. *As a part of this intent, the Legislature intends to promote the development of family-friendly workplaces for the working families of Florida.*

Section 94. Effective July 1, 1996, section 402.27, Florida Statutes, is amended to read:

402.27 Child care and early childhood resource and referral. — The Department of Health and Rehabilitative Services shall establish a statewide child care resource and referral network. Preference shall be given to using the already established central agencies for subsidized child care as the child care resource and referral agency. If the agency cannot comply with the requirements to offer the resource information component or does not want to offer that service, the Department of Health and Rehabilitative Services shall select the resource information agency based upon a request for proposal. At least one child care resource and referral agency must be established in each district of the department, but no more than one may be established in any county. Child care resource and referral agencies shall provide the following services:

(1) Identification of existing *public and private* child care and early childhood education services, *including child care services by public and private employers*, and the development of a resource file of those services. These services may include family day care, public and private child care programs, head start, prekindergarten early intervention programs, special education programs for prekindergarten handicapped children, services for children with developmental disabilities, full-time and part-time programs, before-school and after-school programs, vacation care programs, parent education, *welfare-to-work programs*, and related family support services. The resource file shall include, but not be limited to:

- (a) Type of program.
- (b) Hours of service.
- (c) Ages of children served.
- (d) Number of children served.
- (e) Significant program information.
- (f) Fees and eligibility for services.
- (g) *Availability of transportation.*

(2) The establishment of a referral process which responds to parental need for information and which is provided with full recognition of the confidentiality rights of parents. Resource and referral programs shall make referrals to licensed child care facilities. Referrals shall be made to an unlicensed child care facility or arrangement only if there is no requirement that the facility or arrangement be licensed.

(3) Maintenance of ongoing documentation of requests for service tabulated through the internal referral process. The following documentation of requests for service shall be maintained by all child care resource and referral agencies:

- (a) Number of calls and contacts to the child care information and referral agency component by type of service requested.
- (b) Ages of children for whom service was requested.
- (c) Time category of child care requests for each child.
- (d) Special time category, such as nights, weekends, and swing shift.

- (e) Reason that the child care is needed.
 - (f) Name of the employer and primary focus of the business.
- (4) Provision of technical assistance to existing and potential providers of child care services. This assistance may include:

(a) Information on initiating new child care services, zoning, and program and budget development and assistance in finding such information from other sources.

(b) Information and resources which help existing child care services providers to maximize their ability to serve children and parents in their community.

(c) Information and incentives which could help existing or planned child care services offered by public or private employers seeking to maximize their ability to serve the children of their working parent employees in their community, through contractual or other funding arrangements with businesses.

(5) Assistance to families and employers in applying for various sources of subsidy including, but not limited to, Title XX/SSBC subsidized child care, head start, prekindergarten early intervention programs, Project Independence, private scholarships, and the federal dependent care tax credit.

(6) Assistance to state agencies in determining the market rate for child care.

(7) Assistance in negotiating discounts or other special arrangements with child care providers.

(8)(7) Information and assistance to local interagency councils coordinating services for prekindergarten handicapped children.

(9)(8) A child care facility licensed under s. 402.305 and licensed and registered family day care homes must provide the statewide child care and resource and referral agencies with the following information annually:

- (a) Type of program.
- (b) Hours of service.
- (c) Ages of children served.
- (d) Fees and eligibility for services.

Section 95. Effective July 1, 1996, section 402.281, Florida Statutes, is created to read:

402.281 Gold Seal Quality Care program. —

(1) Child care facilities or family day care homes which are accredited by a nationally recognized accrediting association whose standards substantially meet or exceed the National Association for the Education of Young Children (NAEYC), the National Association of Family Child Care, and the National Early Childhood Program Accreditation Commission shall receive a separate "Gold Seal Quality Care" designation to operate as a gold seal child care facility or family day care home.

(2) In developing the Gold Seal Quality Care program standards, the department shall consult with the Department of Education, the Florida Head Start Directors Association, the Florida Association of Child Care Management, the Florida Family Day Care Association, the Florida Children's Forum, the State Coordinating Council for Early Childhood Services, the Early Childhood Association of Florida, the National Association for Child Development Education, providers receiving exemptions under s. 402.316, and parents, for the purpose of approving the accrediting associations.

Section 96. (1) The Department of Health and Rehabilitative Services and local governmental agencies that license child care facilities shall develop and implement a plan to eliminate duplicative and unnecessary inspections of child care facilities. In addition, the department and the local governmental agencies shall develop and implement an abbreviated inspection plan for child care facilities that have had no Class 1 or Class 2 deficiencies, as defined by rule, for at least 2 consecutive years. The abbreviated inspection must include those elements

identified by the department and the local governmental agencies as being key indicators of whether the child care facility continues to provide quality care and programming. The department and local governmental agencies shall hold their first meeting not later than August 15, 1996, and shall jointly share administrative responsibilities. The department and local governmental agencies shall report to the Legislature not later than January 15, 1997, regarding the status of implementing this section and any recommendations for statutory changes necessary to further reduce duplicative and unnecessary inspections and fully implement the plan for abbreviated inspections.

(2) This section shall take effect July 1, 1996.

Section 97. Effective July 1, 1996, subsection (7) is added to section 402.301, Florida Statutes, to read:

402.301 Child care facilities; legislative intent and declaration of purpose and policy. — It is the legislative intent to protect the health, safety, and well-being of the children of the state and to promote their emotional and intellectual development and care. Toward that end:

(7) It shall be the policy of the state to encourage child care providers to serve children with disabilities. When requested, the department shall provide technical assistance to parents and child care providers in order to facilitate serving children with disabilities.

Section 98. Effective July 1, 1996, subsection (1) of section 402.3015, Florida Statutes, is amended to read:

402.3015 Subsidized child care program; purpose; fee; transitional child care. —

(1) The purpose of the subsidized child care program is to provide quality child care to enhance the development, including language, cognitive, motor, social, and self-help skills, of at-risk children and to promote financial self-sufficiency and life skills for their families. For the purpose of this section, the term "at-risk children" means either any of the following:

(a) Children identified by the department through the Florida Protective Services System as being at risk of abuse, neglect, or exploitation; or ~~and children who have previously been so identified, as long as they remain in day care without an absence of 30 days' duration.~~

(b) Children of participants of welfare-to-work programs, children of migrant farm workers, and children of working parents whose family income does not exceed 150 percent of the federal poverty level in the Florida Employment Opportunity Act pursuant to s. 400.030.

~~(c) Children of other aid to families with dependent children or supplemental security income clients who work 20 hours or more per week or are participating in a training program leading to employment.~~

~~(d) Children of migrant farm workers, Native Americans, or teenage parents.~~

~~(e) Children of working parents whose family incomes do not exceed 150 percent of the federal poverty income guidelines.~~

Section 99. Effective January 1, 1997, subsection (5) of section 402.302, Florida Statutes, is amended to read:

402.302 Definitions. — As used in ss. 402.301-402.319:

(5) "Family day care home" means an occupied residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. A family day care home shall be allowed to provide care for one of the following groups of children, which shall include those children under 13 years of age who are related to the caregiver:

(a) A maximum of four children from birth to 12 months of age.

(b) A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.

(c) A maximum of six preschool children if all are older than 12 months of age.

(d) A maximum of 10 children if no more than five are preschool age and, of those five, no more than two are under 12 months of age.

~~(a) A family day care home may care for a maximum of five preschool children from more than one unrelated family and a maximum of five elementary school siblings of the preschool children in care after school hours. The maximum number of five preschool children includes preschool children in the home and preschool children received for day care who are not related to the resident caregiver. The total number of children in the home may not exceed ten under this paragraph.~~

~~(b) When the home is licensed and provisions are made for substitute care, a family day care home may care for a maximum of five preschool children from more than one unrelated family, a maximum of three elementary school siblings of the preschool children in care after school hours, and a maximum of two elementary school children unrelated to the preschool children in care after school hours. The maximum number of five preschool children includes preschool children in the home and preschool children received for day care who are not related to the resident caregiver. The total number of children in the home may not exceed ten under this paragraph.~~

~~(c) When the home is licensed and provisions are made for substitute care, a family day care home may care for a maximum number of seven elementary school children from more than one unrelated family in care after school hours. Preschool children shall not be in care in the home. The total number of elementary school children in the home may not exceed seven under this paragraph.~~

Section 100. Subsection (3) of section 402.305, Florida Statutes, is amended to read:

402.305 Licensing standards; child care facilities.—

(3) MINIMUM STAFF CREDENTIALS.—By July 1, 1996 ~~1995~~, for every 20 children in a licensed child care facility that operates 8 hours or more per week, one of the child care personnel in the facility must have:

- (a) A child development associate credential;
- (b) A child care professional credential, unless the department determines that such child care professional credential is not equivalent to or greater than a child development associate credential; or
- (c) A credential that is equivalent to or greater than the credential required in paragraph (a) or paragraph (b).

The department shall establish by rule those hours of operation, such as during rest periods and transitional periods, when ~~the provisions of this subsection does~~ not apply.

Section 101. Effective July 1, 1996, paragraph (d) of subsection (2) and paragraph (a) of subsection (7) of section 402.305, Florida Statutes, are amended, subsection (15) is renumbered as subsection (17), and new subsections (15) and (16) are added to said section, to read:

402.305 Licensing standards; child care facilities.—

(2) PERSONNEL.—Minimum standards for child care personnel shall include minimum requirements as to:

- (d) Minimum staff training requirements.
 - 1. Such minimum standards for training shall ensure that all child care personnel and operators of family day care homes serving at-risk children in a subsidized child care program pursuant to s. 402.3015 take an approved 30-clock-hour introductory course in child care, which course covers at least the following topic areas:
 - a. State and local rules and regulations which govern child care.
 - b. Health, safety, and nutrition.
 - c. Identifying and reporting child abuse and neglect.
 - d. Child development, including typical and atypical language, cognitive, motor, social, and self-help skills development.
 - e. Specialized areas, as determined by the department, for owner-operators and child care personnel of a child care facility.

Within 90 days of employment, child care personnel shall begin training to meet the training requirements and shall complete such training within 1 year of the date on which the training began. Exemption from all or a portion of the required training shall be granted to child care personnel based upon educational credentials or passage of competency examinations.

- 2. The introductory course in child care shall stress, to the extent possible, an interdisciplinary approach to the study of children.
- 3. On an annual basis in order to further their child care skills and, if appropriate, administrative skills, child care personnel who have fulfilled the requirements for the child care training shall be required to take an additional approved 8 clock hours of inservice training or an equivalent as determined by the department.
- 4. Procedures for ensuring the training of qualified child care professionals to provide training of child care personnel, including onsite training, shall be included in the minimum standards. It is recommended that the state community child care coordination agencies (central agencies) be contracted by the department to coordinate such training when possible. Other district educational resources, such as community colleges and vocational-technical programs, can be designated in such areas where central agencies may not exist or are determined not to have the capability to meet the coordination requirements set forth by the department.

5. Training requirements shall not apply to certain occasional or part-time support staff, including, but not limited to, swimming instructors, piano teachers, dance instructors, and gymnastics instructors.

6. The State Coordinating Council for Early Childhood Services, in coordination with the department, shall evaluate or contract for an evaluation for the general purpose of determining the status of and means to improve staff training requirements and testing procedures. The evaluation shall be completed by October 1, 1992, and conducted every 2 years thereafter. The evaluation shall include, but not be limited to, determining the availability, quality, scope, and sources of current staff training; determining the need for specialty training; and determining ways to increase inservice training and ways to increase the accessibility, quality, and cost-effectiveness of current and proposed staff training. The evaluation methodology shall include a reliable and valid survey of child care personnel.

7. The child care operator shall be required to take basic training in serving children with disabilities within 5 years after employment, either as a part of the introductory training or the annual 8 hours of inservice training.

