Journal of the Senate

Number 23—Regular Session **Friday, May 2, 1997**

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CALL TO ORDER

The Senate was called to order by the President at 9:00 a.m. A quorum present—40:

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Excused: Senators Kirkpatrick and Sullivan, periodically for the purpose of conference committee meetings.

PRAYER

The following prayer was offered by the Most Reverend John H. Ricard, Bishop of the Diocese of Pensacola-Tallahassee, Pensacola:

Almighty and Eternal God, Creator, Lawgiver, Supreme Being, we stand before you today in a spirit of thankfulness and praise. We thank you for bringing us to this closing moment when we can once more celebrate the strength and force of this great experiment which we call democracy. In a world where few voices are heard, where human dignity and individual freedom is but a distant dream, we are grateful that we have the opportunity to come together and in mutual respect and harmony work for the sake of the common good.

We ask you to bless us and all the men and women who have made this legislative session possible, who work behind the scenes often unheralded and unheard. We ask you to bless the members of our families who make great sacrifices so that we can be here to carry out the work of democracy. We ask you to bless the myriad numbers of people who provide counsel and support and keep us true to our task.

We thank you for what has been accomplished and what will be accomplished in these days. We know full well that it was your guiding hand which made all things possible. For the Psalmist said long ago, "Unless the Lord builds the house, they labor in vain who build it; unless the Lord watch over the city, the watchmen watch in vain." May we never forget all that we have we had first received, and may we express our gratitude for what we have by working for the needs of others in making their needs our own.

As we bring this session to a close, we ask you to give us your guidance this day that we may complete the task which has been entrusted to us; that we may work with diligence, discipline, wisdom and honor. As we leave to go home today, we ask that you grant each one of us a safe and secure journey, a joyful reunion with our loved ones and a justifiable pride in what we have accomplished. Although we leave, we acknowledge the task which lies before us, and we ask your guiding hand as we pledge ourselves to labor for a society which is going to be just and right where all men and women will feel they have a rightful place.

We pray to you, who are our Lord and God, now and forever. Amen.

PLEDGE

Senate Pages, Nathan Roberts of Tallahassee and Kari Copeland of Bristol, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Burt—

By Senator Burt—

SR 2522—A resolution commending Carl Reynolds for his lifelong service to the betterment of the State of Florida, its people, and its institutions.

WHEREAS, Carl Reynolds has spent his formative years and adult lifetime as a resident of Florida, and

WHEREAS, Carl Reynolds, from his beginnings as a newspaper carrier boy to his long service as a respected and tireless supporter for his state and nation has exemplified those characteristics most admired by his fellow citizens, and

WHEREAS, Carl Reynolds was instrumental in the establishment, nurturing, and continual growth of Florida's largest trade association, Florida Citrus Mutual, and

WHEREAS, Carl Reynolds has unflaggingly donated his time and energy to the promotion and betterment of Florida's citrus growers and the 11,000 members of Florida Citrus Mutual in addition to the prosperity of agricultural activity throughout Florida, and

WHEREAS, Carl Reynolds, over a span of 50 years has served as a sage advisor, wise counsel, and tireless strategist for the improvement of his industry in particular and the citizens of Florida in general, and

WHEREAS, Carl Reynolds has demonstrated generosity, courage, honesty, integrity, and diligence in each task he has undertaken, and

WHEREAS, Carl Reynolds continues to be a fearless protector of the rights of all men and the independence of human action, and

WHEREAS, Carl Reynolds, although deprived of visual sight in recent years, has shared his impeccable insight and flawless recollection of the development of governmental and social institutions within Florida with common men and officials alike, and

WHEREAS, Carl Reynolds has been tireless over the years in his efforts to ensure governmental entities' accountability to the public, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate, on behalf of all the citizens of Florida who have benefited from the presence of Carl Reynolds, commends him for his dedicated and tireless service to the State of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Carl Reynolds as a tangible token of the sentiments of the Florida Senate.

—**SR 2522** was introduced, read and adopted by publication.

At the request of Senator McKay—

By Senator McKay—

SR 2542—A resolution honoring the Bradenton Christian High School Girls' Basketball Team for winning the Class 2A State Championship.

WHEREAS, the Bradenton Christian High School Girls' Basketball Team on March 4, 1997, defeated Graceville by a score of 46-43, and

WHEREAS, by defeating Graceville, the Bradenton Christian High School Girls' Basketball Team became the Class 2A State Champions, and

WHEREAS, this is the first state championship won by an athletic team from Bradenton Christian High School, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Bradenton Christian High School Girls' Basketball Team is commended for winning the Class 2A State Championship.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Bradenton Christian High School Coach James Van Til, Principal Daniel Van der Kooy, and Gerald Mitchell, head of the school, as a tangible token of the sentiments of the Florida Senate.

—**SR 2542** was introduced, read and adopted by publication.

CONSENT CALENDAR

On motion by Senator Kurth, by two-thirds vote **HB 259** was withdrawn from the Committees on Children, Families and Seniors; and Ways and Means.

On motion by Senator Kurth—

HB 259—A bill to be entitled An act relating to alcohol, drug abuse, and mental health services; providing a process for achieving equity in the funding of such services among the service districts of the Department of Children and Family Services; providing an effective date.

—a companion measure, was substituted for **SB 126** and read the second time by title.

Senator Kurth moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Alcohol, drug abuse, and mental health funding equity; distribution of appropriations.—In recognition of the historical inequity among service districts of the Department of Health and Rehabilitative Services in the funding of alcohol, drug abuse, and mental health services, and in order to rectify this inequity and provide for equitable funding in the future throughout the state, the following funding process shall be adhered to, beginning with the 1997-1998 fiscal year:*

(1) Funding thresholds for alcohol, drug abuse, and mental health services in each of the current districts, statewide, shall be established based on the current number of persons in need per district for alcohol and drug abuse, and for mental health services, respectively.

(2) "Persons in need" means those persons who fit the profile of the respective target populations and require mental health or substance abuse services.

(3) Beginning July 1, 1997, 75 percent of any additional funding beyond the 1996-97 fiscal year base appropriation for alcohol, drug abuse, and mental health services shall be allocated to districts based on:

(a) epidemiological estimates of disabilities which apply to the respective target populations.

(b) a pro-rata share distribution that ensures districts below the statewide average funding level per person in each target population of "persons in need" receive funding necessary to achieve equity.

(4) The remaining 25 percent shall be allocated based on the number of persons in need of alcohol, drug abuse and mental health services per district without regard to current funding levels.

(5) Target populations for persons in need shall be displayed for each district and distributed concurrently with the approved operating budget. The display by target population shall show: The annual number of persons served based on prior year actual numbers, the annual cost per person served, the number of persons served by service cost center and the estimated number of the total target population for persons in need.

(6) The annual cost per person served shall be defined as the total actual funding for each target population divided by the number of persons served in the target population for that year.

(7) Commencing on July 1, 1998, all additional funding pursuant to this section shall be performance based.

Section 2. This act shall take effect July 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to alcohol, drug abuse, and mental health services; providing a process for achieving equity in the funding of such services among the service districts of the Department of Children and Family Services; providing an effective date.

On motion by Senator Kurth, by two-thirds vote **HB 259** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Dantzler	Jenne	Rossin
Bronson	Dudley	Jones	Silver
Brown-Waite	Dyer	Kirkpatrick	Sullivan
Burt	Forman	Klein	Thomas
Campbell	Grant	Kurth	Turner
Casas	Gutman	Latvala	Williams
Childers	Hargrett	McKay	
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Lee

CS for SB 238—A bill to be entitled An act relating to certificates of need; amending s. 408.032, F.S.; deleting the definition of the terms "health maintenance organization" and "major medical equipment" for purposes of the review for a certificate of need by the Agency for Health Care Administration; redefining the term "health care facility" to include a home health agency, hospice, and long-term-care hospital; defining the terms "home health agency," "long-term-care hospital," and "respite care"; amending s. 408.035, F.S., relating to review criteria; revising provisions; deleting reference to hospice and health maintenance organizations; adding replacement of facilities as reviewable activity;

deleting a requirement to approve certain facility consolidations or divisions; amending s. 408.036, F.S., relating to health care projects that are subject to certificate-of-need review; requiring the review of certain replacement health care facilities; requiring the review of Medicare-certified home health agencies; providing an exception; eliminating certificate-of-need review for projects exceeding a specified expenditure threshold and for acquisition of major medical equipment; requiring certificate-of-need review of cost increases exceeding a specified threshold and for increase in number of psychiatric or rehabilitation beds; deleting a reference to expedited review of transfer of a certificate of need; modifying requirements relating to expedited review of cost overruns; eliminating the expedited review of donations, acquisition of land for health care facilities or health care provider offices, termination of health care services, and contracts for shared services; eliminating the expedited review of emergency projects and unforeseen major public health hazards; eliminating expedited review of increases in nursing home beds at a specified facility; requiring expedited review of replacement of certain health care facilities; eliminating the exemption from review granted for certain facilities not directly used for health care services; eliminating expedited review of expenditures to address safety hazards, repair of facility or equipment resulting from certain occurrences, and replacement of major medical equipment; deleting an obsolete date relating to expansion of obstetric services; requiring expedited review of replacing or renovating health care facilities; exempting from review certain facilities establishing Medicare-certified home health agencies contingent upon specified future actions, inmate health care facilities, delicensure of beds, the termination of a health care service, inpatient diagnostic cardiac catheterization services, and certain expenditures for outpatient services; amending s. 408.037, F.S.; revising requirements for the detailed description and financial projection; requiring that an applicant for a certificate of need certify that it will license and operate the health care facility; requiring that certain applicants for a certificate of need be the licenseholder of the health care facility; deleting requirements with respect to the applicant's board of directors; amending s. 408.039, F.S.; revising the scope of review cycles and requirements for an applicant with respect to letters of intent and administrative hearings; eliminating review of equipment from review cycles; eliminating a requirement that letters of intent be filed with local health councils; revising content requirements of letters of intent; revising publication requirements for letters of intent; providing a timeframe with respect to administrative hearings; providing timeframes for submitting recommended orders and a final order; amending s. 408.040, F.S., expanding the length of time that a certificate of need remains effective; deleting authority to extend the time that a certificate of need remains valid; amending s. 408.042, F.S.; increasing the validity period of a certificate of need; amending s. 408.043, F.S.; deleting a provision providing for the validity of a certificate of need; providing that private accreditation is not required for issuance or maintenance of a certificate of need; amending s. 408.0455, F.S.; revising the effective date for certain statutory provisions; providing for continued applicability of certain statutes pending administrative or judicial action on a specified date; amending s. 408.702, F.S., relating to project monitoring and community health purchasing alliances; conforming cross-references to changes made by the act; amending ss. 400.602, 641.60, F.S., relating to hospice licensure for certain entities and the Statewide Managed Care Ombudsman Committee; conforming cross-references; repealing ss. 408.0365, 408.0366, F.S., relating to certain exemptions from certificate-of-need regulation; providing applicability; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Brown-Waite and failed:

Amendment 1 (with title amendment)—On page 17, line 15 through page 18, line 1, delete those lines and insert:

(e)~~(i)~~ A 50-percent increase in nursing home beds for a facility incorporated and operating in this state for at least 60 years on or before July 1, 1988, which has a licensed nursing home facility located on a campus providing a variety of residential settings and supportive services. The increased nursing home beds shall be for the exclusive use of the campus residents. Any application on behalf of an applicant meeting this requirement shall be subject to the base fee of $5,000 provided in s. 408.038.

(f)~~(j)~~ Combination within one nursing home facility of the beds or services authorized by two or more certificates of need issued in the same planning subdistrict.

(g)~~(k)~~ Division into two or more nursing home facilities of beds or services authorized by one certificate of need issued in the same planning subdistrict. Such division shall not be approved if it would adversely affect the original certificate's approved cost.

(h) Replacement of a health care facility when the

And the title is amended as follows:

On page 2, lines 11-13, delete those lines and insert: health hazards; requiring expedited review of

Senator Brown-Waite moved the following amendment:

Amendment 2 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 408.032, Florida Statutes, is amended to read:

408.032 Definitions.—As used in ss. 408.031-408.045, the term:

(1) "Agency" means the Agency for Health Care Administration.

(2)~~(1)~~ "Capital expenditure" means an expenditure, including an expenditure for a construction project undertaken by a health care facility as its own contractor, which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance, *which is made to change*~~; or an expenditure which exceeds the minimum as specified in s. 408.036(1)(c), changes~~ the bed capacity of the facility, or substantially *change* ~~changes~~ the services or service area of the health care facility, health service provider, or hospice, and which includes the cost of the studies, surveys, designs, plans, working drawings, specifications, initial financing costs, and other activities essential to acquisition, improvement, expansion, or replacement of the plant and equipment. ~~The agency shall, by rule, adjust the capital expenditure threshold annually using an appropriate inflation index.~~

(3)~~(2)~~ "Certificate of need" means a written statement issued by the agency evidencing community need for a new, converted, expanded, or otherwise significantly modified health care facility, health service, or hospice.

(4)~~(3)~~ "Commenced construction" means initiation of and continuous activities beyond site preparation associated with erecting or modifying a health care facility, including procurement of a building permit applying the use of agency-approved construction documents, proof of an executed owner/contractor agreement or an irrevocable or binding forced account, and actual undertaking of foundation forming with steel installation and concrete placing.

~~(4) "Department" means the Agency for Health Care Administration.~~

(5) "District" means a health service planning district composed of the following counties:

District 1.—Escambia, Santa Rosa, Okaloosa, and Walton Counties.

District 2.—Holmes, Washington, Bay, Jackson, Franklin, Gulf, Gadsden, Liberty, Calhoun, Leon, Wakulla, Jefferson, Madison, and Taylor Counties.

District 3.—Hamilton, Suwannee, Lafayette, Dixie, Columbia, Gilchrist, Levy, Union, Bradford, Putnam, Alachua, Marion, Citrus, Hernando, Sumter, and Lake Counties.

District 4.—Baker, Nassau, Duval, Clay, St. Johns, Flagler, and Volusia Counties.

District 5.—Pasco and Pinellas Counties.

District 6.—Hillsborough, Manatee, Polk, Hardee, and Highlands Counties.

District 7.—Seminole, Orange, Osceola, and Brevard Counties.

District 8.—Sarasota, DeSoto, Charlotte, Lee, Glades, Hendry, and Collier Counties.

District 9.—Indian River, Okeechobee, St. Lucie, Martin, and Palm Beach Counties.

District 10.—Broward County.

District 11.—Dade and Monroe Counties.

(6) "Expedited review" means the process by which certain types of applications are not subject to the review cycle requirements contained in s. 408.039(1), and the letter of intent requirements contained in s. 408.039(2).

(7) "Health care facility" means a hospital, *long-term care hospital,* skilled nursing facility, *hospice,* intermediate care facility, or intermediate care facility for the developmentally disabled. A facility relying solely on spiritual means through prayer for healing is not included as a health care facility.

~~(8) "Health maintenance organization" means a health care provider organization defined and authorized in part I of chapter 641.~~

(8)~~(9)~~ "Health services" means diagnostic, curative, or rehabilitative services and includes alcohol treatment, drug abuse treatment, and mental health services.

(9) "Home health agency" means an organization, as defined in s. 400.462(4), that is certified or seeks certification as a Medicare home health service provider.

(10) "Hospice" or "hospice program" means a hospice as defined in part VI of chapter 400.

(11) "Hospital" means a health care facility licensed under chapter 395.

(12) "Institutional health service" means a health service which is provided by or through a health care facility and which entails an annual operating cost of $500,000 or more. The agency shall, by rule, adjust the annual operating cost threshold annually using an appropriate inflation index.

(13) "Intermediate care facility" means an institution which provides, on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or skilled nursing facility is designed to provide, but who, because of their mental or physical condition, require health-related care and services above the level of room and board.

(14) "Intermediate care facility for the developmentally disabled" means a residential facility licensed under chapter 393 and certified by the Federal Government pursuant to the Social Security Act as a provider of Medicaid services to persons who are mentally retarded or who have a related condition.

(15) "Long-term care hospital" means a hospital licensed under chapter 395 which meets the requirements of 42 C.F.R. s. 412.23(e) and seeks exclusion from the Medicare prospective payment system for inpatient hospital services.

~~(15) "Major medical equipment" means equipment which is used to provide medical and other health services, which has been approved for general usage by the United States Food and Drug Administration for less than 3 years and which costs in excess of $1 million. The agency shall, by rule, adjust the equipment threshold annually using an appropriate inflation index.~~

(16) "Multifacility project" means an integrated residential and health care facility consisting of independent living units, assisted living facility units, and nursing home beds certificated on or after January 1, 1987, where:

(a) The aggregate total number of independent living units and assisted living facility units exceeds the number of nursing home beds.

(b) The developer of the project has expended the sum of $500,000 or more on the certificated and noncertificated elements of the project combined, exclusive of land costs, by the conclusion of the 18th month of the life of the certificate of need.

(c) The total aggregate cost of construction of the certificated element of the project, when combined with other, noncertificated elements, is $10 million or more.

(d) All elements of the project are contiguous or immediately adjacent to each other and construction of all elements will be continuous.

(17) "Nursing home geographically underserved area" means:

(a) A county in which there is no existing or approved nursing home;

(b) An area with a radius of at least 20 miles in which there is no existing or approved nursing home; or

(c) An area with a radius of at least 20 miles in which all existing nursing homes have maintained at least a 95 percent occupancy rate for the most recent 6 months or a 90 percent occupancy rate for the most recent 12 months.

(18) "Respite care" means short-term care in a licensed health care facility which is personal or custodial and is provided for chronic illness, physical infirmity, or advanced age for the purpose of temporarily relieving family members of the burden of providing care and attendance.

(19)~~(18)~~ "Skilled nursing facility" means an institution, or a distinct part of an institution, which is primarily engaged in providing, to inpatients, skilled nursing care and related services for patients who require medical or nursing care, or rehabilitation services for the rehabilitation of injured, disabled, or sick persons.

(20)~~(19)~~ "Tertiary health service" means a health service which, due to its high level of intensity, complexity, specialized or limited applicability, and cost, should be limited to, and concentrated in, a limited number of hospitals to ensure the quality, availability, and cost-effectiveness of such service. Examples of such service include, but are not limited to, organ transplantation, specialty burn units, neonatal intensive care units, comprehensive rehabilitation, and medical or surgical services which are experimental or developmental in nature to the extent that the provision of such services is not yet contemplated within the commonly accepted course of diagnosis or treatment for the condition addressed by a given service. The agency shall establish by rule a list of all tertiary health services.

~~(20) "Agency" means the department or agency which has responsibility for health planning and health regulation.~~

(21) "Regional area" means any of those regional health planning areas established by the agency to which local and district health planning funds are directed to local health councils through the General Appropriations Act.

Section 2. Section 408.035, Florida Statutes, is amended to read:

408.035 Review criteria.—

(1) The agency shall determine the reviewability of applications and shall review applications for certificate-of-need determinations for health care facilities and *health* services~~, hospices, and health maintenance organizations~~ in context with the following criteria:

(a) The need for the health care facilities and *health* services ~~and hospices~~ being proposed in relation to the applicable district plan ~~and state health plan~~, except in emergency circumstances *that* ~~which~~ pose a threat to the public health.

(b) The availability, quality of care, efficiency, appropriateness, accessibility, extent of utilization, and adequacy of like and existing health care *facilities and health* services ~~and hospices~~ in the service district of the applicant.

(c) The ability of the applicant to provide quality of care and the applicant's record of providing quality of care.

(d) The availability and adequacy of other health care facilities and *health* services ~~and hospices~~ in the service district of the applicant, such as outpatient care and ambulatory or home care services, which may serve as alternatives for the health care facilities and *health* services to be provided by the applicant.

(e) Probable economies and improvements in service *which* ~~that~~ may be derived from operation of joint, cooperative, or shared health care resources.

(f) The need in the service district of the applicant for special equipment and services *that* ~~which~~ are not reasonably and economically accessible in adjoining areas.

(g) The need for research and educational facilities, including, but not limited to, institutional training programs and community training programs for health care practitioners and for doctors of osteopathy and medicine at the student, internship, and residency training levels.

(h) The availability of resources, including health manpower, management personnel, and funds for capital and operating expenditures, for project accomplishment and operation; the effects the project will have on clinical needs of health professional training programs in the service district; the extent to which the services will be accessible to schools for health professions in the service district for training purposes if such services are available in a limited number of facilities; the availability of alternative uses of such resources for the provision of other health services; and the extent to which the proposed services will be accessible to all residents of the service district.

(i) The immediate and long-term financial feasibility of the proposal.

(j) The special needs and circumstances of health maintenance organizations.

(k) The needs and circumstances of those entities *that* ~~which~~ provide a substantial portion of their services or resources, or both, to individuals not residing in the service district in which the entities are located or in adjacent service districts. Such entities may include medical and other health professions, schools, multidisciplinary clinics, and specialty services such as open-heart surgery, radiation therapy, and renal transplantation.

(l) The probable impact of the proposed project on the costs of providing health services proposed by the applicant, upon consideration of factors including, but not limited to, the effects of competition on the supply of health services being proposed and the improvements or innovations in the financing and delivery of health services which foster competition and service to promote quality assurance and cost-effectiveness.

(m) The costs and methods of the proposed construction, including the costs and methods of energy provision and the availability of alternative, less costly, or more effective methods of construction.

(n) The applicant's past and proposed provision of health care services to Medicaid patients and the medically indigent.

(o) The applicant's past and proposed provision of services *that* ~~which~~ promote a continuum of care in a multilevel health care system, which may include, but *are* ~~is~~ not limited to, acute care, skilled nursing care, home health care, and assisted living facilities.

(2) In cases of capital expenditure proposals for the provision of new health services to inpatients, the *agency* ~~department~~ shall also reference each of the following in its findings of fact:

(a) That less costly, more efficient, or more appropriate alternatives to such inpatient services are not available and the development of such alternatives has been studied and found not practicable.

(b) That existing inpatient facilities providing inpatient services similar to those proposed are being used in an appropriate and efficient manner.

(c) In the case of new construction *or replacement construction*, that alternatives to *the* ~~new~~ construction, for example, modernization or sharing arrangements, have been considered and have been implemented to the maximum extent practicable.

(d) That patients will experience serious problems in obtaining inpatient care of the type proposed, in the absence of the proposed new service.

(e) In the case of a proposal for the addition of beds for the provision of skilled nursing or intermediate care services, that the addition will be consistent with the plans of other agencies of the state responsible for the provision and financing of long-term care, including home health services.

~~(3) For any application authorized by s. 381.706(2)(j) or (k) involving an approved facility based on a certificate-of-need application filed prior to December 31, 1984, the department shall approve such application unless the proposed consolidation or division would result in a facility or facilities not meeting the criterion of financial feasibility or unless the consolidation or division would result in beds or services being moved more than 15 miles from their original certificated location.~~

Section 3. Section 408.036, Florida Statutes, as amended by chapters 93-214, 94-206, and 95-418, Laws of Florida, is amended to read:

408.036 Projects subject to review.—

(1) APPLICABILITY.—Unless exempt under subsection (3), all health-care-related projects, as described in paragraphs *(a)-(k)* ~~(a)-(n)~~, are subject to review and must file an application for a certificate of need with the *agency* ~~department~~. The *agency* ~~department~~ is exclusively responsible for determining whether a health-care-related project is subject to review under ss. 408.031-408.045.

(a) The addition of beds by new construction or alteration.