(7) SANITATION AND SAFETY.—

(a) Minimum standards shall include requirements for sanitary and safety conditions, first aid treatment, emergency procedures, and pediatric cardiopulmonary resuscitation ~~provided by the American Red Cross, the American Heart Association, or a pediatric cardiopulmonary resuscitation course approved by the American Heart Association.~~ The minimum standards shall require that if children are present, at least one staff person trained in ~~certified in pediatric~~ cardiopulmonary resuscitation, as evidenced by current documentation of course completion, must be present at all times that children are present ~~shall be in the facility.~~

(15) INFANT-ONLY CHILD CARE CENTERS.—Minimum standards shall include requirements for child care facilities licensed to take care of only infants 12 months of age and under. However, the standards must allow infant-only child care centers to substitute appropriate outdoor infant equipment for outdoor play space. The centers shall provide facilities and equipment conducive to physical activities appropriate for the age and physical development of the children.

(16) TRANSITION PERIODS.—During the periods of time in which children are arriving and departing from the child care facility, notwithstanding local fire ordinances, the provisions of subsection (6) are suspended for a period of time not to exceed 30 minutes.

Section 102. Effective July 1, 1996, subsection (7) is added to section 402.3051, Florida Statutes, to read:

402.3051 Child care market rate reimbursement; child care grants.—

(7) *The department shall develop a tiered system of reimbursement for subsidized child care with the highest rates paid to qualified child care providers receiving the Gold Seal Quality Care designation pursuant to s. 402.281, the market rates paid to licensed or other regulated providers, and the lowest rates paid to informal, unregulated child care providers. The department shall not establish rates for unregulated providers lower than 25 percent below those established for licensed or regulated providers. The department shall not establish rates for Gold Seal Quality Care designees higher than 10 percent above those established for licensed or regulated providers. The tiered payment system shall not interfere with the parents' decision as to the appropriate child care arrangement, regardless of the level of available funding for child care.*

Section 103. Effective July 1, 1996, section 402.3053, Florida Statutes, is created to read:

402.3053 Subsidized child care contracting.—

(1) The department may contract, within each district, for the provision of subsidized child care services. Each district may use a competitive bid process at least once every 3 years to select the community coordinated child care agency.

(2) Except for those centers that are directly operated by community coordinated child care agencies or for children at risk of abuse or neglect, the child care services shall be purchased through vouchered care arrangements or rate agreements, with payments going directly to the child care arrangement chosen by the parent.

(3) The department has the authority to monitor any provider who receives subsidized child care dollars to assure that services have been provided to the participating children. Any subsidized child care provider receiving subsidized child care dollars in any arrangement, whether licensed or unlicensed, shall agree to allow the department to assure that the child care is being provided to the children. Such assurance may include onsite inspection.

Section 104. Effective July 1, 1996, subsections (9) and (10) are added to section 402.313, Florida Statutes, to read:

402.313 Family day care homes.—

(9) *Notwithstanding any other state or local law or ordinance, any family day care home licensed pursuant to this chapter or pursuant to a county ordinance shall be charged the utility rates accorded to a residential home. A licensed family day care home may not be charged commercial utility rates.*

(10) *The department shall, by rule, establish minimum standards for all licensed family day care homes, which must include, but not be limited to, personnel, training, physical facility, admissions, recordkeeping, enforcement of the standards, nutrition, discipline, and child care for children during evening hours.*

Section 105. Effective July 1, 1996, subsection (5) is added to section 402.315, Florida Statutes, to read:

402.315 Funding; license fees.—

(5) *All moneys collected by the department for child care licensing shall be held in a trust fund of the department to be reallocated to the department during the following fiscal year to fund child care licensing activities, including the Gold Seal Quality Care program created pursuant to s. 402.281.*

Section 106. Effective July 1, 1996, section 409.178, Florida Statutes, is amended to read:

409.178 Child Care Partnership Act; findings and intent; grant; limitation; rules.—

(1) This section may be cited as the "Child Care Partnership Act."

(2)(a) The Legislature finds that when private employers provide onsite child care or provide other child care benefits, they benefit by improved recruitment and higher retention rates for employees, lower absenteeism, and improved employee morale. The Legislature also finds that there are many ways in which private employers can provide child care assistance to employees: information and referral, vouchering, employer contribution to child care programs, and onsite care. Private

employers can offer child care as part of a menu of employee benefits. The Legislature recognizes that flexible compensation programs providing a child care option are beneficial to the private employer through increased productivity, to the private employee in knowing that his or her children are being cared for in a safe and nurturing environment, and to the state in more dollars being available for purchasing power and investment.

(b) It is the intent of the Legislature to promote public/private partnerships to ensure that the children of the state be provided safe and enriching child care at any time, but especially while parents work to remain self-sufficient. It is the intent of the Legislature that private employers be encouraged to participate in the future of this state by providing employee child care benefits. Further, it is the intent of the Legislature to encourage private employers to explore innovative ways to assist employees to obtain quality child care.

(c) *The Legislature further recognizes that many parents need assistance in paying the full costs of quality child care. The public and private sectors, by working in partnership can promote and improve access to quality child care and early education for children of working families who need it. Therefore, a more formal mechanism is necessary to stimulate the establishment of public-private partnerships. It is the intent of the Legislature to expand the availability of scholarship options for working families by providing incentives for employers to contribute to meeting the needs of their employees' families through matching public dollars available for child care.*

(3) *There is created a body politic and corporate known as the Child Care Executive Partnership which shall establish and govern the Child Care Partnership Program. The purpose of the Child Care Partnership Program is to utilize state and federal funds as incentives for matching local funds derived from local governments, employers, charitable foundations, and other sources, so that Florida communities may create local flexible partnerships with employers. The Child Care Partnership Program funds shall be used at the discretion of local communities to meet the needs of local communities in addressing the child care needs of working parents. A child care purchasing pool shall be developed with the state, federal, and local funds to provide subsidies to low-income working parents who are eligible for subsidized child care with a dollar-for-dollar match from employers, local government, and other matching contributors. The funds used from the child care purchasing pool must be used to supplement or extend the use of existing public or private funds and may not be used to supplant the maintenance of effort presently exerted by the employer or other participant in the activity funded.*

(4) *The Child Care Executive Partnership, staffed by the department, shall consist of:*

(a) *A representative of the Executive Office of the Governor.*

(b) *Nine members of the corporate or child care community, appointed by the Governor, to be known hereafter as the "board."*

(c) *One representative from each of the 10 Child Care Partnership Program pilot purchasing pool counties established by the board, known hereafter as the "oversight group."*

1. *Members of the board shall serve for a period of 4 years.*

2. *Members of the oversight group and the representative of the Executive Office of the Governor shall serve at the pleasure of the Governor.*

3. *The Child Care Executive Partnership shall be chaired by a member chosen by a majority vote of the board and shall meet at least quarterly and at other times upon the call of the chair.*

4. *Members shall serve without compensation, but may be reimbursed for per diem and travel expenses in accordance with s. 112.061.*

5. *The Child Care Executive Partnership shall have all the powers and authority, not explicitly prohibited by statute, necessary to carry out and effectuate the purposes of this section, as well as the functions, duties, and responsibilities of the partnership, including, but not limited to, the following:*

a. *Assisting in the formulation and coordination of the state's child care policy.*

- b. Adopting an official seal.
- c. Soliciting, accepting, receiving, investing, and expending funds from public or private sources.
- d. Contracting with public or private entities as necessary.
- e. Approving an annual budget.
- f. Carrying forward any unexpended state appropriations into succeeding fiscal years.
- g. Providing a report to the Governor, the Speaker of the House of Representatives, and the President of the Senate, on or before December 1 of each year.

(5)(a) A minimum of \$10 million in state or federal low-income child care funds shall be used to create 10 Child Care Partnership Program pilot child care purchasing pools in counties chosen by the board of the Child Care Executive Partnership through June 30, 1998, provided that at least two of the counties have populations of no more than 300,000. After that date, the Legislature shall review the effectiveness of the child care purchasing pool program and reevaluate the percentage of additional state or federal funds, if any, that can be used for the program's expansion.

(b) To ensure a seamless service delivery and ease of access for families, the community coordinated child care agencies shall administer the child care purchasing pool funds.

(c) The department shall issue a request for proposal for the operation of the pilot child care purchasing pools. In order to be considered, the community coordinated child care agency must commit to:

1. Matching the state pilot purchasing pool funds on a dollar-for-dollar basis; and
2. Expending only those public funds which are matched by employers, local government, and other matching contributors who contribute to the pilot purchasing pool. Parents shall also pay a fee, based upon the department's subsidized child care sliding fee scale.

(d) Each community coordinated child care agency shall be required to establish a community child care task force for each pilot child care purchasing pool. The task force must be composed of employers, parents, private child care providers, and one representative each from the district interagency coordinating council for children's services and the local children's services council, if they exist in the area of the pilot purchasing pool. The community coordinated child care agency is expected to recruit the task force members from existing child care councils, commissions, or task forces already operating in the area of a pilot purchasing pool. A majority of the task force shall consist of employers. Each task force shall develop a plan for the use of child care purchasing pool funds. The plan must show how many children will be served by the pilot purchasing pool, how many will be new to receiving child care services, and how the community coordinated child care agency intends to attract new employers and their employees to the pilot project.

(6) The Department of Health and Rehabilitative Services shall adopt any rules necessary for the implementation and administration of this section.

~~(3)(a) Any private employer contributing to the cost of child care, which meets statutory requirements, for its employees' dependents may apply for a Child Care Partnership Act matching grant in an amount equal to 50 percent of that employer's expenditures for child care of Florida employees' dependents. The amount of such grant shall not exceed the maximum amount established in subsection (5). For the purposes of this subsection, cost of child care includes, but shall not be limited to, the per child cost of operation of onsite child care contributed to by the private employer, the cost of care purchased by the private employer on behalf of its employees, the cost of care provided by the private employer to employees in the form of vouchers, and the costs of support services as specified in paragraph (b).~~

~~(b) Private employers receiving child care matching grants pursuant to paragraph (a) shall maintain complete records of all child care expenditures made by the employer, in which case the reimbursable cost of these services shall not exceed 10 percent above the allowable contribution per child. If a private employer elects to engage a third party to~~

~~maintain those records, the cost of such support services as records, health services, referrals, and monitoring are considered part of the cost of care, but the cost of fiscal administration of the private employer, including third party cost to maintain records, shall not exceed 10 percent above the allowable contribution per child.~~

~~(e) Salary reductions shall not be considered employer contributions for purposes of this subsection.~~

~~(d) All amounts claimed as contributions under this subsection shall be for care provided by a facility which meets Florida licensing or other applicable requirements.~~

~~(e) Employer contributions shall not include that portion of any child care service that is funded by state or federal moneys.~~

~~(4) Any portion of salaries or wages used in computing the contributions under this section shall not be used in computing the credit provided under s. 220.181.~~

~~(5) No private employer shall receive more than \$100,000 in annual matching grants for contributions towards the cost of child care. At least one third of the funds appropriated for grants shall go to qualified employers with fewer than 100 employees.~~

~~(6) The Department of Health and Rehabilitative Services shall promulgate any rules necessary for the implementation and administration of this section. The department may establish criteria for evaluating applications. Consideration shall also be given to the quality of the programs proposed and the degree of need of the employees to be served. The department shall administer the grant program in such a fashion as to allow those qualifying private employers ample knowledge and assurance of matching funds prior to the employer's annual budgetary commitment. The private employer shall certify to the department, within 30 days of receiving such notice, the existence of unencumbered matching funds within its annual budget. Grant renewal for those recipients who have demonstrated a proven ability to comply with the requirements of this section and its accompanying rules shall take precedence over first time applicants for a period of up to 3 years. The department shall also submit to the Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives a report on the number of private employers in Florida receiving Child Care Partnership Act matching grants, the amount of such grants, and the overall effectiveness of the grant program in providing private employer-sponsored child care. This report shall be due April 1 of every odd-numbered year.~~

Section 107. Effective July 1, 1996, section 409.179, Florida Statutes, is created to read:

409.179 Family-friendly workplace campaign.—Recognizing that employers play a key role in helping families balance work and family responsibilities, the Executive Office of the Governor, in consultation with members of the business community, shall establish a family-friendly workplace campaign. The Executive Office of the Governor shall develop a program to annually collect information regarding the state's eligible small employers with 50 or fewer employees, and eligible large employers with 51 or more employees in the state, providing the most family-friendly benefits to their employees. The same program shall be established for public employers. The criteria for determination of the eligible employers shall include, but not be limited to:

- (1) Consideration of the dependent care scholarship or discounts given by the employer.
- (2) Flexible work hours and schedules.
- (3) Time off for caring for sick or injured dependents.
- (4) The provision of onsite or nearby dependent care.
- (5) Dependent care referral services.
- (6) In-kind contributions to community dependent care programs.

Those employers chosen by the Executive Office of the Governor shall be recognized with annual "family-friendly workplace" awards and a state-wide information and advertising campaign publicizing the employers' awards, their contributions to family-friendly child care, and the meth-

ods they used to improve the dependent care experiences of their employees' families.

Section 108. Effective October 1, 1996, subsection (3) of section 409.185, Florida Statutes, is amended to read:

409.185 Determination of eligibility for and amount of financial assistance; exclusions.—

(3)(a) The department shall redetermine eligibility at periodic intervals, as determined necessary, for those receiving aid to families with dependent children. Such intervals, however, shall not exceed 12 months. The department may require periodic written reports from such recipients.

(b) *The department shall withhold payment from a financial assistance recipient when, after redetermination of eligibility or at any other time, the department obtains evidence that may indicate fraud on the part of the recipient. When evidence of such fraud is obtained, the recipient shall be notified, by a statement accompanying the recipient's next financial assistance payment, that because of such evidence of fraud the following payment will be withheld unless the recipient meets with a financial assistance program supervisor by a specified date, which shall be within 10 days after the date of the notice, to discuss and resolve the matter. The department shall make every effort to resolve the matter within a timeframe that will not cause payment to be withheld from an eligible financial assistance recipient.*

Section 109. Effective October 1, 1996, section 61.11, Florida Statutes, is amended to read:

61.11 Writs.—

(1) When either party is about to remove himself or herself or his or her property out of the state, or fraudulently convey or conceal it, the court may award a ne exeat or injunction against the party or the property and make such orders as will secure alimony or support to the party who should receive it.

(2)(a) *When the court issues a writ of bodily attachment in connection with a court-ordered child support obligation, the writ or attachment to the writ must include, at a minimum, such information on the respondent's physical description and location as is required for entry of the writ into the Florida Crime Information Center telecommunications system and authorization for the assessment and collection of the actual costs associated with the service of the writ and transportation of the respondent in compliance thereof. The writ shall direct that service and execution of the writ may be made on any day of the week and any time of the day or night.*

(b) *The clerk of the court shall forward a copy of the writ for service to the sheriff of the county in which the writ is issued.*

(c) *Upon receipt of a writ from the clerk of the court, the sheriff shall enter the information on any unserved writ into the Florida Crime Information Center system to make the information available to other law enforcement agencies within the state. The writ shall be enforceable in all counties of the state.*

(d) *Upon receipt of the purge payment, the receiving agency shall provide the subject with a written receipt acknowledging such payment, which must be carried on the person of the respondent for a period of at least 30 days from the date of payment as proof of such payment. A sheriff receiving such payment shall forward the funds to the sheriff who entered the information about the writ into the Florida Crime Information Center system and who shall forward the funds to the appropriate clerk of court.*

(e) *After a writ is modified, purged, recalled, terminated, or otherwise rendered ineffective by ruling of the court, the clerk of the court shall notify the sheriff receiving the original writ. That agency shall modify or cancel the entry in the Florida Crime Information Center system in accordance with such notification.*

Section 110. Effective October 1, 1996, section 409.25645, Florida Statutes, is created to read:

409.25645 Administrative orders for genetic testing.—The department is authorized to institute one or more pilot programs using administrative orders to require genetic testing in Title IV-D cases. In such

cases the department or an authorized agent may issue an administrative order to a putative father who has not voluntarily submitted to genetic testing, directing him to appear for a genetic test to determine the paternity of a child, provided that the department shall have no authority to issue such an order in the absence of an affidavit of the child's mother stating that the putative father is or may be a parent of the child. The administrative order shall state:

- (1) The type of genetic test that will be used.
- (2) The date, time, and place to appear for the genetic test.

(3) That upon failure to appear for the genetic test, or refusal to be tested, the department shall file a petition in circuit court to establish paternity and support.

A copy of the affidavit which is the basis for the issuance of the administrative order shall be attached to the order. The administrative order is exempt from the hearing provisions in chapter 120, because the person to whom it is directed shall have an opportunity to object in circuit court in the event the department pursues the matter by filing a petition in circuit court. The department may serve the administrative order to appear for a genetic test by regular mail. In any case in which more than one putative father has been identified, the department may proceed under this section with respect to all putative fathers. If the department receives a request from another state Title IV-D agency to assist in the establishment of paternity, the department may cause an administrative order to appear for a genetic test to be served on a putative father who resides in Florida.

Section 111. Effective October 1, 1996, section 409.25656, Florida Statutes, is created to read:

409.25656 Garnishment.—

(1) If a person is delinquent in the payment of any child support obligation being enforced by the department as the state Title IV-D program, the executive director of the department or his or her designee may give notice of the amount of such delinquency by registered mail to all persons having in their possession or under their control any credits or personal property, exclusive of wages, belonging to the delinquent child support obligor, or owing any debts to such delinquent child support obligor at the time of receipt by them of such notice. Thereafter, any person who has been notified may not transfer or make any other disposition of such credits, other personal property, or debts until the executive director or his or her designee consents to a transfer or disposition or until 60 days after the receipt of such notice. The notice provided for in this section may be renewed when the obligor contests the intended levy in circuit court or under chapter 120, pending the final resolution of that action.

(2) All persons who have been notified must, within 5 days after receipt of the notice, advise the executive director or his or her designee of the credits, other personal property, or debts in their possession, under their control, or owing them.

(3) During the last 30 days of the 60-day period set forth in subsection (1), the executive director or his or her designee may levy upon such credits, other personal property, or debts. The levy must be accomplished by delivery of a notice of levy, upon receipt of which the person possessing the credits, other personal property, or debts shall transfer them to the department or pay to the department the amount owed to the delinquent obligor.

(4) A notice that is delivered under this section is effective at the time of delivery against all credits, other personal property, or debts of the delinquent child support obligor which are not at the time of such notice subject to an attachment, garnishment, or execution issued through a judicial process.

(5) Any person acting in accordance with the terms of the notice or levy issued by the executive director or his or her designee is expressly discharged from any obligation or liability to the delinquent obligor with respect to such credits, other personal property, or debts of the delinquent obligor affected by compliance with the notice of freeze or levy.

(6)(a) Levy may be made under subsection (3) upon credits, other personal property, or debt of any person with respect to any delinquent child support obligation only after the executive director or his or her

designee has notified such person in writing of the intention to make such levy.

(b) No less than 30 days before the day of the levy, the notice of intent to levy shall be given in person or sent by certified or registered mail to the person's last known address.

(c) The notice of intent to levy must include a brief statement that sets forth in simple and nontechnical terms:

1. The provisions of this section relating to levy and sale of property;
2. The procedures applicable to the levy under this section;
3. The administrative and judicial appeals available to the obligor with respect to such levy and sale, and the procedures relating to such appeals; and
4. The alternatives, if any, available to obligors which could prevent levy on the property.

(7) A child support obligor may contest the notice of intent to levy by filing an action in circuit court. Alternatively, the obligor may file a petition under the applicable provisions of chapter 120. After an action has been initiated under chapter 120 to contest the notice of intent to levy, an action relating to the same levy may not be filed by the obligor in circuit court, and judicial review is exclusively limited to appellate review pursuant to s. 120.68. Also, after an action has been initiated in circuit court, an action may not be brought under chapter 120.

(8) An action may not be brought to contest a notice of intent to levy under chapter 120 or in circuit court later than 21 days after the date of receipt of the notice of intent to levy.

(9) The department shall provide notice to the Comptroller, in electronic or other form specified by the Comptroller, listing the obligors for whom warrants are outstanding. Pursuant to subsection (1), the Comptroller shall, upon notice from the department, withhold all payments to any child support obligor who provides commodities or services to the state, leases real property to the state, or constructs a public building or public work for the state. The department may levy upon the withheld payments in accordance with subsection (3). The provisions of s. 215.422 do not apply from the date the notice is filed with the Comptroller until the date the department notifies the Comptroller of its consent to make payment to the person or 60 days after receipt of the department's notice in accordance with subsection (1), whichever occurs earlier.

Section 112. Effective October 1, 1996, paragraph (e) of subsection (1), paragraph (a) of subsection (2), and subsections (3) and (4) of section 409.2572, Florida Statutes, are amended to read:

409.2572 Cooperation.—

(1) An applicant for, or recipient of, public assistance for a dependent child shall cooperate with the department or a program attorney in:

(e) Identifying another putative father when an earlier named putative father has been excluded by DNA, Human Leukocyte Antigen, or other scientific test.

(2) Noncooperation, or failure to cooperate, is defined to include, but is not limited to, the following conduct:

(a) Failing or refusing to identify the father of the child, or where more than one man could be the father of the child, to identify all such persons. If the mother identifies one or more persons as the possible father of the child and asserts that there are no others who could be the father of the child, but the DNA test, Human Leukocyte Antigen test, or other scientific test indicates that none of the persons identified could in fact have been the father of the child, the mother shall be deemed noncooperative. If she subsequently identifies another person as the possible father of the child, she shall still be deemed noncooperative until that person has been given the DNA test, Human Leukocyte Antigen test, or other scientific test and is not excluded as the father by the test.

(3) The Title IV-D staff of the department shall be responsible for determining and reporting to the Title IV-A staff of the Department of Health and Rehabilitative Services acts of noncooperation by applicants

or recipients of public assistance. Any person who applies for or is receiving public assistance for, or who has the care, custody, or control of, a dependent child and who without good cause fails or refuses to cooperate with the department, a program attorney, or a prosecuting attorney in the course of administering this chapter shall be sanctioned by the Department of Health and Rehabilitative Services. The imposition of sanctions by the Department of Health and Rehabilitative Services shall result in the removal of the financial needs of the applicant or recipient ~~shall have his need removed~~ from the public assistance grant. Sanctions shall remain imposed until the Department of Revenue determines that the applicant or recipient has cooperated sufficiently to enable it to be able to accomplish the next necessary action to locate the alleged father or noncustodial parent, to establish paternity or support, or to enforce or modify an existing support obligation. The Department of Health and Rehabilitative Services shall appoint a protective payee to receive the public assistance grant and to use it to purchase the necessities required by the dependent child. The protective payee shall maintain written records of the public assistance receipts and disbursements for review by the department.

(4) The Title IV-D staff of the Department of Revenue shall be responsible for determining and reporting to Medicaid staff acts of noncooperation by any applicant or recipient of medical services who without good cause fails or refuses to cooperate with the efforts of the department to establish and to make third-party payment recovery for medical services.

Section 113. Effective October 1, 1996, paragraph (f) is added to subsection (2) of section 943.05, Florida Statutes, to read:

943.05 Division of Criminal Justice Information Systems; duties; crime reports.—

(2) The division shall:

(f) Establish, implement, and maintain a system for transmitting to and among criminal justice agencies information about writs of bodily attachment issued in connection with a court-ordered child support obligation. Such information shall include, but not be limited to, information necessary to identify the respondents and serve the writs.