(b) The new construction or establishment of additional health care facilities, *including a replacement health care facility when the proposed project site is not located on the same site as the existing health care facility*.

~~(c) A capital expenditure of $1 million or more by or on behalf of a health care facility or hospice for a purpose directly related to the furnishing of health services at such facility; provided that a certificate of need is not required for an expenditure to provide an outpatient health service, or to acquire equipment or refinance debt, for which a certificate of need is not otherwise required under this subsection. The department shall, by rule, adjust the capital expenditure threshold annually using an appropriate inflation index.~~

(c)~~(d)~~ The conversion from one type of health care facility to another, including the conversion from one level of care to another, in a skilled or intermediate nursing facility, if the conversion effects a change in the level of care of 10 beds or 10 percent of total bed capacity of the skilled or intermediate nursing facility within a 2-year period. If the nursing facility is certified for both skilled and intermediate nursing care, the provisions of this paragraph do not apply.

(d)~~(e)~~ Any *increase* ~~change~~ in licensed bed capacity.

(e)~~(f)~~ *Subject to the provisions of paragraph (3)(i), the establishment of a Medicare-certified home health agency*, the establishment of a hospice, or the direct provision of such services by a health care facility or health maintenance organization for those other than the subscribers of the health maintenance organization*; except that this paragraph does not apply to the establishment of a Medicare-certified home health agency by a facility described in paragraph (3)(h).*

(f)~~(g)~~ An acquisition by or on behalf of a health care facility or health maintenance organization, by any means, which acquisition would have required review if the acquisition had been by purchase~~, including an acquisition at less than fair market value if the fair market value is greater than the capital expenditure threshold~~.

(g)~~(h)~~ The establishment of inpatient institutional health services by a health care facility, or a substantial change in such services.~~, or the obligation of capital expenditures for the offering of, or a substantial change in, any such services which entails a capital expenditure in any amount, or an annual operating cost of $500,000 or more. The department shall, by rule, adjust the annual operating cost threshold annually using an appropriate inflation index.~~

(h)~~(i)~~ The acquisition by any means of an existing health care facility by any person, unless the person provides the *agency* ~~department~~ with at least 30 days' written notice of the proposed acquisition, which notice is to include the services to be offered and the bed capacity of the facility, and unless the *agency* ~~department~~ does not determine, within 30 days after receipt of such notice, that the services to be provided and the bed capacity of the facility will be changed.

~~(j) The acquisition, by any means, of major medical equipment by a health maintenance organization or health care facility to the extent that the health maintenance organization or health care facility is not exempt under former s. 381.713(1).~~

(i)~~(k)~~ An increase in the cost of a project for which a certificate of need has been issued when the increase in cost exceeds *20* ~~the limits set~~

~~forth in paragraph (c), paragraph (h), or s. 408.032, or 10~~ percent of the originally approved cost of the project, ~~whichever is less,~~ except that a cost overrun review is not necessary when the cost overrun is less than *$20,000* ~~$10,000~~.

(j)~~(l)~~ *An increase* ~~A change~~ in the number of psychiatric or rehabilitation beds.

(k)~~(m)~~ The establishment of tertiary health services.

~~(n) A transfer of a certificate of need, in which case an expedited review must be conducted according to rule and in accordance with s. 408.042.~~

(2) PROJECTS SUBJECT TO EXPEDITED REVIEW.—Unless exempt pursuant to subsection (3), projects subject to an expedited review shall include, but not be limited to:

(a) Cost overruns, *as defined in paragraph (1)(i)* ~~unless such cost overruns are caused by a change in service or scope which the department determines are otherwise reviewable~~.

(b) Research, education, and training programs, *unless otherwise reviewable under subsection (1).*

~~(c) Donations, when market value equals or exceeds the applicable capital expenditure thresholds for operating expenditures, or major medical equipment, as defined in this act.~~

~~(d) Acquisition of land which is to be used for the construction of a health care facility, or office facilities for health care providers.~~

~~(e) Termination of a health care service.~~

(c)~~(f)~~ Shared services contracts or projects.

(d)~~(g)~~ A transfer of a certificate of need.

~~(h) Emergency projects and unforeseen major public health hazards.~~

(e)~~(i)~~ A 50-percent increase in nursing home beds for a facility incorporated and operating in this state for at least 60 years on or before July 1, 1988, which has a licensed nursing home facility located on a campus providing a variety of residential settings and supportive services. The increased nursing home beds shall be for the exclusive use of the campus residents. Any application on behalf of an applicant meeting this requirement shall be subject to the base fee of $5,000 provided in s. 408.038.

(f)~~(j)~~ Combination within one nursing home facility of the beds or services authorized by two or more certificates of need issued in the same planning subdistrict.

(g)~~(k)~~ Division into two or more nursing home facilities of beds or services authorized by one certificate of need issued in the same planning subdistrict. Such division shall not be approved if it would adversely affect the original certificate's approved cost.

(h) Replacement of a health care facility when the proposed project site is located in the same district and within a 1-mile radius of the replaced health care facility.

The *agency* ~~department~~ shall develop rules to implement the provisions for expedited review, including time schedule, application content, and application processing.

(3) EXEMPTIONS.—Upon request, supported by such documentation as the *agency* ~~department~~ requires, the *agency* ~~department~~ shall grant an exemption from the provisions of subsection (1):

~~(a) For any expenditure by or on behalf of a health care facility for any part of the physical plant which is not to be directly used for providing health services or housing health care providers. This exemption applies to expenditures for parking facilities, meeting rooms, cafeterias, administrative data processing facilities, research buildings, landscaping, and similar projects, but does not apply to expenditures for office facilities for health care providers.~~

~~(b) For any expenditure to eliminate or prevent safety hazards as defined by federal, state, or local codes.~~

~~(c) For any expenditure to replace any part of a facility or equipment which is destroyed as a result of fire, civil disturbance, or storm or any other act of God.~~

~~(d) For any expenditure to acquire major medical equipment that is a substantially identical replacement for existing equipment being taken out of service.~~

(a)~~(e)~~ For the initiation or expansion of obstetric services ~~after July 1, 1988~~.

(b)~~(f)~~ For any expenditure to replace or renovate any part of a licensed *health care* ~~nursing~~ facility, provided that the number of licensed beds will not increase and, in the case of a replacement facility, the project site is the same as the facility being replaced.

(c)~~(g)~~ For providing respite care services. ~~As used in this paragraph, the term "respite care" means short-term care in a licensed health care facility which is personal or custodial in nature and is provided by reason of chronic illness, physical infirmity, or advanced age for the purpose of temporarily relieving family members of the burden of providing care and attendance in the home. In providing respite care, the health care facility must be the primary caregiver.~~ An individual may be admitted to a respite care program in a hospital without regard to inpatient requirements relating to admitting order and attendance of a member of a medical staff.

(d)~~(h)~~ For hospice services provided by a rural hospital, as defined in s. 395.602, or for swing beds in such rural hospital in a number that does not exceed one-half of its licensed beds.

(e)~~(i)~~ For the conversion of licensed acute care hospital beds to Medicare and Medicaid certified skilled nursing beds in a rural hospital as defined in s. 395.602, so long as the conversion of the beds does not involve the construction of new facilities. The total number of skilled nursing beds, including swing beds, may not exceed one-half of the total number of licensed beds in the rural hospital as of July 1, 1993. Certified skilled nursing beds designated under this paragraph, excluding swing beds, shall be included in the community nursing home bed inventory. A rural hospital which subsequently decertifies any acute care beds exempted under this paragraph shall notify the agency of the decertification, and the agency shall adjust the community nursing home bed inventory accordingly.

(f)~~(j)~~ For the addition of nursing home beds at a skilled nursing facility that is part of a retirement community that provides a variety of residential settings and supportive services and that has been incorporated and operated in this state for at least 65 years on or before July 1, 1994. All nursing home beds must not be available to the public but must be for the exclusive use of the community residents.

(g)~~(k)~~ For an increase in the bed capacity of a nursing facility licensed for at least 50 beds as of January 1, 1994, under part II of chapter 400 which is not part of a continuing care facility if, after the increase, the total licensed bed capacity of that facility is not more than 60 beds and if the facility has been continuously licensed since 1950 and has received a superior rating on each of its two most recent licensure surveys.

(h) For the establishment of a Medicare-certified home health agency by a facility certified under chapter 651; a retirement community, as defined in s. 400.404(2)(e); or a residential facility that serves only retired military personnel, their dependents, and the surviving dependents of deceased military personnel. Medicare-reimbursed home health services provided through such agency shall be offered exclusively to residents of the facility or retirement community or to residents of facilities or retirement communities owned, operated, or managed by the same corporate entity. Each visit made to deliver Medicare-reimbursable home health services to a home health patient who, at the time of service, is not a resident of the facility or retirement community shall be a deceptive and unfair trade practice and constitutes a violation of ss. 501.201-501.213.

(i) For the establishment of a Medicare-certified home health agency. This paragraph shall take effect 90 days after the adjournment sine die of the next regular session of the Legislature occurring after the legislative session in which the Legislature receives a report from the Director of Health Care Administration certifying that the federal Health Care Financing Administration has implemented a per-episode prospective pay system for Medicare-certified home health agencies.

(j) For an inmate health care facility built by or for the exclusive use of the Department of Corrections as provided in chapter 945. This exemption expires when such facility is converted to other uses.

(k) For an expenditure by or on behalf of a health care facility to provide a health service exclusively on an outpatient basis.

(l) For the termination of a health care service.

(m) For the delicensure of beds. An application submitted under this paragraph must identify the number, the classification, and the name of the facility in which the beds to be delicensed are located.

(n) For the provision of adult inpatient diagnostic cardiac catheterization services in a hospital.

1. In addition to any other documentation otherwise required by the agency, a request for an exemption submitted under this paragraph must comply with the following criteria:

a. The applicant must certify it will not provide therapeutic cardiac catheterization pursuant to the grant of the exemption.

b. The applicant must certify it will meet and continuously maintain the minimum licensure requirements adopted by the agency governing such programs pursuant to subparagraph 2.

c. The applicant must certify it will provide a minimum of 2 percent of its services to charity and Medicaid patients.

2. The agency shall adopt licensure requirements by rule which govern the operation of adult inpatient diagnostic cardiac catheterization programs established pursuant to the exemption provided in this paragraph. The rules shall ensure that such programs:

a. Perform only adult inpatient diagnostic cardiac catheterization services authorized by the exemption and will not provide therapeutic cardiac catheterization or any other services not authorized by the exemption.

b. Maintain sufficient appropriate equipment and health personnel to ensure quality and safety.

c. Maintain appropriate times of operation and protocols to ensure availability and appropriate referrals in the event of emergencies.

d. Maintain appropriate program volumes to ensure quality and safety.

e. Provide a minimum of 2 percent of its services to charity and Medicaid patients each year.

3.a. The exemption provided by this paragraph shall not apply unless the agency determines that the program is in compliance with the requirements of subparagraph 1. and that the program will, after beginning operation, continuously comply with the rules adopted pursuant to subparagraph 2. The agency shall monitor such programs to ensure compliance with the requirements of subparagraph 2.

b.(I) The exemption for a program shall expire immediately when the program fails to comply with the rules adopted pursuant to sub-subparagraphs 2.a., b., and c.

(II) Beginning 18 months after a program first begins treating patients, the exemption for a program shall expire when the program fails to comply with the rules adopted pursuant to sub-subparagraphs 2.d. and e.

(III) If the exemption for a program expires pursuant to sub-sub-subparagraph (I) or sub-sub-subparagraph (II), the agency shall not grant an exemption pursuant to this paragraph for an adult inpatient diagnostic cardiac catheterization program located at the same hospital until 2 years following the date of the determination by the agency that the program failed to comply with the rules adopted pursuant to subparagraph 2.