Section 114. (1) Notwithstanding the provisions of s. 409.924, Florida Statutes, the Department of Health and Rehabilitative Services shall convert the existing family transition program site in Alachua County from a voluntary program to a mandatory program, and all family transition program sites shall operate as mandatory programs for family transition program enrollees. The department shall request amendment to the terms and conditions of the federal waiver to accomplish this change. The department shall consult with the United States Department of Health and Human Services, Administration for Children and Families, on the research treatment of current nonvolunteers and control group members and the research status of such recipients shall be specified in the amended terms and conditions. This section shall be implemented in accordance with the provisions of the amended waiver terms and conditions, subject to federal approval.

(2) Notwithstanding any other provisions of this act, this section shall take effect upon becoming a law.

Section 115. The Statewide Health and Human Services Board shall develop recommendations to the Governor and the Legislature with respect to the creation of partnership and sponsorship arrangements with individuals and organizations in local communities to further the goals of this act and with respect to policies for providing appropriate safeguards for children of families whose temporary family assistance benefits have expired. Initial recommendations shall be submitted no later than January 1, 1997.

Section 116. Sections 409.026, 409.211, 409.235, 409.2351, 409.326, 409.327, 409.3284, 409.921, 409.922, 409.923, 409.924, 409.925, 409.926, 409.927, 409.928, 409.929, 409.930, 409.931, 409.932, 409.933, 409.934, 409.935, 409.936, 409.937, 409.939, 409.940, 409.941, 414.01, 414.02, 414.03, 414.04, 414.05, 414.06, 414.07, 414.08, 414.09, 414.10, 414.11, and 414.12, Florida Statutes; section 409.029, Florida Statutes, as amended by chapter 95-144, Laws of Florida; 409.185, Florida Statutes, as amended by chapters 95-196 and 95-431, Laws of Florida; sections 409.1857, Florida Statutes, as created by chapter 95-431, Laws of Florida; sections 6 and 8 of chapter 95-431, Laws of Florida, appearing as sections 409.2345 and 409.943, Florida Statutes, respectively; and

section 409.255, Florida Statutes, as amended by chapter 95-431, Laws of Florida, are hereby repealed.

Section 117. (1) (1) *The Legislature recognizes that investment in programs to enhance the self-reliance and economic independence of Florida's families are of overriding and compelling priority and offer the promise of enhancing the well-being of all Floridians. The Legislature further recognizes that traditional approaches to the appropriation and control of the expenditure of funds are not designed to facilitate programs which have as their goal the reduction of caseload and which must accomplish this goal through flexible programs which respond to the evolving independence and circumstances of clients. The purpose of this section is to provide a budget and expenditure structure which facilitates the implementation of this chapter.*

(2) *Notwithstanding the provisions of ss. 216.031, 216.181, 216.262, and 240.271, Florida Statutes, to the contrary and pursuant to the provisions of s. 216.351, Florida Statutes, but subject to any guidelines imposed in the General Appropriations Act, funds for the operation of programs affected by this act may be transferred by the Executive Office of the Governor between appropriation categories, budget entities, and departments as necessary to implement the act. The affected departments shall develop and publish annual operating budgets that reflect any reallocations.*

(3) *Notwithstanding the provisions of s. 216.181, Florida Statutes, and pursuant to the provisions of s. 216.351, Florida Statutes, but subject to any requirements imposed in the General Appropriations Act, the Comptroller, upon the request of the Executive Office of the Governor, shall transfer or reallocate funds to or among accounts established for disbursement purposes as necessary to implement this chapter. The departments shall maintain records to account for the original appropriation and shall submit legislative budget requests which reflect the transfer of funds between expenditure categories which have been made in order to implement this chapter.*

(2) This section shall take effect upon this act becoming a law.

Section 118. *Following the effective date of this act:*

(1)(a) *The Governor may delay implementation of this act on a statewide or district-by-district basis, in order to provide the department with the time necessary to prepare to implement new programs.*

(b) *The Governor may also delay implementation of portions of this act, in order to allow savings resulting from the act to pay for provisions implemented later. If the Governor determines that portions of this act should be delayed, the priority in implementing this act shall be, in order of priority:*

1. *Provisions that provide savings in the first year of implementation.*
2. *Provisions necessary to the implementation of work activity requirements, time limits, sanctions, and supplemental financial assistance for the disabled.*
3. *Provisions related to removing marriage penalties and expanding benefits to stepparent and two-parent families.*
4. *Provisions related to the reduction of teen pregnancy and out-of-wedlock births.*
5. *Other provisions.*

(2) *The programs affected by this act shall continue to operate under the provisions of law that would be in effect in the absence of this act, until such time as the Governor informs the Speaker of the House of Representatives and the President of the Senate of his intention to implement provisions of this act in a district of the Department of Health and Rehabilitative Services or statewide. Notice of intent to implement provisions of this act shall be given to the Speaker of the House of Representatives and the President of the Senate in writing and shall be delivered at least 14 consecutive days prior to such action.*

Section 119. (1) *Short title; legislative intent.—*

(1) *This section may be cited as the "Workforce Florida Act of 1996."*

(2) *The goal of this section is to utilize the workforce development system to upgrade dramatically Floridians' workplace skills, thereby economically benefiting the workforce, employers, and the state.*

(3) *These principles should guide the state's efforts:*

- (a) *Floridians must upgrade their skills to succeed in today's workplace.*
- (b) *In business, workforce skills are the key competitive advantage.*
- (c) *Workforce skills will be Florida's key job-creating incentive for business.*
- (d) *Budget cuts, efficiency, effectiveness, and accountability mandate the consolidation of program services and the elimination of unwarranted duplication.*
- (e) *Streamlined state and local partnerships must focus on outcomes, not process.*
- (f) *Locally designed, customer-focused, market-driven service delivery works best.*
- (g) *Job training curricula must be developed in concert with the input and needs of existing employers and businesses, and must consider the anticipated demand for targeted job opportunities, as specified by the Occupational Forecasting Conference under s. 216.136, Florida Statutes.*
- (h) *Job placement, job retention, and return-on-investment should control workforce development expenditures and be a part of the measure for success and failure.*
- (i) *Success will be rewarded and failure will have consequences.*
- (j) *Job placement success will be publicly measured and reported to the Legislature.*
- (k) *Apprenticeship programs, pursuant to s. 446.011, Florida Statutes, which provide a valuable opportunity for preparing citizens for productive employment, will be encouraged.*

(4) *The workforce development strategy shall be designed by the Enterprise Florida Jobs and Education Partnership pursuant to s. 288.0475, Florida Statutes, and shall be centered around the four integrated strategic components of One-Stop Career Centers, School-to-Work, Welfare-to-Work, and High Skills/High Wage Jobs.*

(a) *One-Stop Career Centers are the state's initial customer-service contact strategy for offering every Floridian access, through service sites, telephone, or computer networks, to the following services:*

1. *Job search, referral, and placement assistance.*
2. *Career counseling and educational planning.*
3. *Consumer reports on service providers.*
4. *Recruitment and eligibility determination.*
5. *Support services, including child care and transportation.*
6. *Employability skills training.*
7. *Adult education and basic skills training.*
8. *Technical training leading to a certification and degree.*
9. *Claim filing for unemployment compensation services.*
10. *Temporary income, health, nutritional, and housing assistance.*
11. *Child care and transportation assistance to gain employment.*
12. *Other appropriate and available workforce development services.*

(b) *School-to-Work is the state's youth and adult workforce education strategy for coordinating business, education, and the community to support students in achieving long-term career goals, and for ensuring the workforce is prepared with the academic and occupational skills required for success.*

(c) *Welfare-to-Work is the state's strategy for encouraging self-sufficiency and minimizing dependence upon public assistance by em-*

phasizing job-placement and transition support services for welfare recipients.

(d) *High Skills/High Wage* is the state's strategy for aligning education and training programs with the Occupational Forecasting Conference under s. 216.136, Florida Statutes, for meeting the job demands of the state's existing businesses, and for providing a ready workforce which is integral to the state's economic development goal of attracting new and expanding businesses.

(5) The workforce development system shall utilize a charter process approach aimed at encouraging local design and control of service delivery and targeted activities. The Enterprise Florida Jobs and Education Partnership shall be responsible for granting charters to Regional Workforce Development Boards which have a membership consistent with the requirements of federal and state law and which have developed a plan consistent with the state's workforce development strategy and with the strategic components of One-Stop Career Centers, School-to-Work, Welfare-to-Work, and High Skills/High Wage. The plan shall specify methods for allocating the resources and programs in a manner that eliminates unwarranted duplication, minimizes administrative costs, meets the existing job market demands and the job market demands resulting from successful economic development activities, ensures access to quality workforce development services for all Floridians, and maximizes successful outcomes. As part of the charter process, the Enterprise Florida Jobs and Education Partnership shall establish incentives for effective coordination of federal and state programs, outline rewards for successful job placements, and institute collaborative approaches among local service providers. Local governance is to be determined as part of the charter application.

(2) This section shall take effect July 1, 1996.

Section 120. (1) *Regional Workforce Development Boards.* —

(1) One Regional Workforce Development Board shall be appointed in each designated service delivery area. The membership and responsibilities of the board shall be consistent with Pub. L. No. 97-300, as amended. The board shall be appointed by the chief elected official, or designee, of the local county or city governing bodies or consortiums of county and/or city governmental units that exist through interlocal agreements and shall include the following:

(a) At least 51 percent of the members of each board shall be from the private sector and shall be chief executives, chief operating officers, owners of business concerns, or other private sector executives with substantial management or policy responsibility.

(b) Representatives of organized labor and community-based organizations, who shall constitute not less than 15 percent of the board members.

(c) Representatives of educational agencies, including presidents of local community colleges, superintendents of local school districts, licensed private postsecondary educational institutions participating in vocational education and job training in the state; vocational rehabilitation agencies; economic development agencies; public assistance agencies; and public employment service. One of the representatives from licensed private postsecondary educational institutions shall be from a degree-granting institution, and one from an institution offering certificate or diploma programs. One of these members shall be a nonprofit, community-based organization which provides direct job training and placement services to hard-to-serve individuals, including the target population of people with disabilities.

The current Private Industry Council may be restructured, by local agreement, to meet the criteria for a Regional Workforce Development Board.

(2) In addition to the duties and functions specified by the Enterprise Florida Jobs and Education Partnership and by the interlocal agreement approved by the local county or city governing bodies, the Regional Workforce Development Board shall have the following responsibilities:

(a) Review, approve, and ratify the local Job Training Partnership Act plan which also must be signed by the chief elected officials.

(b) Conclude agreements necessary to designate the fiscal agent or administrative entity.

(c) Complete assurances required for the Enterprise Florida Jobs and Education Partnership charter process and provide ongoing oversight related to administrative costs, duplicated services, career counseling, economic development, equal access, compliance and accountability, and performance outcomes.

(3) The Enterprise Florida Jobs and Education Partnership, in coordination with the Florida Economic Development Council, shall, by January 1, 1997, design and implement a training program for the Regional Workforce Development Boards to familiarize board members with the state's workforce development goals and strategies.

The Regional Workforce Development Board shall designate all local service providers and shall not transfer this authority to a third party. In order to exercise independent oversight, the Regional Workforce Development Board shall not be a direct provider of intake, assessment, eligibility determinations, or other direct provider services.

(2) This section shall take effect July 1, 1996.

Section 121. (1) (1) This section may be cited as the "Untried Worker Placement and Employment Incentive Act."

(2) For purposes of this section, the term "untried worker" means a person who is a hard-to-place participant in the welfare-to-work programs of the Department of Labor and Employment Security or the Department of Health and Rehabilitative Services because he or she has limitations associated with the long-term receipt of welfare and difficulty in sustaining employment.

(3) The Department of Labor and Employment Security and the Department of Health and Rehabilitative Services, working with the Enterprise Florida Jobs and Education Partnership, shall develop five Untried Worker Placement and Employment Incentive Pilot Programs in the following Regional Workforce Development Board service areas: Columbia County, Duval County, Broward County, Escambia County, and Pinellas County.