4. The agency shall not grant any exemption under this paragraph until the adoption of the rules required under this paragraph, or until March 1, 1998, whichever comes first. However, if final rules have not been adopted by March 1, 1998, the proposed rules governing the exemptions shall be used by the agency to grant exemptions under the provisions of this paragraph until final rules become effective.

A request for exemption under this subsection may be made at any time and is not subject to the batching requirements of this section.

Section 4. Section 408.037, Florida Statutes, is amended to read:

408.037 Application content.—

(1) An application for a certificate of need *must* ~~shall~~ contain:

(a)~~(1)~~ A detailed description of the proposed project and statement of its purpose and need in relation to ~~the applicant's long-range plan,~~ the local health plan~~,~~ and the state health plan.

(b)~~(2)~~ A statement of the financial resources needed by and available to the applicant to accomplish the proposed project. This statement *must* ~~shall~~ include:

1.~~(a)~~ A complete listing of all capital projects, including new health facility development projects and health facility acquisitions applied for, pending, approved, or underway in any state at the time of application, regardless of whether or not that state has a certificate-of-need program or a capital expenditure review program pursuant to s. 1122 of the Social Security Act. The *agency* ~~department~~ may, by rule, require less-detailed information from major health care providers. This listing *must* ~~shall~~ include the applicant's actual or proposed financial commitment to those projects and an assessment of their impact on the applicant's ability to provide the proposed project.

2.~~(b)~~ A detailed listing of the needed capital expenditures, including sources of funds.

3.~~(c)~~ A detailed financial projection, including a statement of the projected revenue and expenses ~~for the period of construction and~~ for the first 2 years of operation after completion of the proposed project. This statement *must* ~~shall~~ include a detailed evaluation of the impact of the proposed project on the cost of other services provided by the applicant.

(c)~~(3)~~ An audited financial statement of the applicant. In an application submitted by an existing health care facility, health maintenance organization, or hospice, financial condition documentation *must* ~~shall~~ include, but need not be limited to, a balance sheet and a profit-and-loss statement of the 2 previous fiscal years' operation.

(2) The applicant must certify that it will license and operate the health care facility. For an existing health care facility, the applicant must be the licenseholder of the facility.

~~(4) A certified copy of a resolution by the board of directors of the applicant, or other governing authority if not a corporation, authorizing the filing of the application; authorizing the applicant to incur the expenditures necessary to accomplish the proposed project; certifying that if issued a certificate, the applicant shall accomplish the proposed project within the time allowed by law and at or below the costs contained in the application; and certifying that the applicant shall license and operate the facility.~~

Section 5. Subsections (1), (2), and (5) and paragraph (b) of subsection (4) of section 408.039, Florida Statutes, 1996 Supplement, are amended to read:

408.039 Review process.—The review process for certificates of need shall be as follows:

(1) REVIEW CYCLES.—The *agency* ~~department~~ by rule shall provide for applications to be submitted on a timetable or cycle basis; provide for review on a timely basis; and provide for all completed applications pertaining to similar types of services *or*~~,~~ facilities~~, or equipment~~ affecting the same service district to be considered in relation to each other no less often than two times a year.

(2) LETTERS OF INTENT.—

(a) At least 30 days prior to filing an application, a letter of intent shall be filed by the applicant with the *agency* ~~local health council and the department~~, respecting the development of a proposal subject to review. No letter of intent is required for expedited projects as defined by rule by the *agency* ~~department~~.

(b) The *agency* ~~department~~ shall provide a mechanism by which applications may be filed to compete with proposals described in filed letters of intent.

(c) Letters of intent *must* ~~shall~~ describe the proposal*; specify the* ~~with specificity, including proposed capital expenditures,~~ number of beds sought, if any*; identify the*~~,~~ services *to be provided and the*~~,~~ specific subdistrict location*; and identify*~~, identification of~~ the applicant~~, including the names of those with controlling interest in the applicant, and such other information as the department may by rule prescribe~~. ~~The letter of intent shall contain a certified copy of a resolution by the board of directors of the applicant, or other governing authority if not a corporation, authorizing the filing of the application described in the letter of intent; authorizing the applicant to incur the expenditures necessary to accomplish the proposed project; certifying that if issued a certificate, the applicant shall accomplish the proposed project within the time allowed by law and at or below the costs contained in the application; and certifying that the applicant shall license and operate the facility.~~

(d) Within *21* ~~14~~ days after filing a letter of intent, *the agency* ~~the applicant shall publish a notice of filing to be published in a newspaper of general circulation in the area affected by the proposal. The notice of filing shall be published once a week for 2 consecutive weeks on forms and in the format and content specified by the department by rule. Within 21 days after the filing, the department~~ shall publish notice of the filing of letters of intent in the Florida Administrative Weekly and notice that, if requested, a public hearing shall be held at the local level within 21 days after the application is deemed complete. Notices under this *paragraph must* ~~subsection shall~~ contain due dates applicable to the cycle for filing applications and for requesting a hearing.

(4) STAFF RECOMMENDATIONS.—

(b) Within 60 days after all the applications in a review cycle are determined to be complete, the department shall issue its State Agency Action Report and Notice of Intent to grant a certificate of need for the project in its entirety, to grant a certificate of need for identifiable portions of the project, or to deny a certificate of need. The State Agency Action Report shall set forth in writing its findings of fact and determinations upon which its decision is based. If a finding of fact or determination by the department is counter to the district plan of the local health council, the department shall provide in writing its reason for its findings, item by item, to the local health council and the Statewide Health Council. If the department intends to grant a certificate of need, the State Agency Action Report or the Notice of Intent shall also include any conditions which the department intends to attach to the certificate of need. The department shall designate by rule a senior staff person, other than the person who issues the final order, to issue State Agency Action Reports and Notices of Intent.

(5) ADMINISTRATIVE HEARINGS.—

(a) Within 21 days after publication of notice of the State Agency Action Report and Notice of Intent, any person authorized under paragraph *(c)* ~~(b)~~ to participate in a hearing may file a request for an administrative hearing; failure to file a request for hearing within 21 days of publication of notice shall constitute a waiver of any right to a hearing and a waiver of the right to contest the final decision of the *agency* ~~department~~. A copy of the request for hearing shall be served on the applicant.

(b) Hearings shall be held in Tallahassee unless the administrative law judge determines that changing the location will facilitate the proceedings. ~~In administrative proceedings challenging the issuance or denial of a certificate of need, only applicants considered by the department in the same batching cycle are entitled to a comparative hearing on their applications. Existing health care facilities may initiate or intervene in such administrative hearing upon a showing that an established program will be substantially affected by the issuance of a certificate of need to a competing proposed facility or program within the same district, provided that existing health care providers, other than the applicant, have no standing or right to initiate or intervene in an administrative hearing involving a health care project which is subject to certificate-of-need review solely on the basis of s. 408.036(1)(c).~~ The *agency* ~~department~~ shall assign proceedings requiring hearings to the Division of Administrative Hearings of the Department of Management Services within 10 days after the time has *expired for requesting* ~~run to request~~ a hearing. Except upon unanimous consent of the parties or upon the granting by the administrative law judge of a motion of continuance, hearings shall commence within 60 days after the administrative law judge has been assigned. All ~~non-state-agency~~ parties*, except the agency,* shall bear their own expense of preparing a transcript. In any application for a certificate of need which is referred to the Division of Administrative Hearings for hearing, the administrative law judge shall complete and submit to the parties a recommended order as provided in ss. 120.569 and 120.57. The recommended order shall be issued within 30 days after the receipt of the proposed recommended orders or the deadline for submission of such proposed recommended orders, whichever is earlier. The division shall adopt procedures for administrative hearings which shall maximize the use of stipulated facts and shall provide for the admission of prepared testimony.

(c) *In administrative proceedings challenging the issuance or denial of a certificate of need, only applicants considered by the agency in the same batching cycle are entitled to a comparative hearing on their applications. Existing health care facilities may initiate or intervene in such administrative hearing upon a showing that an established program will be substantially affected by the issuance of a certificate of need to a competing proposed facility or program within the same district.* ~~The department shall issue its final order within 45 days after receipt of the recommended order.~~

(d) *The applicant's failure to strictly comply with the requirements of s. 408.037(1) or paragraph (2)(c) is not cause for dismissal of the application, unless the failure to comply impairs the fairness of the proceeding or affects the correctness of the action taken by the agency.* ~~If the department fails to take action within the time specified in paragraph (4)(a) or paragraph (5)(c), or as otherwise agreed to by the applicant and the department, the applicant may take appropriate legal action to compel the department to act. When making a determination on an application for a certificate of need, the department is specifically exempt from the time limitations provided in s. 120.60(1).~~

(e) The agency shall issue its final order within 45 days after receipt of the recommended order. If the agency fails to take action within such time, or as otherwise agreed to by the applicant and the agency, the applicant may take appropriate legal action to compel the agency to act. When making a determination on an application for a certificate of need, the agency is specifically exempt from the time limitations provided in s. 120.60(1).

Section 6. Paragraphs (a), (b), and (d) of subsection (2) of section 408.040, Florida Statutes, are amended to read:

408.040 Conditions and monitoring.—

(2)(a) Unless the applicant has commenced construction, if the project provides for construction, unless the applicant has incurred an enforceable capital expenditure commitment for a project, if the project does not provide for construction, or unless subject to paragraph (b), a certificate of need shall terminate *18 months* ~~1 year~~ after the date of issuance, except in the case of a multifacility project, as defined in s. 408.032~~(17)~~, where the certificate of need shall terminate 2 years after the date of issuance. ~~The department may extend the period of validity of the certificate for an additional period of up to 6 months, upon a showing of good cause, as defined by rule, by the applicant for the extension.~~ The *agency* ~~department~~ shall monitor the progress of the holder of the certificate of need in meeting the timetable for project development specified in the application with the assistance of the local health council as specified in s. 408.033(1)(b)5., and may revoke the certificate of need, if the holder of the certificate is not meeting such timetable and is not making a *good-faith* ~~good faith~~ effort, as defined by rule, to meet it.

(b) A certificate of need issued to an applicant holding a provisional certificate of authority under chapter 651 shall terminate 1 year after the applicant receives a valid certificate of authority from the Department of Insurance. ~~The certificate-of-need validity period may be extended by the department for an additional period of up to 6 months upon a showing of good cause, as defined by rule, by the applicant for the extension.~~

(d) If an application is filed to consolidate two or more certificates as authorized by s. 408.036(2)*(f)*~~(j)~~ or to divide a certificate of need into two or more facilities as authorized by s. 408.036(2)*(g)*~~(k)~~, the validity period of the certificate or certificates of need to be consolidated or divided shall be extended for the period beginning upon submission of the application and ending when final agency action and any appeal from such action has been concluded. However, no such suspension shall be effected if the application is withdrawn by the applicant.

Section 7. Section 408.042, Florida Statutes, is amended to read:

408.042 Limitation on transfer.—The holder of a certificate of need shall not charge a price for the transfer of the certificate of need to another person that exceeds the total amount of the actual costs incurred by the holder in obtaining the certificate of need. Such actual costs must be documented by an affidavit executed by the transferor under oath. A holder who violates this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, or by a fine not exceeding $10,000, or both. ~~Nothing in this section shall be construed to prevent or alter the value of a transfer or sale by an existing facility of a certificate of need obtained before June 17, 1987, when such facility is transferred with the certificate of need.~~

Section 8. Section 408.043, Florida Statutes, is amended to read:

408.043 Special provisions.—

(1) OSTEOPATHIC ACUTE CARE HOSPITALS.—When an application is made for a certificate of need to construct or to expand an osteopathic acute care hospital, the need for such hospital shall be determined on the basis of the need for and availability of osteopathic services and osteopathic acute care hospitals in the district. When a prior certificate of need to establish an osteopathic acute care hospital has been issued in a district, and the facility is no longer used for that purpose, the *agency* ~~department~~ may continue to count such facility and beds as an existing osteopathic facility in any subsequent application for construction of an osteopathic acute care hospital.

(2) HOSPICES.—When an application is made for a certificate of need to establish or to expand a hospice, the need for such hospice shall be determined on the basis of the need for and availability of hospice services in the community. The formula on which the certificate of need is based shall discourage regional monopolies and promote competition. The inpatient hospice care component of a hospice which is a freestanding facility, or a part of a facility, which is primarily engaged in providing inpatient care and related services and is not licensed as a health care facility shall also be required to obtain a certificate of need. Provision of hospice care by any current provider of health care is a significant change in service and therefore requires a certificate of need for such services.

~~(3) VALIDITY OF CERTIFICATE OF NEED.—A certificate of need issued by the department for nursing home facilities of 100 beds or more prior to February 14, 1986, is valid, provided that such facility has expended at least $50,000 in reliance upon such certificate of need, excluding legal fees, prior to the initiation of proceedings under the Administrative Procedure Act subsequent to February 14, 1986, contesting the validity of the certificate of need. If such nursing home certificate of need includes beds that have not yet been licensed as of June 17, 1987, such beds shall not be considered or utilized in the determination of need or included in the inventory of licensed or approved nursing home beds by the department, with respect to applications filed before June 17, 1987. This subsection shall only apply to nursing home beds. Nothing contained herein shall be construed to deny action pursuant to s. 120.69, or to eliminate any conditions of the certificate of need or time requirements to commence construction, including any authorized extensions.~~

(3)~~(4)~~ RURAL HEALTH NETWORKS.—Preference shall be given in the award of a certificate of need to members of certified rural health networks, as provided for in s. 381.0406, subject to the following conditions:

(a) Need must be shown pursuant to s. 408.035.

(b) The proposed project must:

1. Strengthen health care services in rural areas through partnerships between rural care providers; or

2. Increase access to inpatient health care services for Medicaid recipients or other low-income persons who live in rural areas.

(c) No preference shall be given under this section for the establishment of skilled nursing facility services by a hospital.

(4) PRIVATE ACCREDITATION NOT REQUIRED.—Accreditation by any private organization may not be a requirement for the issuance or maintenance of a certificate of need under ss. 408.031-408.045.

Section 9. Section 408.0455, Florida Statutes, is amended to read:

408.0455 ~~Effect of ss. 408.031-408.045;~~ Rules; ~~health councils and plans;~~ pending proceedings.—

~~(1) Nothing contained in ss. 408.031-408.045 is intended to repeal or modify any of the existing rules of the Department of Health and Rehabilitative Services, which shall remain in effect and shall be enforceable by the Agency for Health Care Administration; the existing composition of the local health councils and the Statewide Health Council; or the state health plan; or any of the local district health plans, unless, and only to the extent that, there is a direct conflict with the provisions of ss. 408.031-408.045.~~

~~(2)~~ The rules of the *agency* ~~Department of Health and Rehabilitative Services~~ in effect on June 30, *1997* ~~1992, which implement the provisions of former ss. 381.701-381.715~~, shall remain in effect and shall be enforceable by the agency ~~for Health Care Administration~~ with respect to ss. 408.031-408.045 until such rules are repealed or amended by the agency ~~for Health Care Administration~~, and no judicial or administrative proceeding pending on July 1, *1997* ~~1992~~, shall be abated as a result of the provisions of ss. 408.031-408.043(1) and (2); s. 408.044; or s. 408.045.

Section 10. Subsection (1) of section 408.702, Florida Statutes, is amended to read:

408.702 Community health purchasing alliance; establishment.—

(1) There is hereby created a community health purchasing alliance in each of the 11 health service planning districts established under s. 408.032~~(5)~~. Each alliance must be operated as a state-chartered, nonprofit private organization organized pursuant to chapter 617.

Section 11. Subsection (6) of section 400.602, Florida Statutes, is amended to read:

400.602 Licensure required; prohibited acts; exemptions; display, transferability of license.—

(6) Notwithstanding s. 400.601*(3)*~~(2)~~, at any time after July 1, 1995, any entity entitled to licensure under subsection (5) may obtain a license for up to two additional hospices in accordance with the other requirements of this part and upon receipt of any certificate of need that may be required under the provisions of ss. 408.031-408.045.

Section 12. Paragraph (c) of subsection (1) of section 641.60, Florida Statutes, 1996 Supplement, is amended to read:

641.60 Statewide Managed Care Ombudsman Committee.—

(1) As used in ss. 641.60-641.75:

(c) "District" means one of the health service planning districts as defined in s. 408.032~~(5)~~.

Section 13. *Sections 408.0365 and 408.0366, Florida Statutes, are repealed.*

Section 14. *Subject to any final order of the Florida Supreme Court, ss. 408.036(1)(b) and 408.039(5)(c), Florida Statutes, as amended by this act, do not apply to any replacement application filed with the Agency for Health Care Administration prior to or pending a final hearing before the Division of Administrative Hearings as of April 1, 1997. It is the intent of the Legislature that the remaining provisions of this act do not apply to applications that have been filed prior to the effective date of this act.*

Section 15. This act shall take effect July 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to certificates of need; amending s. 408.032, F.S.; deleting the definition of the terms "health maintenance organization" and "major medical equipment" for purposes of the review for a certificate of need by the Agency for Health Care Administration; redefining the term "health care facility" to include a hospice and long-term care hospital; defining the terms "home health agency," "long-term care hospital," and "respite care"; amending s. 408.035, F.S., relating to review criteria; revising provisions; deleting reference to hospice and health maintenance organizations; adding replacement of facilities as review-

able activity; deleting a requirement to approve certain facility consolidations or divisions; amending s. 408.036, F.S., relating to health care projects that are subject to certificate-of-need review; requiring the review of certain replacement health care facilities; requiring the review of Medicare-certified home health agencies; providing an exception; eliminating certificate-of-need review for projects exceeding a specified expenditure threshold and for acquisition of major medical equipment; requiring certificate-of-need review of cost increases exceeding a specified threshold and for increase in number of psychiatric or rehabilitation beds; deleting a reference to expedited review of transfer of a certificate of need; modifying requirements relating to expedited review of cost overruns; adding a condition for expedited review of research, education, and training programs; eliminating the expedited review of donations, acquisition of land for health care facilities or health care provider offices, and termination of health care services; eliminating the expedited review of emergency projects and unforeseen major public health hazards; requiring expedited review of replacement of certain health care facilities; eliminating the exemption from review granted for certain facilities not directly used for health care services; eliminating expedited review of expenditures to address safety hazards, repair of facility or equipment resulting from certain occurrences, and replacement of major medical equipment; deleting an obsolete date relating to expansion of obstetric services; requiring expedited review of replacing or renovating health care facilities; exempting from review certain facilities establishing Medicare-certified home health agencies; exempting from review the establishment of Medicare-certified home health agencies contingent upon specified future actions; exempting from review inmate health care facilities, the termination of a health care service, delicensure of beds, adult inpatient diagnostic cardiac catheterization services contingent upon specified future actions, and certain expenditures for outpatient services; amending s. 408.037, F.S.; revising requirements for the detailed description and financial projection; requiring that an applicant for a certificate of need certify that it will license and operate the health care facility; requiring that certain applicants for a certificate of need be the licenseholder of the health care facility; deleting requirements with respect to the applicant's board of directors; amending s. 408.039, F.S.; revising the scope of review cycles and requirements for an applicant with respect to letters of intent and administrative hearings; eliminating review of equipment from review cycles; eliminating a requirement that letters of intent be filed with local health councils; revising content requirements of letters of intent; revising publication requirements for letters of intent; providing a timeframe for submitting a final order; amending s. 408.040, F.S.; extending the length of time that a certificate of need remains effective; deleting authority to extend the time that a certificate of need remains valid; amending s. 408.042, F.S.; increasing the validity period of a certificate of need; amending s. 408.043, F.S.; deleting a provision providing for the validity of a certificate of need; providing that private accreditation is not required for issuance or maintenance of a certificate of need; amending s. 408.0455, F.S.; providing for continuation of certain rules and pending administrative or judicial proceedings; amending s. 408.702, F.S., relating to project monitoring and community health purchasing alliances; conforming cross references; amending ss. 400.602 and 641.60, F.S., relating to hospice licensure for certain entities and the Statewide Managed Care Ombudsman Committee; conforming cross-references; repealing ss. 408.0365 and 408.0366, F.S., relating to certain exemptions from certificate-of-need regulation; providing applicability; providing an effective date.

Senator Brown-Waite moved the following amendments to **Amendment 2** which were adopted:

Amendment 2A (with title amendment)—On page 13, lines 23 and 24, delete those lines and insert:

(b) Research, education, and training programs.

And the title is amended as follows:

On page 34, lines 9-11, delete those lines and insert: expedited review of cost overruns; eliminating

Amendment 2B—On page 26, lines 10 and 11, delete those lines and insert: *an administrative hearing upon a showing that an established program will be substantially affected by the issuance of any*

Amendment 2 as amended was adopted.

On motion by Senator Brown-Waite, by two-thirds vote **CS for SB 238** 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

Madam President	Dantzler	Jones	Rossin
Bronson	Diaz-Balart	Kirkpatrick	Scott
Brown-Waite	Dudley	Klein	Silver
Burt	Dyer	Kurth	Sullivan
Campbell	Forman	Latvala	Thomas
Casas	Grant	Lee	Turner
Childers	Gutman	McKay	Williams
Clary	Harris	Meadows	
Cowin	Horne	Myers	
Crist	Jenne	Ostalkiewicz	

Nays—None

SB 354—A bill to be entitled An act relating to public records requirements; amending s. 409.175, F.S., exempting from s. 119.07(1), F.S., and from s. 24(a), Art. I of the State Constitution certain information contained in files that pertain to the licensure of family foster homes, residential child-caring agencies, and child-placing agencies; providing for repeal and for legislative review of the exemption; providing a rationale for the exemption; providing an effective date.

—was read the second time by title.

The Committee on Children, Families and Seniors recommended the following amendments which were moved by Senator Hargrett and adopted:

Amendment 1—On page 1, line 26, before "*neighbor*" insert: *identifying information in*

Amendment 2—On page 1, line 29, before "*similar*" insert: *identifying information in*

Amendment 3—On page 1, line 31, after the period (.) insert: *This provision shall apply to all individuals who were foster parents and became adoptive parents.*

On motion by Senator Hargrett, by two-thirds vote **SB 354** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Madam President	Dantzler	Horne	Myers
Bankhead	Diaz-Balart	Jenne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Sullivan
Casas	Gutman	Latvala	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Cowin

On motion by Senator Gutman, by two-thirds vote **HB 1529** was withdrawn from the Committees on Regulated Industries and Community Affairs.

On motion by Senator Gutman—

HB 1529—A bill to be entitled An act relating to alcoholic beverages; amending s. 561.01, F.S.; providing a definition for an entertainment/resort complex; amending s. 561.02, F.S.; providing legislative intent; amending s. 562.14, F.S.; prohibiting certain vendors from allowing licensed premises to be rented, leased, or otherwise used during the hours in which the sale of alcoholic beverages is prohibited; providing exceptions; amending s. 562.45, F.S.; prohibiting counties or incorporated municipalities from adopting certain ordinances with respect to alcoholic beverages; providing exceptions; providing an effective date.

—a companion measure, was substituted for **CS for SB 470** and read the second time by title. On motion by Senator Gutman, by two-thirds vote **HB 1529** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Dantzler	Jenne	Rossin
Bankhead	Diaz-Balart	Jones	Scott
Bronson	Dyer	Kirkpatrick	Silver
Brown-Waite	Forman	Klein	Sullivan
Burt	Grant	Kurth	Thomas
Casas	Gutman	Lee	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	
Crist	Horne	Ostalkiewicz	

Nays—2

Campbell	Dudley

On motion by Senator Latvala, by two-thirds vote **CS for HB 329** was withdrawn from the Committees on Health Care; and Ways and Means.