(4) In these pilot programs, incentive payments shall be made to for-profit or not-for-profit agents selected by the Regional Workforce Development Boards who successfully place untried workers in full-time employment for 6 months with an employer after the employee successfully completes a probationary placement of no more than 6 months with that employer. Full-time employment that includes health care benefits will receive an additional incentive payment.

(5) The for-profit and not-for-profit agents shall contract to provide services for no more than 1 year. Contracts may be renewed upon successful review by the contracting agent.

(6) The Department of Labor and Employment Security and the Department of Health and Rehabilitative Services, working with the Enterprise Florida Jobs and Education Partnership, shall develop an incentive schedule that costs the state less per placement than the state's 12-month expenditure on a welfare recipient.

(7) During an untried worker's probationary placement, the for-profit or not-for-profit agent shall be the employer of record of that untried worker, and shall provide workers' compensation and unemployment compensation coverage as provided by law. The business employing the untried worker through the agent may be eligible to apply for any tax credits, wage supplementation, wage subsidy, or employer payment for that employee that are authorized in law or by agreement with the employer. After satisfactory completion of such a probationary period, an untried worker shall not be considered an untried worker.

(8) This section shall not be used for the purpose of displacing or replacing an employer's regular employees, and shall not interfere with executed collective bargaining agreements. Untried workers shall be paid by the employer at the same rate as similarly situated and assessed workers in the same place of employment.

(9) An employer that demonstrates a pattern of unsuccessful placements shall be disqualified from participation in these pilots because of poor return on the public's investment.

(10) The Department of Labor and Employment Security and the Department of Health and Rehabilitative Services, working with the Enterprise Florida Jobs and Education Partnership, may offer to any

employer that chooses to employ untried workers such incentives and benefits that are available and provided in law, as long as the long-term, cost savings can be quantified with each such additional inducement.

(11) Unless otherwise reenacted, this section shall be repealed on July 1, 1999.

(2) This section shall take effect July 1, 1996.

Section 122. Effective July 1, 1996, subsections (3), (4), (5), (6), (7), and (8) of section 288.0475, Florida Statutes, are amended and subsection (11) is added to said section, to read:

288.0475 Enterprise Florida Jobs and Education Partnership.—

(3) The Enterprise Florida Jobs and Education Partnership is to be a not-for-profit corporation pursuant to chapter 617. The articles of incorporation and bylaws establishing the Enterprise Florida Jobs and Education Partnership must be submitted to Enterprise Florida, Inc., and the Department of Commerce for review and approval prior to filing.

(4) Enterprise Florida Jobs and Education Partnership is to be governed by a board of directors. The board of directors is to consist of the following members:

(a) The Lieutenant Governor or the Lieutenant Governor's designee.

(b) The Commissioner of Education or the commissioner's designee.

(c) The Secretary of Labor and Employment Security or the secretary's designee.

(d) The Secretary of Health and Rehabilitative Services or the secretary's designee.

(e) The Secretary of Elderly Affairs or the secretary's designee.

(f) The executive director for the State Board of Community Colleges or the executive director's designee.

(g) The President of the Florida Association of Postsecondary Schools and Colleges or the president's designee.

(h)(e) A member of the Senate, to be appointed by the President of the Senate and serve at the pleasure of the President.

(i)(d) A member of the House of Representatives, to be appointed by the Speaker of the House of Representatives and serve at the pleasure of the Speaker.

(j)(e) Members from the public and private sectors, with the majority from the private sector, to be appointed by the Governor, subject to Senate confirmation. These members must be consistent with Pub. L. No. 97-300, as amended, including the requirement that organized labor representatives shall constitute not less than 15 percent of the membership, and be selected from the highest ranking officials in manufacturing and other industries critical to the state's economic base, as well as state agencies, departments, and organizations that have a direct impact on the training and education of workers in the state. The members from the public sector must also include an occupational dean of a community college and a school district vocational director with responsibility for postsecondary programs. The members from the private sector must include a private business representative from a private industry council, a representative of a Regional Workforce Development Board, and a representative of organized labor as well as a representative from licensed, private postsecondary institutions in the state currently participating in vocational education and job training programs. Other members may be appointed to conform with the requirements of the Job Training Partnership Act or any other federal act for designation as a State Human Resource Investment Council or other federal workforce development board.

(k)(f) Private sector members appointed by the Governor must be appointed for 4-year, staggered terms. Public sector members appointed by the Governor shall serve at the pleasure of the Governor. These private and public sector members shall reflect the geographical diversity of the state and shall include at least one member of a Regional Workforce Development Board.

(5)(a) Enterprise Florida, Inc., shall assist the Governor in the appointment of the initial members by providing a list of at least 18 nominees for membership in the partnership. For subsequent appointments, the chair of the Jobs and Education Partnership and the vice chair of Enterprise Florida, Inc., shall provide at least one nominee for each vacancy. The nominees must be selected within 90 days after a vacancy occurs, and the Governor must make the appointments within 30 days after receiving the nominations. Appointees must be representative of all geographic regions of the state, including both urban and rural regions. The importance of minority and gender representation must be considered when making nominations for each position on the board of directors.

(b) The Governor shall appoint the initial members from the public sector and private sector to the board of directors within 30 days after the receipt of the nominations from Enterprise Florida, Inc.

(c) A member may be removed by the Governor for cause. Absence from three consecutive meetings results in automatic removal.

(d) ~~The partnership may appoint subcommittees to fulfill its responsibilities, to comply with federal requirements, or to obtain technical assistance, and shall incorporate members of Regional Workforce Development Boards and former boards and commissions into its structure. These subcommittees may provide the partnership with technical advice, policy consultation, and information about workforce development issues. The State Job Training Coordinating Council shall appoint an advisory committee, which must include a member of a private industry council. This committee, the Committee of Practitioners established as required by Pub. L. No. 101-302, and the Quick Response Advisory Committee, established by s. 288.047, shall provide the partnership with technical advice, policy consultation, and information about workforce development issues.~~

(6)(a) The Board of Directors of the Jobs and Education Partnership shall be chaired by a board member designated by the Governor.

(b) The board shall appoint the president of the partnership to serve in the capacity of an executive director and secretary of the board. The president shall hire additional staff within the parameters established by the partnership in its bylaws.

(c) The board may establish an executive committee consisting of its chair, the ~~vice chair secretary~~ of the board, and not more than three additional board members selected by the chair. The executive committee shall have such authority as the board delegates to it, except that the board may not delegate to the executive committee the authority to take actions requiring the approval by a majority of the board as provided in paragraph (f).

(d) The board shall meet at least quarterly and at other times upon call of its chair.

(e) A majority of the total current membership of the board of the partnership comprises a quorum of the board.

(f) A majority of those voting is required to organize and conduct the business of the partnership, except that a majority of the entire board is required to hire or fire the president or to adopt or amend the operational plan.

(g) Except as delegated or authorized by the board, individual board members have no authority to control or direct the operations of the partnership or the actions of its officers and employees, including the president.

(h) Members of the board and its subcommittees shall serve without compensation, but members, the president, and all employees of the partnership may be reimbursed for per diem and travel expenses in accordance with s. 112.061. The president and all employees of the partnership are exempt from the provisions of part II of chapter 110, but the president is subject to the provisions of part IV of chapter 110.

(i) Each member of the Board of Directors of Enterprise Florida Jobs and Education Partnership who is not otherwise required to file financial disclosure pursuant to s. 8, Art. II of the State Constitution or s. 112.3144, shall file disclosure of financial interests pursuant to s. 112.3145.

(7) The Jobs and Education Partnership board shall have all the powers and authority, not explicitly prohibited by statute, necessary or

convenient to carry out and effectuate the purposes of this section, as well as the functions, duties, and responsibilities of the partnership, including, but not limited to, the following:

- (a) Assisting in the formulation and coordination of the state's economic policy regarding workforce development critical to achieve the purposes of the partnership, as stated in this section.
- (b) Adopting an official seal.
- (c) Hiring the president and employees of the partnership.
- (d) Assisting in developing the state's strategic workforce development plan and subsequent implementation plans as part of the strategic economic development plan of Enterprise Florida, Inc.
- (e) *Designing the state's workforce development strategy as the state's Human Resource Investment Council, recommending a market-driven, placement-based, community-managed, and customer-focused workforce development system and promoting that system's implementation at the state and local level. The strategy should establish standards and measures for job-placement cost, direct customer service costs, and overall service delivery costs to measure performance for various categories and difficulties of workers. Unless otherwise required by federal law, at least 90 percent of the funding covered by this strategy shall go into direct customer service costs. Of the allowable administrative overhead, appropriate amounts shall be expended to procure independent job-placement performance evaluations. Assisting in the state's workforce development strategic planning process.*
- (f) Evaluating the performance and effectiveness of Florida's workforce development programs.
- (g) Reporting to the board of directors of Enterprise Florida, Inc., regarding its functions, duties, and responsibilities.
- (h) Soliciting, borrowing, accepting, receiving, investing, and expending funds from any public or private source.
- (i) Contracting with public and private entities as necessary to further the directives of this section.
- (j) Approving an annual budget.
- (k) Carrying forward any unexpended state appropriations into succeeding fiscal years.
- (l) Providing an annual report to Enterprise Florida, Inc., the Governor, the President of the Senate, and the Speaker of the House of Representatives.
- (m) *Serving as the designated State Human Resource Investment Council, as described in Pub. L. No. 102-367, Title VII, with responsibility for policy, planning, and accountability for the state's workforce development strategy.*
- (n) *Working with affected communities, councils, and agencies, the partnership shall develop and implement a transition plan consolidating and coordinating these groups and their funding into the state's workforce development strategy.*
- (o) *Implementing a charter process which utilizes Regional Workforce Development Boards whose membership, responsibilities, and authority shall be consistent with federal and state law. Such charter process shall align local workforce groups' resources and services under the Regional Workforce Development Board's plan which shall eliminate unwarranted duplication, minimize administrative costs, and increase responsiveness to the businesses, communities, and workers.*
- (p) *Identifying resources that can be directed to charters and designs that can make state expenditures more job-placement focused and performance-based.*
- (q) *Establishing procedures to award resources and incentives to chartered communities and to measure the job-placement outcomes of those charters, rewarding positive outcomes, and penalizing negative outcomes, ultimately revoking failing charters.*
- (r) *Consulting with business, labor, community groups, workforce development groups, educational institutions, research groups, and*

agencies, the partnership shall develop workforce development innovations.