On motion by Senator Latvala—

CS for HB 329—A bill to be entitled An act relating to mental health services; amending s. 456.32, F.S.; including specified mental health professionals within the definition of "practitioner of the healing arts"; amending s. 490.003, F.S.; revising and providing definitions relating to the regulation of psychological services; amending s. 490.005, F.S.; conforming cross-references; creating s. 490.0051, F.S.; providing for provisional licensure; repealing s. 490.008, F.S., relating to inactive status; amending s. 490.009, F.S.; revising and providing grounds for disciplinary action; amending s. 490.012, F.S.; providing requirements for display of licenses and provisional licenses; eliminating a requirement relating to use of the license number on professional advertisements; providing requirements for promotional materials of provisional licensees; conforming cross-references; providing penalties; amending s. 490.014, F.S.; clarifying applicability of exemption provisions; removing an obsolete licensing exemption that required registration of certain trainees or interns; amending s. 491.003, F.S.; revising and providing definitions relating to the regulation of clinical, counseling, and psychotherapy services; creating s. 491.0045, F.S.; requiring registration of interns and providing requirements thereof; creating s. 491.0046, F.S.; providing for provisional licensure; amending s. 491.005, F.S.; revising requirements for licensure by examination; providing for additional educational requirements at a future date; creating s. 491.0057, F.S.; providing for dual licensure as a marriage and family therapist; amending s. 491.007, F.S.; providing for biennial renewal of registrations; providing for fees; amending s. 491.009, F.S.; revising and providing grounds for disciplinary action; amending s. 491.012, F.S.; prohibiting the use of certain titles under certain circumstances; providing a penalty; amending s. 491.014, F.S.; revising and clarifying exemption provisions; removing an obsolete licensing exemption that required registration of certain trainees or interns; amending s. 491.0149, F.S.; requiring display of registrations and provisional licenses and use of applicable professional titles on promotional materials; amending ss. 232.02, 394.455, F.S.; conforming cross-references; providing effective dates.

—a companion measure, was substituted for **CS for SB 490** and read the second time by title. On motion by Senator Latvala, by two-thirds vote **CS for HB 329** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Clary	Grant	Klein
Bankhead	Cowin	Gutman	Kurth
Bronson	Crist	Harris	Latvala
Brown-Waite	Dantzler	Holzendorf	Lee
Burt	Diaz-Balart	Horne	McKay
Campbell	Dudley	Jenne	Meadows
Casas	Dyer	Jones	Myers
Childers	Forman	Kirkpatrick	Ostalkiewicz
Rossin	Silver	Turner	Williams
Scott	Thomas		

Nays—None

Vote after roll call:

Yea—Hargrett, Sullivan

Consideration of **CS for CS for SB 514** and **CS for SB 564** was deferred.

On motion by Senator Dudley, by two-thirds vote **CS for CS for HB 169** was withdrawn from the Committees on Regulated Industries; Judiciary; and Ways and Means.

On motion by Senator Dudley—

CS for CS for HB 169—A bill to be entitled An act relating to the Florida Uniform Land Sales Practices Law; amending s. 498.005, F.S.; providing definitions; amending s. 498.007, F.S.; revising provisions with respect to the general powers and duties of the Division of Florida Land Sales, Condominiums, and Mobile Homes; amending s. 498.011, F.S.; revising provisions with respect to per diem and mileage; amending s. 498.017, F.S.; revising certain fees; deleting certain fees; amending s. 498.022, F.S.; revising provisions with respect to jurisdiction over fraudulent acts; providing that it is a violation of the act to dispose of, conceal, or divert any funds or assets of any person so as to adversely affect the interest of a purchaser; amending s. 498.023, F.S.; providing additional criteria with respect to permitted disposal of an interest in subdivided lands; amending s. 498.024, F.S.; revising provisions with respect to reservations; amending s. 498.025, F.S.; revising provisions with respect to exemptions; amending s. 498.027, F.S.; revising provisions with respect to application for registration; amending s. 498.029, F.S.; eliminating the registration of certain subdivided lands; amending s. 498.031, F.S.; providing for the time period during which registration becomes effective; revising provisions with respect to inquiry and examination; amending s. 498.033, F.S.; revising provisions with respect to the registration of subdivided lands; amending s. 498.035, F.S.; authorizing, rather than requiring, the division to approve advertising material; revising provisions with respect to advertising material; requiring the full disclosure of certain pertinent information; amending s. 498.037, F.S.; revising provisions with respect to public offering statements; amending s. 498.039, F.S.; revising provisions with respect to certain trust and escrow accounts; amending s. 498.041, F.S.; revising provisions with respect to annual renewal; providing for termination of registration; amending s. 498.047, F.S., relating to investigations; amending s. 498.059, F.S.; providing penalties with respect to certain violations; providing an effective date.

—a companion measure, was substituted for **CS for SB 650** and read the second time by title. On motion by Senator Dudley, by two-thirds vote **CS for CS for HB 169** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Dantzler	Jenne	Rossin
Bronson	Diaz-Balart	Jones	Scott
Brown-Waite	Dudley	Kirkpatrick	Silver
Burt	Dyer	Klein	Sullivan
Campbell	Forman	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Hargrett, Lee

MOTION

On motion by Senator Williams, the following remarks were ordered spread upon the Journal:

Senator Williams: Senator Dudley, the bill contains an exemption known as "The Builder's Exemption" for sellers that have a contractual obligation to build a house on the lot within two years. I want to know if that exemption includes the situation in which one corporation agrees to sell the lot in separate corporation contracts to construct the house?

Senator Dudley: Senator Williams, for the record, let me tell you the answer to your question is yes. As long as the purchase contracts are integrated; that is, the seller of the lot and the one who is contracting to build. Further provided that the builder's property license is required by state law. The intent here is that if both of those seller contracts are legally enforceable by the purchaser of the lot so that, as in your amendment, the purchaser of the lot can enforce it by specific performance. That's what is necessary to get this exemption.

SB 660—A bill to be entitled An act relating to public records and meetings; providing for application of public records exemptions in ss. 455.225(2) and (10) and 455.261(3)(e) and (5)(a), F.S., to certain information concerning provisional psychologists, registered clinical social worker interns, registered marriage and family therapist interns, registered mental health counselor interns, provisional clinical social workers, provisional marriage and family therapists, and provisional mental health counselors; providing for application of the public meetings exemption in s. 455.225(4), F.S., to proceedings of a probable cause panel with respect to investigations concerning such practitioners; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was read the second time by title.

An amendment was considered to conform **SB 660** to **CS for HB 605**.

Pending further consideration of **SB 660** as amended, on motion by Senator Holzendorf, by two-thirds vote **CS for HB 605** was withdrawn from the Committees on Health Care; and Governmental Reform and Oversight.

On motion by Senator Holzendorf—

CS for HB 605—A bill to be entitled An act relating to public records and meetings; providing for application of public records exemptions in ss. 455.225(2) and (10) and 455.261(3)(e) and (5)(a), F.S., to certain information concerning provisional psychologists, registered clinical social worker interns, registered marriage and family therapist interns, registered mental health counselor interns, provisional clinical social workers, provisional marriage and family therapists, and provisional mental health counselors; providing for application of the public meetings exemption in s. 455.225(4), F.S., to proceedings of a probable cause panel with respect to investigations concerning such practitioners; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **SB 660** as amended and read the second time by title. On motion by Senator Holzendorf, by two-thirds vote **CS for HB 605** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Gutman

Consideration of **SB 678** was deferred.

SB 686—A bill to be entitled An act relating to game and fresh water fish; amending s. 212.04, F.S.; providing an admissions tax exemption for freshwater fishing tournaments; amending s. 372.0222, F.S.; authorizing the Game and Fresh Water Fish Commission to advertise and promote wildlife diversity and recreational opportunities and to collect certain fees for services and information; authorizing the commission to adopt rules for purchasing advertising and promotional contractual services; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 686** to **CS for HB 841**.

Pending further consideration of **SB 686** as amended, on motion by Senator Kirkpatrick, by two-thirds vote **CS for HB 841** was withdrawn from the Committees on Natural Resources; and Ways and Means.

On motion by Senator Kirkpatrick—

CS for HB 841—A bill to be entitled An act relating to game and fresh water fish; amending s. 212.04, F.S.; providing an admissions tax exemption for freshwater fishing tournaments; amending s. 372.0222, F.S.; authorizing the Game and Fresh Water Fish Commission to advertise and promote wildlife diversity and recreational opportunities and to collect certain fees for services and information; authorizing the commission to adopt rules for purchasing advertising and promotional contractual services; amending s. 372.57, F.S.; requiring additional identification when required by the license or permits; providing an effective date.

—a companion measure, was substituted for **SB 686** as amended and read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote **CS for HB 841** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Dantzler	Horne	Myers
Bankhead	Diaz-Balart	Jenne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Sullivan
Casas	Gutman	Latvala	Thomas
Childers	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Clary

CS for SB 700—A bill to be entitled An act relating to securities transactions; amending s. 517.021, F.S.; providing definitions; amending s. 517.051, F.S.; deleting an exemption from securities registration requirements for investment companies; amending s. 517.07, F.S.; prohibiting the sale of certain securities; requiring the Department of Banking and Finance to issue a permit upon granting a registration; amending s. 517.081, F.S.; providing additional authority to the Department of Banking and Finance relating to registration requirements; providing for filing certain alternative information; providing requirements; amending ss. 517.082, 517.101, F.S.; deleting obsolete cross-references; amending s. 517.12, F.S.; exempting commodity trading advisers from certain registration requirements under certain circumstances; providing for a reduced assessment fee under certain circumstances; amending s. 517.1203, F.S.; providing for termination of allocation of certain assessment fee revenues to the Securities Guaranty Fund under certain circumstances; amending s. 517.131, F.S.; specifying an allocation of

certain assessment fee revenues to the Securities Guaranty Fund under certain circumstances; providing effective dates.

—was read the second time by title.

An amendment was considered to conform **CS for SB 700** to **HB 1097**.

Pending further consideration of **CS for SB 700** as amended, on motion by Senator Bronson, by two-thirds vote **HB 1097** was withdrawn from the Committees on Banking and Insurance; and Ways and Means.

On motion by Senator Bronson—

HB 1097—A bill to be entitled An act relating to securities transactions; amending s. 517.021, F.S.; revising definitions; amending s. 517.051, F.S.; deleting an exemption from securities registration requirements for investment companies; amending s. 517.07, F.S.; prohibiting the sale of certain securities; requiring the Department of Banking and Finance to issue a permit upon granting a registration; amending s. 517.081, F.S.; providing additional authority to the Department of Banking and Finance relating to registration requirements; providing for filing certain alternative information; providing requirements; amending ss. 517.082 and 517.101, F.S.; deleting obsolete cross references; amending s. 517.12, F.S.; exempting commodity trading advisers from certain registration requirements under certain circumstances; providing for a reduced assessment fee under certain circumstances; amending s. 517.1203, F.S.; providing for termination of allocation of certain assessment fee revenues to the Securities Guaranty Fund under certain circumstances; amending s. 517.131, F.S.; specifying an allocation of certain assessment fee revenues to the Securities Guaranty Fund under certain circumstances; providing effective dates.

—a companion measure, was substituted for **CS for SB 700** as amended and read the second time by title. On motion by Senator Bronson, by two-thirds vote **HB 1097** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Dantzler	Jenne	Rossin
Bronson	Diaz-Balart	Jones	Scott
Brown-Waite	Dudley	Kirkpatrick	Silver
Burt	Forman	Klein	Sullivan
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Latvala	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—McKay

SB 714—A bill to be entitled An act relating to mutual insurance holding companies; creating a new part III of chapter 628, F.S.; providing definitions; prohibiting certain stock transfers; providing application; providing for formation of mutual insurance holding companies; specifying requirements for a plan of reorganization; prohibiting payment of dividends; providing for mergers and acquisitions of mutual insurance holding companies; providing providing for filing and amending articles of incorporation; providing for bylaws; providing for directors; requiring notice of a change in director; providing for membership; providing for distribution of a member's share upon liquidation; providing for applicability; providing for conversion of a mutual insurance holding company to a stock holding company; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 714** to **HB 793**.