(8) The Jobs and Education Partnership may take any action that it deems necessary to achieve the purposes of this section in partnership with private enterprises, public agencies, and other organizations. The partnership shall advise and make recommendations to the Board of Directors of Enterprise Florida, Inc., the State Board of Education, and the Legislature concerning action needed to bring about the following benefits to the state's social and economic resources:

- (a) A state employment, education, and training policy that ensures that programs to prepare workers are responsive to present and future business and industry needs and complement the initiatives of the *other partnerships Capital Partnership and Innovation Partnership* of Enterprise Florida.
- (b) A funding system that provides incentives to improve the outcomes of degree career and certificate career education programs, *and of registered apprenticeship and work-based learning programs*, and that focuses resources on occupations related to new or emerging industries that add greatly to the value of the state's economy.
- (c) A comprehensive approach to the education and training of target populations such as those who have disabilities, are economically disadvantaged, receive public assistance, are not proficient in English, or are dislocated workers. This approach should ensure the effective use of federal, state, local, and private resources in reducing the need for public assistance.
- (d) The designation of Institutes of Applied Technology composed of postsecondary institutions working together to ensure that technical and degree career and certificate career education programs use the most advanced technology and instructional methods available and respond to the changing needs of business and industry.
- (e) A system to project and evaluate labor market supply and demand using the results of the Occupational Forecasting Conference created in s. 216.136 and the career education performance standards identified in s. 239.233.
- (f) A review of the performance of public programs that are responsible for economic development, education, employment, and training. The review must include an analysis of the return on investment of these programs. ~~The partnership shall specifically consider whether restructuring the Department of Labor and Employment Security and the Department of Commerce would better serve the state's labor force. An interagency workgroup shall assist the partnership in its deliberations concerning restructuring. The workgroup must include representatives of the Senate, the House of Representatives, the Executive Office of the Governor, the Department of Labor and Employment Security, the Department of Education, the Department of Commerce, the Department of Health and Rehabilitative Services, the Department of Elderly Affairs, and the Department of Community Affairs, with the advice of major business associations and labor organizations.~~
- (11) *The Enterprise Florida Jobs and Education Partnership, in collaboration with the Regional Workforce Development Boards, the Office of Program Policy Analysis and Government Accountability, and appropriate state agencies and local public and private service providers, shall establish uniform measures and standards, to gauge the performance of the workforce development strategy. These measures and standards shall be organized into two outcome tiers.*
 - (a) *The first tier shall be organized to provide benchmarks for system-wide outcomes. The partnership shall, in collaboration with the Office of Program Policy Analysis and Government Accountability, establish goals for the tier one outcomes. The resources of the University of Florida Bureau of Economics and Business Research, the Department of Labor and Employment Security, the Commission on Government Accountability to the People, Florida Education and Training Placement Information Program, and the Occupational Forecasting Conference, as well as any other relevant federal, state, or private sources, may be consulted for assistance in establishing standards and measures, for providing data collection and ensuring data reliability, or for data evaluation and interpretation by the Enterprise Florida Jobs and Education Partnership. Systemwide outcomes may include employment in occupations demonstrating continuing growth in wages, continued employment after 3, 6, 12, and 24 months, reduction in and elimination of public assistance*

reliance, job placement, employer satisfaction, and positive return on investment of public resources.

(b) *The second tier shall be organized to provide a set of benchmark outcomes for each of the four strategic components of the workforce development strategy. A set of standards and measures shall be developed for One-Stop Career Centers, School-to-Work, Welfare-to-Work, and High Skills/High Wage, targeting the specific goals of that particular strategy. Cost per entered employment, earnings at placement, retention in employment, job placement, and entered employment rate shall be included among the performance outcome measures. The resources of the University of Florida Bureau of Economics and Business Research, the Department of Labor and Employment Security, the Commission on Government Accountability to the People, Florida Education and Training Placement Information Program, and the Occupational Forecasting Conference, as well as any other relevant federal, state, or private sources, may be consulted for assistance in establishing standards and measures, for providing data collection and ensuring data reliability, or for data evaluation and interpretation by the Enterprise Florida Jobs and Education Partnership.*

1. *Appropriate measures for One-Stop Career Centers may include direct job placements at minimum wage, at a wage level established by the Occupational Forecasting Conference, and at a wage level above the level established by the Occupational Forecasting Conference.*

2. *Appropriate measures for the School-to-Work component may include the number of students enrolling and completing work-based programs including apprenticeship programs, job placement rate, job retention rate, wage at placement, and wage growth.*

3. *Welfare-to-Work measures may include job placement rate, job retention rate, wage at placement, wage growth, reduction and elimination of reliance on public assistance, and savings resulting from reduced reliance on public assistance.*

4. *High Skills/High Wage measures may include job placement rate, job retention rate, wage at placement, and wage growth.*

(c) *A third tier of measures and standards shall be the operational and output measures to be used by the agency implementing programs, and may be specific to federal requirements. The tier three standards may be developed by the agencies implementing programs, and the Enterprise Florida Jobs and Education Partnership may be consulted in this effort. Such outputs, if developed, shall be reported to the Enterprise Florida Jobs and Education Partnership by the appropriate implementing agency.*

(d) *Regional differences shall govern the establishment of performance goals and may include job availability, unemployment rates, average worker wage, and available employable population. All performance goals shall be derived from the goals, principles, and strategies established in the Workforce Florida Act of 1996.*

(e) *The uniform measures of success that are adopted by the Enterprise Florida Jobs and Education Partnership and/or the Regional Workforce Development Boards shall be developed in a manner which provides for an equitable comparison of the relative success or failure of any service provider in terms of positive outcomes.*

Section 123. Effective July 1, 1996, subsections (2) and (3) of section 446.20, Florida Statutes, are amended to read:

446.20 Administration of responsibilities under the federal Job Training Partnership Act.—

(2) *The Enterprise Florida Jobs and Education Partnership is designated as the State Human Resource Investment Council. The State Human Resource Investment Council and its subcommittees State Job Training Coordinating Council, which are hereby created, as provided by Pub. L. No. 97-300, as amended, shall have the responsibilities as assigned by the Governor, who shall appoint members for 4-year staggered terms, pursuant to the Job Training Partnership Act. ~~Such responsibilities shall include reviewing the duties and responsibilities of the Department of Labor and Employment Security pursuant to this section.~~*

(3) *To ensure the participation and representation of women and minorities, the State Human Resource Investment Council and its subcommittees State Job Training Coordinating Council shall adhere to*

provisions of s. 110.112, relating to affirmative action as administered by the Department of Labor and Employment Security.

Section 124. Effective July 1, 1996, section 446.31, Florida Statutes, as created by chapter 94-319, Laws of Florida, is hereby repealed.

Section 125. (1) Unless reenacted into law, the following boards and commissions are dissolved effective July 1, 1997:

(1) *The Advisory Board on Constructive Youth Programs, s. 239.505(12), Florida Statutes.*

(2) *Education Success Incentive Council, s. 228.502(1)(a), Florida Statutes.*

(3) *The Quick Response Advisory Committee, s. 288.047(2), Florida Statutes.*

(2) This section shall take effect July 1, 1996.

Section 126. (1) *Unless otherwise provided herein, the Workforce Florida Act of 1996 shall apply to the State Human Resource Investment Council and any Regional Workforce Development Boards in existence on the effective date of such act. Regional Workforce Development Boards shall be reconstituted, if necessary, to meet the requirements of such act. In addition, the Enterprise Florida Jobs and Education Partnership shall review each charter granted prior to the effective date of the Workforce Florida Act of 1996 to assure its compliance with the provisions of such act.*

(2) This section shall take effect July 1, 1996.

Section 127. (1) *Designation of primary service providers shall not be made until the Regional Workforce Development Boards have been reconstituted in compliance with the Workforce Florida Act of 1996.*

(2) This section shall take effect July 1, 1996.

Section 128. (1) *It is the intent of the Legislature that the transfer of functions to the Enterprise Florida Jobs and Education Partnership and to the Regional Workforce Development Boards occur with minimal disruption of services provided to the public. It is further the intent of the Legislature that the charter process provided for in the Workforce Florida Act of 1996 consider and specify a transition date and plan for the transfer of functions to each Regional Workforce Development Board.*

(2) This section shall take effect July 1, 1996.

Section 129. Effective July 1, 1996, section 290.0067, Florida Statutes, is created to read:

290.0067 Renaissance areas; legislative findings; pilot program.—

(1) *The Legislature recognizes that there are acute areas of unemployment, unusually high levels of residents dependent on welfare and other forms of public assistance, physical deterioration, and economic disinvestment within state enterprise zones. Local governments with jurisdiction over these areas may need additional assistance from the state to encourage redevelopment, investment, and enhancement of employment markets within these acute areas of economic distress. Providing additional temporary relief from certain taxes within these areas may foster training and employment opportunities for welfare/public assistance recipients, economic opportunities, and job growth in these areas and state enterprise zones as a whole.*

(2) *Designating a "renaissance area" on a pilot basis, within one enterprise zone, will enable the Legislature to determine whether providing additional temporary relief from certain taxes is an effective and cost efficient means of stimulating job growth and eliminating or reducing the deteriorating economic conditions in these areas and state enterprise zones as a whole. The Department of Commerce or the entity charged with oversight over state enterprise zones shall designate one pilot renaissance area within one state enterprise zone. The department or the relevant entity shall select a pilot renaissance area by December 1, 1996, which meets the following qualifications:*

(a) *The area is contained within an enterprise zone that is composed of one contiguous area and is placed in the category delineated in s. 290.0065(3)(a)1.*

(b) The local government having jurisdiction over the enterprise zone grants economic development ad valorem tax exemptions in the enterprise zone pursuant to s. 196.1995, and electrical energy public service tax exemptions pursuant to s. 166.231.

(c) The local government having jurisdiction over the enterprise zone has developed a plan for revitalizing the pilot renaissance area or for revitalizing an area within the enterprise zone that contains the pilot renaissance area, and has committed at least \$5 million to redevelop an area including the pilot renaissance area.

(d) The pilot renaissance area is contiguous and is limited to no more than 70 acres, or equivalent square miles, to avoid a dilution of additional state assistance effectively concentrating those additional resources on revitalizing the acute area of economic distress.

(e) The pilot renaissance area contains a diverse cluster or grouping of facilities or space for a mix of retail, restaurants or service related businesses, necessary to an overall revitalization of surrounding neighborhoods through community involvement, investment, enhancement of employment markets.

(3)(a) Beginning December 1, 1996, businesses located within the renaissance area are eligible for a credit against any tax due for a taxable year under part I, chapter 212, and chapter 220.

(b) The credit shall be computed as \$5,000 times the number of full-time employees of the business and \$2,500 times the number of part-time employees of the business. For purposes of this section, a person shall be deemed to be employed by such a business if the person performs duties in connection with the operations of the business on a full-time basis, provided she or he is performing such duties for an average of at least 36 hours per week each month, or on a part-time basis, provided she or he is performing such duties for an average of at least 20 hours per week each month through the year. The person must be performing such duties at a business site located in the renaissance area.

(c) No business shall receive more than \$200,000 in annual tax credits for any one taxable year. The total amount of tax credits that may be granted under this section is \$2 million annually. In the event the department or the relevant entity receives applications that total more than \$2 million each year, the secretary or similar head of the relevant entity shall prorate the amount of tax credit each applicant is eligible to receive to ensure that all eligible applicants receive a tax credit.

(d) All applications for the granting of the tax credits allowed under this section shall require the prior approval of the Secretary of Commerce or the similar head of the relevant entity. The secretary or similar head shall provide one submittal date each year for the receipt of applications for such tax credits.

(e) Any business wishing to receive a tax credit pursuant to this section must submit an application to the department or the relevant entity which sets forth the business name and address, and the number of employees of the business.

(f) The decision of the secretary or the similar head of the relevant entity shall be in writing, and, if approved, the application shall state the maximum credit allowable to the business. A copy of the decision shall be transmitted to the Executive Director of the Department of Revenue, who shall apply such credit to the tax liability of the business firm.

(g) If the credit granted pursuant to this section is not fully used in any 1 year because of insufficient tax liability on the part of the business, the unused amount may be carried forward for a period not to exceed 5 years.

(4) The department or the relevant entity is authorized to promulgate all rules necessary to administer this section, including rules for the approval or disapproval of applications for tax incentives by businesses.

(5) The Department of Revenue shall promulgate any rules necessary to ensure the orderly implementation and administration of this section.

(6) For purposes of this section, "business" and "taxable year" shall have the same meaning as in s. 220.03.

(7) The Office of Program Policy Analysis and Government Accountability shall review and evaluate the effectiveness and viability of the

pilot renaissance area created in paragraph (a) as part of the review of state enterprise zones performed pursuant to s. 290.015. The Enterprise Florida Jobs and Education Partnership shall assess whether the training and employment opportunities created within the pilot renaissance area are consistent with the workforce development strategies. The office shall specifically evaluate whether relief from certain taxes induced new investment and development in the area, increased the number of jobs created or retained in the area, induced the renovation, rehabilitation, restoration, improvement, or new construction of businesses or housing within the area, and contributed to the economic viability and profitability of business and commerce located within the area. The review shall also include a determination of whether other areas within state enterprise zones should be designated as renaissance zones.

(8) This section shall stand repealed on June 30, 2006, and any designations made pursuant to this section shall be revoked on that date.

Section 130. Except as otherwise provided herein, this act shall take effect upon certification by the Governor that the United States Congress has enacted federal block grant welfare reform legislation.

And the title is amended as follows:

On page 1, line 1, delete the entire title and insert: A bill to be entitled An act relating to public assistance; creating the "Florida Family Independence Act"; creating s. 414.015, F.S.; providing a short title; creating s. 414.025, F.S.; providing legislative intent; creating s. 414.035, F.S.; providing definitions; creating s. 414.055, F.S.; providing for the temporary family assistance program; creating s. 414.065, F.S.; providing work activity requirements; requiring participation in program activities; providing exemptions; providing penalties for failure to participate in a required program activity; providing for continuation of benefits for certain children through protective payees; providing for proportional reduction of benefits related to performance; providing exceptions to noncompliance penalties; providing participation requirements for noncustodial parents; providing prioritization of work requirements; providing for use of contracts; providing for implementation; creating s. 414.075, F.S.; providing resource eligibility standards; creating s. 414.085, F.S.; providing income eligibility standards; creating s. 414.095, F.S.; providing methods of determining assistance group eligibility and benefit levels; creating s. 414.105, F.S.; providing time limitations on benefits; providing exceptions; providing for hardship exemptions; creating s. 414.115, F.S.; limiting assistance for additional children; providing exceptions; amending and renumbering s. 409.1855, F.S., relating to learnfare; amending and renumbering s. 409.938, F.S., relating to childhood immunization requirements; amending and renumbering s. 409.186, F.S., relating to public assistance policy simplification; creating s. 414.15, F.S.; providing for diversion; amending and renumbering s. 420.627, F.S., relating to the emergency assistance program; creating s. 414.17, F.S.; providing for audits of the temporary family assistance program; creating s. 414.18, F.S.; providing for review of federal waivers and law; creating s. 414.20, F.S.; providing for other support services; creating s. 414.21, F.S.; providing for transitional medical benefits; creating s. 414.22, F.S.; providing for transitional education and training; creating s. 414.23, F.S.; providing for program evaluation; creating s. 414.24, F.S.; providing for integrated welfare reform and child welfare services; creating s. 414.25, F.S.; providing exemption from leased real property requirements; renumbering s. 409.295, F.S., relating to court-appointed guardians; renumbering s. 409.315, F.S., relating to public assistance payment on death; amending and renumbering s. 409.345, F.S., relating to the creation of debt to recipients of public assistance payments, to conform; amending and renumbering s. 409.355, F.S., relating to public inspection of public assistance records; amending and renumbering s. 409.212, F.S., relating to optional state supplementation; providing for establishment of a new Optional State Supplementation eligibility and monthly payment standard, under certain circumstances; providing limitations; amending and renumbering s. 409.275, F.S., relating to the administration of the food stamp program, to conform; creating s. 414.32, F.S.; providing for prohibitions and restrictions relating to food stamps; creating s. 414.33, F.S.; providing for violations of the food stamp program; renumbering s. 409.328, F.S., relating to annual reports concerning administrative complaints and disciplinary actions involving food stamp program violations; renumbering s. 409.60, F.S., relating to emergency relief; amending and renumbering s. 409.2562, F.S., relating to privatization and contracting of the public assistance overpayment recovery program; renumbering s. 409.25625, F.S., relating to the reemployment of laid-off career service

employees in the privatization of the public assistance overpayment recovery program; amending and renumbering s. 409.25655, F.S., relating to the pilot work experience and job training for noncustodial parents program; amending s. 409.2567, F.S., relating to child support collection for children receiving temporary family assistance; requiring a report; amending and renumbering s. 409.325, F.S., relating to fraud; renumbering s. 409.3251, F.S., relating to the Stop Inmate Fraud Program; amending and renumbering s. 409.335, F.S., relating to the recovery of payments made due to mistake or fraud; renumbering s. 409.3282, F.S., relating to cause for employee dismissal; renumbering s. 409.285, F.S., relating to the opportunity for hearing and appeal; creating s. 414.44, F.S.; providing for a discretionary supplement for the disabled; providing for a study; creating s. 414.45, F.S.; providing for data collection and reporting; creating s. 414.46, F.S.; providing for department rulemaking; amending s. 20.19, F.S., relating to responsibilities of the Economic Services Program Office of the Department of Health and Rehabilitative Services, to conform; amending s. 39.044, F.S., relating to detention, to conform; amending s. 61.30, F.S., relating to child support guidelines, to conform; amending s. 97.021, F.S., relating to the definition of public assistance in the election code, to conform; amending s. 216.136, F.S., relating to duties of the Social Services Estimating Conference, to conform; amending s. 230.2305, F.S., relating to the prekindergarten early intervention program, to conform; providing requirements for the establishment of performance standards; providing for collaborative agreements; amending s. 233.068, F.S., relating to job-related vocational instruction, to conform; amending s. 239.117, F.S.; correcting a cross reference; amending s. 402.3015, F.S.; revising and conforming the state subsidized child care program; providing requirements for compliance with performance standards; providing for development of collaborative agreements; providing for withholding of administrative fees for non-compliance; amending s. 240.40685, F.S., relating to the Certified Teacher-Aide Welfare Transition Program, to conform; amending s. 240.61, F.S., relating to college reach-out program, to conform; amending s. 246.50, F.S., relating to participation by independent postsecondary schools in the Certified Teacher-Aide Welfare Transition Program, to conform; amending s. 402.27, F.S., relating to child care and early childhood resource and referral, to conform; amending s. 402.33, F.S., relating to the authority of the Department of Health and Rehabilitative Services to charge fees for services provided, to conform; amending s. 402.40, F.S., relating to child welfare training academies, to conform; amending s. 402.45, F.S., relating to the community resource mother or father program, to conform; amending s. 409.2566, F.S., relating to the Child Support Enforcement Application Fee Trust Fund, to conform; amending s. 409.259, F.S., relating to partial payment of filing fees in only non-aid-to-families-with-dependent-children cases, to conform; amending s. 409.903, F.S., relating to mandatory payments for eligible persons, to conform; amending s. 409.942, F.S., relating to the electronic benefit transfer program, to conform; amending s. 411.232, F.S., relating to the Children's Early Investment Program, to conform; amending s. 411.242, F.S., relating to the ENABL program, to conform; creating s. 411.243, F.S.; requiring the department to create the Teen Pregnancy Prevention Community Incentive Grant initiative; providing for evaluation; amending s. 420.621, F.S., relating to definitions, to conform; amending s. 421.10, F.S., relating to rentals and tenant selection, to conform; amending s. 497.419, F.S., relating to the cancellation or default of preneed contracts for funeral and cemetery services, to conform; amending ss. 11.50, 194.013, 239.117, 239.301, 240.35, 282.502, 400.407, 400.418, 400.42, 400.618, 400.619, 409.2564, 409.328, 420.625, 772.102, 895.02, and 921.0012, F.S.; correcting cross references; amending s. 212.08, F.S.; providing exemptions from sales and use taxes for household fuels for licensed family day care homes and educational materials for certain preschool and prekindergarten programs; creating s. 383.0112, F.S.; providing for a Commission on Responsible Fatherhood in the Department of Health and Rehabilitative Services; providing for purpose, guiding principles, and responsibilities of the commission; providing for a report; creating s. 383.0113, F.S.; creating the commission; providing for membership; providing for travel expenses and per diem and reimbursement of members; prescribing powers and duties of the commission; providing for removal of commission members; providing for development of a budget request; creating s. 383.0114, F.S.; permitting prenatal and infant health care coalitions to establish programs to encourage responsible fatherhood and to support such programs already in existence; amending s. 402.26, F.S.; providing legislative intent relating to development of family-friendly workplaces; amending s. 402.27, F.S.; providing additional responsibilities of child care resource and referral agencies; requiring family day care homes to provide certain information to such agencies; creating s. 402.281, F.S.; creating the Gold Seal Quality Care program for child care facilities and family day care

homes which meet certain standards; providing for intergovernmental cooperation to eliminate duplicative and unnecessary inspections of child care facilities and provide for abbreviated inspections; requiring a report to the Legislature; amending s. 402.301, F.S.; providing policy to encourage child care providers to serve children with disabilities; amending s. 402.3015, F.S.; revising purpose of the subsidized child care program; revising the definition of "at-risk children"; amending s. 402.302, F.S.; revising the definition of "family day care home"; amending s. 402.305, F.S.; exempting the staff in part-time child care facilities that have specified characteristics from certain credentialing requirements; providing an alternative requirement for such a facility; amending s. 402.305, F.S.; requiring certain training in serving children with disabilities for directors of child care facilities; revising minimum safety standards relating to CPR training; providing minimum standards for infant-only child care centers; providing a suspension of square-footage requirements during transition periods; amending s. 402.3051, F.S.; providing a three-tiered system of reimbursement for subsidized child care providers; creating s. 402.3053, F.S.; providing for subsidized child care contracts within each district of the Department of Health and Rehabilitative Services; providing procedures and requirements; amending s. 402.313, F.S.; providing utility rate requirements for family day care homes; requiring the department to establish minimum standards for such homes; amending s. 402.315, F.S.; providing for use of licensing fees; amending s. 409.178, F.S.; revising the Child Care Partnership Act; creating a Child Care Executive Partnership; providing for a Child Care Partnership Program; providing for use of state and federal funds to match local and employer funds for a public-private partnership subsidized child care program; providing for a child care purchasing pool; providing for pilot projects; providing for funding through a specified date; providing for requests for proposals; providing requirements; providing for legislative review; creating s. 409.179, F.S.; providing for a family-friendly workplace campaign; providing for selection of annual award winners by the Executive Office of the Governor; amending s. 409.185, F.S.; requiring the Department of Health and Rehabilitative Services to withhold financial assistance payments from recipients when fraud is suspected; requiring certain notice to the recipient; requiring an interview within a specified timeframe to resolve the matter; amending ss. 61.11 and 943.05, F.S.; specifying contents and procedures for writs of bodily attachment in connection with court-ordered child support obligations; creating s. 409.25645, F.S.; providing for pilot programs using administrative orders for genetic testing in child support cases; providing procedures and requirements; creating s. 409.25656, F.S.; providing garnishment procedures for payment of delinquent child support obligations; amending s. 409.2572, F.S.; providing for sanctions for certain noncooperation by an applicant or recipient of public assistance; providing for use of DNA testing to identify the fathers of children receiving public assistance; providing for operation of family transition program sites as mandatory programs; providing for amendment to federal waiver; providing certain involvement of community organizations and for safeguards for children whose temporary family assistance benefits have expired; repealing ss. 409.026, 409.029, 409.185, 409.1857, 409.211, 409.2345, 409.235, 409.2351, 409.255, 409.326, 409.327, 409.3284, 409.921, 409.922, 409.923, 409.924, 409.925, 409.926, 409.927, 409.928, 409.929, 409.930, 409.931, 409.932, 409.933, 409.934, 409.935, 409.936, 409.937, 409.939, 409.940, 409.941, 409.943, 414.01, 414.02, 414.03, 414.04, 414.05, 414.06, 414.07, 414.08, 414.09, 414.10, 414.11, and 414.12, F.S., relating to Department of Health and Rehabilitative Services functions, Florida Employment Opportunity Act, determination of eligibility for and amount of financial assistance, community employment and work experience program, mandatory supplementation, rules governing aid-to-families-with-dependent-children program concerning full benefits for certain families without employment restrictions, aid-to-families-with-dependent-children program, short-term emergency financial assistance for housing, aid-to-families-with-dependent-children unemployed parent program, violation of food stamp program by recipient, violation of food stamp program by retail food store, retail items not purchasable, short title, legislative intent, definitions, general provisions of family transition program, federal waivers and evaluation, responsibilities of the department, benefit limitations and enhanced services applicable to all participants, review panels, full durational review, enhanced services, court-ordered participation, incentives for employers, family transition program learnfare requirement, family transition program aid-to-families-with-dependent-children dependency diversion, rulemaking, reporting, family transition program recognition awards, required quarters of work for aid-to-families-with-dependent-children unemployed parent program, vendor payment for housing authority, periods of substantially high unemployment, federal waivers necessary to implement ch. 95-431, Laws of Flor-