Pending further consideration of **SB 714** as amended, on motion by Senator Horne, by two-thirds vote **HB 793** was withdrawn from the Committees on Banking and Insurance; and Ways and Means.

On motion by Senator Horne—

HB 793—A bill to be entitled An act relating to mutual insurance holding companies; creating a new part III of chapter 628, F.S.; providing definitions; prohibiting certain stock transfers; providing application; providing for formation of mutual insurance holding companies; specifying requirements for a plan of reorganization; providing for a public hearing; prohibiting payment of dividends; providing for mergers and acquisitions of mutual insurance holding companies; providing for filing and amending articles of incorporation; providing for bylaws; providing for directors; requiring notice of a change in director; providing for membership; providing for distribution of a member's share upon liquidation; providing for applicability; providing for conversion of a mutual insurance holding company to a stock holding company; providing an effective date.

—a companion measure, was substituted for **SB 714** as amended and read the second time by title. On motion by Senator Horne, by two-thirds vote **HB 793** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Dantzler	Jones	Rossin
Bankhead	Diaz-Balart	Kirkpatrick	Scott
Bronson	Dudley	Klein	Silver
Brown-Waite	Dyer	Kurth	Sullivan
Burt	Grant	Latvala	Thomas
Casas	Hargrett	Lee	Turner
Childers	Harris	McKay	Williams
Clary	Holzendorf	Meadows	
Cowin	Horne	Myers	
Crist	Jenne	Ostalkiewicz	

Nays—2

Campbell	Forman

Vote after roll call:

Yea—Gutman

On motion by Senator Cowin, by two-thirds vote **CS for HB 83** was withdrawn from the Committees on Criminal Justice; and Ways and Means.

On motion by Senator Cowin—

CS for HB 83—A bill to be entitled An act relating to sexual battery; authorizing the court to sentence a defendant to be treated with medroxyprogesterone acetate (MPA) if the defendant is convicted of sexual battery; providing for mandatory treatment with medroxyprogesterone acetate (MPA) upon a subsequent conviction of sexual battery; providing for voluntary physical castration as an alternative penalty under specified circumstances; providing for medical determination of medroxyprogesterone acetate (MPA) treatment; providing for commencement, continuation, and termination of treatment; defining "prior conviction"; prohibiting the failure or refusal to appear for or allow the administration of medroxyprogesterone acetate (MPA); providing penalties; providing for severability of provisions held invalid; providing an effective date.

—a companion measure, was substituted for **CS for SB 774** and read the second time by title.

On motion by Senator Cowin, further consideration of **CS for HB 83** was deferred.

On motion by Senator Grant—

CS for SB's 818, 1136 and 1242—A bill to be entitled An act relating to the administration of trusts and estates; amending s. 689.225, F.S.; providing a statement of the rule against perpetuities; amending s. 709.08, F.S.; authorizing certain corporations to serve as an attorney in fact; amending s. 733.707, F.S.; increasing the ceiling on funeral expenses; defining the term "right of revocation" with respect to the order of payment of expenses and obligations of an estate; amending s.

737.111, F.S.; revising provisions with respect to execution requirements for express trusts; providing for the application of the section; amending s. 737.2041, F.S., relating to trustee's attorney's fee; revising procedures for determining attorney's fees; providing for determining fees for an attorney who is retained for limited services; revising the list of services that constitute ordinary services in an initial trust administration; deleting an exception from the applicability of presumptive fees for a corporate fiduciary that serves as a trustee or cotrustee; amending s. 737.303, F.S.; revising provisions with respect to the duty of the trustee to inform and account to beneficiaries to require information to the grantor with respect to certain trusts; amending s. 733.08, F.S.; providing for specified notice to the trustee and caveator; amending s. 518.112, F.S.; providing for delegation of investment functions; amending s. 733.817, F.S.; revising provisions of law with respect to the apportionment of estate taxes; amending s. 738.12, F.S.; providing conditions under which a trust beneficiary is considered an income beneficiary; amending s. 744.441, F.S.; increasing the ceiling on funeral expenses; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **CS for SB's 818, 1136 and 1242** to **HB 1411**.

Pending further consideration of **CS for SB's 818, 1136 and 1242** as amended, on motion by Senator Grant, by two-thirds vote **HB 1411** was withdrawn from the Committee on Judiciary.

On motion by Senator Grant—

HB 1411—A bill to be entitled An act relating to the administration of trusts and estates; amending s. 689.225, F.S.; providing a statement of the rule against perpetuities; amending s. 709.08, F.S.; authorizing certain corporations to serve as an attorney in fact; amending s. 733.707, F.S.; increasing the ceiling on funeral expenses; defining the term "right of revocation" with respect to the order of payment of expenses and obligations of an estate; amending s. 737.111, F.S.; revising provisions with respect to execution requirements for express trusts; providing for the application of the section; amending s. 737.2041, F.S., relating to trustee's attorney's fee; revising procedures for determining attorney's fees; providing for determining fees for an attorney who is retained for limited services; revising the list of services that constitute ordinary services in an initial trust administration; deleting an exception from the applicability of presumptive fees for a corporate fiduciary that serves as a trustee or cotrustee; amending s. 737.303, F.S.; revising provisions with respect to the duty of the trustee to inform and account to beneficiaries to require information to the grantor with respect to certain trusts; amending s. 737.308, F.S.; providing for specified notice to the trustee and caveator; amending s. 518.112, F.S.; providing for delegation of investment functions; amending s. 733.817, F.S.; revising provisions of law with respect to the apportionment of estate taxes; amending s. 738.12, F.S.; providing conditions under which a trust beneficiary is considered an income beneficiary; amending s. 744.441, F.S.; increasing the ceiling on funeral expenses; amending ss. 655.936 and 733.604, F.S.; providing requirements on opening certain safe-deposit boxes; requiring an inventory; requiring filing of inventories with the court; providing an effective date.

—a companion measure, was substituted for **CS for SB's 818, 1136 and 1242** as amended and read the second time by title. On motion by Senator Grant, by two-thirds vote **HB 1411** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

Vote after roll call:

Yea—Sullivan

SB 824—A bill to be entitled An act relating to community colleges; creating s. 240.383, F.S.; establishing the State Community College System Facility Enhancement Challenge Grant Program to aid community colleges in building high priority instructional and community-related capital facilities; providing for deposit of funds; requiring a capital facilities matching account within the direct-support organization of each community college to provide matching funds from private contributions; providing for matching appropriations; providing eligibility requirements; providing guidelines; providing for disbursement of unexpended funds; providing for naming of facilities; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 824** to **HB 615**.

Pending further consideration of **SB 824** as amended, on motion by Senator Horne, by two-thirds vote **HB 615** was withdrawn from the Committees on Education; and Ways and Means.

On motion by Senator Horne—

HB 615—A bill to be entitled An act relating to community colleges; creating s. 240.383, F.S.; establishing the State Community College System Facility Enhancement Challenge Grant Program to aid community colleges in building high priority instructional and community-related capital facilities; providing for deposit of funds; requiring a capital facilities matching account within the direct-support organization of each community college to provide matching funds from private contributions; providing for matching appropriations; providing eligibility requirements; providing guidelines; providing for disbursement of unexpended funds; providing for naming of facilities; providing an effective date.

—a companion measure, was substituted for **SB 824** as amended and read the second time by title. On motion by Senator Horne, by two-thirds vote **HB 615** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

On motion by Senator Horne, by two-thirds vote **CS for HB 617** was withdrawn from the Committees on Education; and Ways and Means.

On motion by Senator Horne—

CS for HB 617—A bill to be entitled An act relating to trust funds; creating the Community College Capital Facilities Matching Trust Fund within the Department of Education, to be administered by the State Board of Community Colleges; providing for source of moneys and purposes; providing for future review and termination or re-creation of the fund; providing a contingent effective date.

—a companion measure, was substituted for **SB 826** and read the second time by title. On motion by Senator Horne, by two-thirds vote **CS for HB 617** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Dantzler	Jenne	Rossin
Bronson	Dudley	Jones	Scott
Brown-Waite	Dyer	Kirkpatrick	Silver
Burt	Forman	Klein	Sullivan
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Latvala	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Lee

On motion by Senator Forman—

CS for SB 876—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Sea Turtle license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

—was read the second time by title.

Senator Forman moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 2, between lines 5 and 6, insert:

Section 3. Paragraph (h) is added to subsection (1) of section 370.12, Florida Statutes, 1996 Supplement, to read:

370.12 Marine animals; regulation.—

(1) PROTECTION OF MARINE TURTLES.—

(h) The department shall provide grants to coastal local governments, education institutions, and Florida-based nonprofit organizations to conduct marine turtle research, conservation, and education activities within the state. The department shall adopt by rule procedures for submitting grant applications and criteria for allocating available funds. The criteria must include the scope of the proposed activity, the relevance of the proposed activity to the recovery plans for marine turtles, the demand and public support for the proposed activity, the duration of the proposed activity, the availability of alternative funding, and the estimated cost of the activity. The secretary of the department shall appoint a committee of at least five members, including at least two nongovernmental representatives, to consider and choose grant recipients from proposals submitted by eligible entities. Committee members shall not receive any compensation from the department.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: amending s. 370.12, F.S.; creating a marine turtle grants program within the Department of Environmental Protection;

Amendment 2—On page 2, lines 6-9, delete those lines and insert:

Section 3. This act shall take effect July 1, 1997.

On motion by Senator Forman, by two-thirds vote **CS for SB 876** 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

Madam President	Campbell	Crist	Hargrett
Bankhead	Casas	Dantzler	Harris
Bronson	Childers	Dudley	Holzendorf
Brown-Waite	Clary	Dyer	Horne
Burt	Cowin	Forman	Jones
Kirkpatrick	Lee	Ostalkiewicz	Thomas
Klein	McKay	Rossin	Turner
Kurth	Meadows	Scott	Williams
Latvala	Myers	Silver	

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Grant, Gutman, Sullivan

On motion by Senator Rossin—

CS for SB 888—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing for the release of records of the Department of Children and Family Services which pertain to the investigation of the death of a disabled adult, elderly person, or child as a result of abuse, neglect, exploitation, or abandonment; authorizing any person or organization, or the Department of Children and Family Services, to petition the court to prohibit public disclosure of such records; providing for a presumption that disclosure is in the public interest; revising provisions to reflect the creation of the Department of Children and Family Services; amending s. 415.107, F.S.; providing for records involving the death of a disabled adult or an elderly person to be released pursuant to s. 119.07, F.S.; amending s. 415.51, F.S.; providing for records involving the death of a child to be released pursuant to s. 119.07, F.S.; providing an effective date.

—was read the second time by title.