ida, county aid for poor mothers, allowance authorized, conditions of allowance, time limit on allowance, orphans dependent on poor female relative and impoverished orphans, implementation, history of each case, method of family investigation, appointments, residence of child, required school attendance, and designation of county welfare board, respectively, to conform; providing for certain budget and expenditure structuring to facilitate implementation of the act; providing for implementation; creating the "Workforce Florida Act of 1996"; providing legislative intent; providing for a workforce development strategy; providing for a charter process; providing for Regional Workforce Development Boards; delineating board membership, roles, and duties; creating the "Untried Worker Placement and Employment Incentive Act"; defining the term "untried worker"; authorizing the pilot program; outlining program responsibilities; providing for future repeal; amending s. 288.0475, F.S.; revising the membership of the board of directors of Enterprise Florida Jobs and Education Partnership; authorizing the partnership to appoint subcommittees to comply with certain federal requirements; deleting reference to the advisory committee to the State Job Training Coordinating Council; providing additional powers and duties of the Enterprise Florida Jobs and Education Partnership board; providing for financial disclosure by board members; requiring the Enterprise Florida Jobs and Education Partnership to establish performance goals and standards; amending s. 446.20, F.S.; designating the Enterprise Florida Jobs and Education Partnership as the State Human Resource Investment Council; repealing s. 446.31, F.S., relating to the Florida Human Resource Development Council; providing for the future repeal of the Advisory Board on Constructive Youth Programs, the Education Success Incentive Council, and the Quick Response Advisory Committee; providing for the application of the Workforce Florida Act of 1996; providing a timeframe for the designation of primary service providers; providing legislative intent relating to the transfer of functions to the Enterprise Florida Jobs and Education Partnership and to the Regional Workforce Development Boards; creating s. 290.0067, F.S.; providing for renaissance area; providing for legislative findings; providing for a pilot program; providing for future repeal; providing effective dates.

On motion by Senator Jennings, the Senate refused to concur in the House amendment and the House was requested to recede and in the event the House refused to recede a conference committee was requested.

CONFEREES ON CS for SB 1662 APPOINTED

The President appointed Senator Jennings, Chairman; Senators Kurth, Holzendorf, Bankhead and Brown-Waite as conferees on **CS for SB 1662**.

The action of the Senate was certified to the House.

RETURNING MESSAGES—FINAL ACTION

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 360, CS for SB 454, CS for SB 474, SB 742, SB 828, SB 1230, CS for SB 1272 and CS for SB 1718.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

ROLL CALLS ON SENATE BILLS

CS for SB 102

Yeas—36

Mr. President	Childers	Grant	Jennings
Bankhead	Crist	Gutman	Johnson
Beard	Dantzler	Harden	Kirkpatrick
Bronson	Diaz-Balart	Harris	Kurth
Brown-Waite	Dudley	Holzendorf	Latvala
Burt	Dyer	Horne	McKay
Casas	Forman	Jenne	Meadows

Ostalkiewicz	Silver
Rossin	Thomas

Turner
Weinstein

Wexler
Williams

Nays—None

Vote after roll call:

Yea—Hargrett

SB 248

Yeas—35

Mr. President	Dantzler	Horne	Ostalkiewicz
Bankhead	Dudley	Jenne	Rossin
Beard	Dyer	Jennings	Silver
Bronson	Forman	Johnson	Thomas
Brown-Waite	Grant	Kirkpatrick	Turner
Burt	Gutman	Kurth	Weinstein
Casas	Harden	Latvala	Wexler
Childers	Hargrett	McKay	Williams
Crist	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Holzendorf

SB 272

Yeas—35

Mr. President	Dantzler	Horne	Ostalkiewicz
Bankhead	Dudley	Jenne	Rossin
Beard	Dyer	Jennings	Silver
Bronson	Forman	Johnson	Thomas
Brown-Waite	Grant	Kirkpatrick	Turner
Burt	Gutman	Kurth	Weinstein
Casas	Harden	Latvala	Wexler
Childers	Hargrett	McKay	Williams
Crist	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Holzendorf

CS for SB 336

Yeas—37

Mr. President	Dudley	Jenne	Silver
Bankhead	Dyer	Jennings	Sullivan
Beard	Forman	Johnson	Thomas
Bronson	Grant	Kirkpatrick	Turner
Brown-Waite	Gutman	Kurth	Weinstein
Burt	Harden	Latvala	Wexler
Casas	Hargrett	McKay	Williams
Childers	Harris	Meadows	
Crist	Holzendorf	Ostalkiewicz	
Diaz-Balart	Horne	Rossin	

Nays—1

Dantzler

SB 540

Yeas—34

Mr. President	Burt	Dudley	Harden
Bankhead	Casas	Dyer	Hargrett
Beard	Childers	Forman	Harris
Bronson	Crist	Grant	Horne
Brown-Waite	Dantzler	Gutman	Jenne

Jennings	McKay	Silver
Johnson	Meadows	Thomas
Kurth	Ostalkiewicz	Turner
Latvala	Rossin	Weinstein

Nays—None

Vote after roll call:

Yea—Holzendorf

SB 1168

Yeas—34

Mr. President	Diaz-Balart	Horne	Ostalkiewicz
Bankhead	Dudley	Jenne	Rossin
Beard	Dyer	Jennings	Silver
Bronson	Forman	Johnson	Thomas
Brown-Waite	Grant	Kirkpatrick	Turner
Burt	Gutman	Kurth	Weinstein
Casas	Harden	Latvala	Wexler
Childers	Hargrett	McKay	
Crist	Holzendorf	Meadows	

Nays—1

Dantzler

Vote after roll call:

Yea—Williams

Yea to Nay—Hargrett

CS for SB 1268

Yeas—37

Mr. President	Diaz-Balart	Jenne	Silver
Bankhead	Dudley	Jennings	Sullivan
Beard	Dyer	Johnson	Thomas
Bronson	Forman	Kirkpatrick	Turner
Brown-Waite	Grant	Kurth	Weinstein
Burt	Harden	Latvala	Wexler
Casas	Hargrett	McKay	Williams
Childers	Harris	Meadows	
Crist	Holzendorf	Ostalkiewicz	
Dantzler	Horne	Rossin	

Nays—None

Vote after roll call:

Yea—Gutman

CS for SB 1888

Yeas—34

Mr. President	Dudley	Horne	Rossin
Bankhead	Dyer	Jenne	Silver
Beard	Forman	Jennings	Thomas
Bronson	Grant	Johnson	Turner
Brown-Waite	Gutman	Kirkpatrick	Weinstein
Burt	Harden	Kurth	Wexler
Casas	Hargrett	Latvala	Williams
Childers	Harris	McKay	
Dantzler	Holzendorf	Meadows	

Nays—2

Crist Ostalkiewicz

Vote after roll call:

Nay to Yea—Ostalkiewicz

ROLL CALLS ON HOUSE BILLS

CS for HB 155

Yeas—35

Mr. President	Dantzler	Horne	Ostalkiewicz
Bankhead	Dudley	Jenne	Rossin
Beard	Forman	Jennings	Silver
Bronson	Grant	Johnson	Thomas
Brown-Waite	Gutman	Kirkpatrick	Turner
Burt	Harden	Kurth	Weinstein
Casas	Hargrett	Latvala	Wexler
Childers	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Dyer

CS for HB 303

Yeas—36

Mr. President	Dantzler	Harris	Meadows
Bankhead	Diaz-Balart	Holzendorf	Ostalkiewicz
Beard	Dudley	Horne	Rossin
Bronson	Dyer	Jenne	Silver
Brown-Waite	Forman	Jennings	Thomas
Burt	Grant	Johnson	Turner
Casas	Gutman	Kurth	Weinstein
Childers	Harden	Latvala	Wexler
Crist	Hargrett	McKay	Williams

Nays—None

CS for HB 955

Yeas—37

Mr. President	Dudley	Jenne	Silver
Bankhead	Dyer	Jennings	Sullivan
Beard	Forman	Johnson	Thomas
Bronson	Grant	Kirkpatrick	Turner
Brown-Waite	Gutman	Kurth	Weinstein
Burt	Harden	Latvala	Wexler
Casas	Hargrett	McKay	Williams
Childers	Harris	Meadows	
Crist	Holzendorf	Ostalkiewicz	
Dantzler	Horne	Rossin	

Nays—None

CS for HB 1149

Yeas—35

Mr. President	Dantzler	Horne	Ostalkiewicz
Bankhead	Dudley	Jenne	Rossin
Beard	Dyer	Jennings	Silver
Bronson	Forman	Johnson	Thomas
Brown-Waite	Grant	Kirkpatrick	Turner
Burt	Gutman	Kurth	Weinstein
Casas	Harden	Latvala	Wexler
Childers	Hargrett	McKay	Williams
Crist	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Holzendorf

CS for HB 1431

Yeas—36

Mr. President	Dantzler	Holzendorf	Meadows
Bankhead	Dudley	Horne	Ostalkiewicz
Beard	Dyer	Jenne	Rossin
Bronson	Forman	Jennings	Silver
Brown-Waite	Grant	Johnson	Thomas
Burt	Gutman	Kirkpatrick	Turner
Casas	Harden	Kurth	Weinstein
Childers	Hargrett	Latvala	Wexler
Crist	Harris	McKay	Williams

Nays—None

HB 2047

Yeas—38

Mr. President	Diaz-Balart	Horne	Rossin
Bankhead	Dudley	Jenne	Silver
Beard	Dyer	Jennings	Sullivan
Bronson	Forman	Johnson	Thomas
Brown-Waite	Grant	Kirkpatrick	Turner
Burt	Gutman	Kurth	Weinstein
Casas	Harden	Latvala	Wexler
Childers	Hargrett	McKay	Williams
Crist	Harris	Meadows	
Dantzler	Holzendorf	Ostalkiewicz	

Nays—None

HB 2087

Yeas—34

Mr. President	Casas	Dudley	Harden
Bankhead	Childers	Dyer	Hargrett
Beard	Crist	Forman	Harris
Brown-Waite	Dantzler	Grant	Horne
Burt	Diaz-Balart	Gutman	Jenne

Johnson	Meadows	Sullivan	Wexler
Kirkpatrick	Ostalkiewicz	Thomas	Williams
Kurth	Rossin	Turner	
McKay	Silver	Weinstein	

Nays—None

ENROLLING REPORTS

SB 1162, SB 1634, SB 1660 and CS for SB's 2290 and 2288 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 29, 1996.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 25 was corrected and approved.

CO-SPONSORS

Senators Kirkpatrick—CS for SB 3040; Latvala—CS for SB 862; Myers—SB 354, SB 1694; Silver—CS for SB 1818; Williams—CS for SB 130

RECESS

On motion by Senator Jennings, the Senate recessed at 4:22 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:30 a.m., Tuesday, April 30.

SENATE PAGES

April 29-May 3

Kali Blakeslee, Roseland; Jessica Bodrog, Tallahassee; Katherine (Katie) Brauss, Wilton Manors; Erin Conner, Ocala; Carey Dimitt, Gulf Breeze; Gabe Fleet, Ft. Walton Beach; William (Madison) Grace II, Clewiston; Krishna Hathaway, Sebastian; David Ivarson, Tallahassee; Robin Lopez, Clewiston; Ashley Martin, Tallahassee; William Meier, Cocoa, Heather O'Dell, Merritt Island; Clarence Roshell III, Zephyrhills; Meghan Sterling, Ft. Lauderdale; Tim Taylor, Tampa; Alan Bennett Tucker, Longwood; Jessica Weinberg, Coral Springs; Jennifer (Jenni) West, Maitland; Karen S. Witt, Mayo