Senator Rossin moved the following amendment:

Amendment 1 (with title amendment)—On page 2, line 26 through page 4, line 16, delete those lines and insert:

(b)1. In cases involving the death of a disabled adult or an elderly person as the result of abuse, neglect, or exploitation, *all records of the Department of Children and Family Services which pertain to the investigation of the abuse, neglect, or exploitation of that person are open except for information that identifies an individual other than an employee or agent of the Department of Children and Family Services, the deceased child, or the alleged perpetrator of the abuse, neglect, or abandonment that resulted in the death of the child, and except as provided in subsection (2). Inspection or production of the records shall be in accordance with subsection (2) in order to preserve confidentiality as required by federal law or state law, including, but not limited to, s. 394.4615. This subsection does not contravene s. 415.107, which protects the name of any person who reports the abuse, neglect, or exploitation of a disabled adult or an elderly person.* ~~there shall be a presumption that the best interest of the disabled adult or elderly person and the public interest will be served by full public disclosure of the circumstances of the investigation of the death and any other investigation concerning the disabled adult or elderly person.~~

2. In cases involving the death of a child as the result of abuse, neglect, or abandonment, *all records of the Department of Children and Family Services which pertain to the investigation of the abuse, neglect, or abandonment, of that child are open, except for information that identifies an individual and except as provided in subsection (2). Inspection or production of the records shall be in accordance with subsection (2) in order to preserve confidentiality as required by federal law or state law, including, but not limited to, s. 394.4615. This subsection does not contravene s. 415.51, which protects the name of any person who reports the abuse, neglect, or abandonment of a child.* ~~there shall be a presumption that the best interest of the child and the child's siblings and the public interest will be served by full public disclosure of the circumstances of the investigation of the death of the child and any other investigation concerning the child and the child's siblings.~~

And the title is amended as follows:

On page 1, lines 9-14, delete those lines and insert: revising provisions to reflect the

Senator Rossin moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—On page 2, line 14, after the word "*individual*" insert: *other than an employee or agent of the Department of Children*

and Family Services, the deceased child, or the alleged perpetrator of the abuse, neglect, or abandonment that resulted in the death of the child,

Amendment 1 as amended was adopted.

Senator Ostalkiewicz moved the following amendment:

Amendment 2 (with title amendment)—On page 8, between lines 2 and 3, insert:

Section 4. Section 415.513, Florida Statutes, 1996 Supplement, is amended to read:

415.513 Penalties relating to abuse reporting.—

(1) A person who is required by s. 415.504 to report known or suspected child abuse or neglect and who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. *In addition, a person who is named as a perpetrator in a false report under this subsection has a cause of action against the person who made the false report, and against any person who advised another to make a false report, for threefold the actual damages sustained and is entitled to minimum damages in the amount of $1,000 and reasonable fees and costs in the trial and appellate courts, if the plaintiff proves by the greater weight of the evidence that the report was false and that the plaintiff suffered damages as a result of the report.*

(2) A person who knowingly and willfully makes public or discloses any confidential information contained in the central abuse registry and tracking system or in the records of any child abuse or neglect case, except as provided in ss. 415.502-415.514, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) The department shall establish procedures for determining whether a false report of child abuse or neglect has been made and for submitting all identifying information relating to such a report to the appropriate law enforcement agency and the state attorney for prosecution.

(4) A person who knowingly and willfully makes a false report of child abuse or neglect, or who advises another to make a false report, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Anyone making a report who is acting in good faith is immune from any liability under this subsection.

(5) Each state attorney shall establish procedures to facilitate the prosecution of persons under this section.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 22, after the semicolon (;) insert: amending s. 415.513, F.S.; creating a civil cause of action for a person named as perpetrator in a false report against the person who made the false report;

POINT OF ORDER

Senator Rossin raised a point of order that pursuant to Rule 7.1 **Amendment 2** was not germane to the bill.

The President referred the point to Senator W. G. (Bill) Bankhead, Chairman of the Committee on Rules and Calendar.

Further consideration of **CS for SB 888** with pending **Amendment 2** was deferred.

Consideration of **CS for SB 904** was deferred.

On motion by Senator Dudley, by two-thirds vote **CS for HB 55** was withdrawn from the Committee on Judiciary.

On motion by Senator Dudley, the rules were waived and—

CS for HB 55—A bill to be entitled An act relating to child custody; amending s. 61.13, F.S.; providing for consideration of the child's primary caretaker, domestic violence, or child abuse in custody proceedings; reenacting ss. 39.408(3)(a) and 741.30(5)(a), F.S., relating to disposition hearings in dependency cases, and relating to temporary injunctions in domestic violence cases, to incorporate said amendment in references; providing an effective date.

—a companion measure, was substituted for **CS for SB 1006** and read the second time by title.

Senator Dudley moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (5) of section 28.241, Florida Statutes, 1996 Supplement, is amended to read:

28.241 Filing charges for trial and appellate proceedings.—

(5) The fees prescribed in this section do not include the service charges required by law for the clerk as provided in s. 28.24 or by other sections of the Florida Statutes. Service charges authorized by this section may not be added to any civil penalty imposed by chapter 316 or chapter 318. *Fees for injunctions concerning domestic violence shall be limited as provided in s. 741.30(2)(a).*

Section 2. Paragraph (b) of subsection (2) of section 44.102, Florida Statutes, 1996 Supplement, is amended to read:

44.102 Court-ordered mediation.—

(2) A court, under rules adopted by the Supreme Court:

(b) In circuits in which a family mediation program has been established and upon a court finding of a dispute, shall refer to mediation all or part of custody, visitation, or other parental responsibility issues as defined in s. 61.13. *Upon motion or request of a party,* a court shall not refer any case to mediation if it finds there has been a ~~significant~~ history of domestic *violence* ~~abuse~~ that would compromise the mediation process.

Section 3. Paragraph (b) of subsection (2) of section 61.13, Florida Statutes, 1996 Supplement, is amended, present paragraph (k) of subsection (3) of that section is redesignated as paragraph (m), and new paragraphs (k) and (l) are added to that subsection, to read:

61.13 Custody and support of children; visitation rights; power of court in making orders.—

(2)

(b)1. The court shall determine all matters relating to custody of each minor child of the parties in accordance with the best interests of the child and in accordance with the Uniform Child Custody Jurisdiction Act. It is the public policy of this state to assure that each minor child has frequent and continuing contact with both parents after the parents separate or the marriage of the parties is dissolved and to encourage parents to share the rights and responsibilities, and joys, of childrearing. After considering all relevant facts, the father of the child shall be given the same consideration as the mother in determining the primary residence of a child irrespective of the age or sex of the child.

2. The court shall order that the parental responsibility for a minor child be shared by both parents unless the court finds that shared parental responsibility would be detrimental to the child. ~~The court shall consider evidence of spousal or child abuse as evidence of detriment to the child. The court shall consider~~ Evidence that a parent has been convicted of a felony of the *third* ~~second~~ degree or higher involving domestic violence, as defined in s. 741.28 and chapter 775, *creates* ~~as~~ a rebuttable presumption of detriment to the child. If the presumption is not rebutted, shared parental responsibility, including visitation, residence of the child, and decisions made regarding the child, shall not be granted to the convicted parent. However, the convicted parent shall not be relieved of any obligation to provide financial support. If the court determines that shared parental responsibility would be detrimental to the child, it may order sole parental responsibility and make such arrangements for visitation as will best protect the child or abused spouse from further harm. *Whether or not there is a conviction of any offense of domestic violence or child abuse or the existence of an injunction for*

protection against domestic violence, the court shall consider evidence of domestic violence or child abuse as evidence of detriment to the child.

a. In ordering shared parental responsibility, the court may consider the expressed desires of the parents and may grant to one party the ultimate responsibility over specific aspects of the child's welfare or may divide those responsibilities between the parties based on the best interests of the child. Areas of responsibility may include primary residence, education, medical and dental care, and any other responsibilities which the court finds unique to a particular family.

b. The court shall order "sole parental responsibility, with or without visitation rights, to the other parent when it is in the best interests of" the minor child.

c. The court may award the grandparents visitation rights of a minor child if it is in the child's best interest. Grandparents shall have legal standing to seek judicial enforcement of such an award. Nothing in this section shall require that grandparents be made parties or given notice of dissolution pleadings or proceedings, nor shall grandparents have legal standing as "contestants" as defined in s. 61.1306. No court shall order that a child be kept within the state or jurisdiction of the court solely for the purpose of permitting visitation by the grandparents.

3. Access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records, shall not be denied to a parent because such parent is not the child's primary residential parent.

(3) For purposes of shared parental responsibility and primary residence, the best interests of the child shall include an evaluation of all factors affecting the welfare and interests of the child, including, but not limited to:

(k) Evidence that any party has knowingly provided false information to the court regarding a domestic violence proceeding pursuant to s. 741.30.

(l) Evidence of domestic violence or child abuse.

Section 4. Subsection (1) of section 741.28, Florida Statutes, is amended to read:

741.28 Domestic violence; definitions.—As used in ss. 741.28-741.31:

(1) "Domestic violence" means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, *kidnapping, false imprisonment*, or any criminal offense resulting in physical injury or death of one family or household member by another who is or was residing in the same single dwelling unit.

Section 5. Section 741.30, Florida Statutes, 1996 Supplement, is amended to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement.—

(1) There is created a cause of action for an injunction for protection against domestic violence.

(a) Any person described in paragraph (e), who is the victim of any act of domestic violence, or has reasonable cause to believe he or she *is in imminent danger of becoming* ~~may become~~ the victim of any act of domestic violence, has standing in the circuit court to file a sworn petition for an injunction for protection against domestic violence.

(b) This cause of action for an injunction may be sought whether or not any other cause of action is currently pending between the parties. However, the pendency of any such cause of action shall be alleged in the petition.

(c) In the event a subsequent cause of action is filed under chapter 61, any orders entered therein shall take precedence over any inconsistent provisions of an injunction issued under this section which addresses matters governed by chapter 61.

(d) A person's right to petition for an injunction shall not be affected by such person having left a residence or household to avoid domestic violence.

(e) This cause of action for an injunction may be sought by family or household members. No person shall be precluded from seeking injunctive relief pursuant to this chapter solely on the basis that such person is not a spouse.

(f) This cause of action for an injunction shall not require that *either party* ~~the petitioner~~ be represented by an attorney.

(g) Any person, including an officer of the court, who offers evidence or recommendations relating to the cause of action must either present the evidence or recommendations in writing to the court with copies to each party and their attorney, or must present the evidence under oath at a hearing at which all parties are present.

(h)~~(g)~~ Nothing in this section shall affect the title to any real estate.

(i)~~(h)~~ The court is prohibited from issuing mutual orders of protection. This does not preclude the court from issuing separate injunctions for protection against domestic violence where each party has complied with the provisions of this section. Compliance with the provisions of this section cannot be waived.

(2)(a) *Notwithstanding any other provision of law, the total charge, including any administration fees, law enforcement agency charges, and court costs or service charges, for any court to issue an injunction concerning domestic violence under chapter 741 or chapter 784 shall not exceed $50. The total charge by any law enforcement agency to serve an injunction or restraining order concerning violence shall not exceed $20. The remaining $30 fee collected for an injunction under chapter 741 shall only be applied to the initial $40 service charge collected by the clerk of the court as provided in s. 28.241(1).* In the event the victim does not have sufficient funds with which to pay filing fees to the clerk of the court or service fees to the sheriff or law enforcement agency and signs an affidavit stating so, the fees shall be waived by the clerk of the court or the sheriff or law enforcement agency to the extent necessary to process the petition and serve the injunction, subject to a subsequent order of the court relative to the payment of such fees.

(b) No bond shall be required by the court for the entry of an injunction.

(c)1. The clerk of the court shall assist petitioners in seeking both injunctions for protection against domestic violence and enforcement for a violation thereof as specified in this section.

2. All clerks' offices shall provide simplified petition forms for the injunction, any modifications, and the enforcement thereof, including instructions for completion.

3. The clerk of the court shall advise petitioners of the availability of affidavits of insolvency or indigence in lieu of payment for the cost of the filing fee, as provided in paragraph (a).

4. The clerk of the court shall ensure the petitioner's privacy to the extent practical while completing the forms for injunctions for protection against domestic violence.

5. The clerk of the court shall provide petitioners with a minimum of two certified copies of the order of injunction, one of which is serviceable and will inform the petitioner of the process for service and enforcement.

6. Clerks of court and appropriate staff in each county shall receive training in the effective assistance of petitioners as provided or approved by the Florida Association of Court Clerks.

7. The clerk of the court in each county shall make available informational brochures on domestic violence when such brochures are provided by local certified domestic violence centers.

8. The clerk of the court in each county shall distribute a statewide uniform informational brochure to petitioners at the time of filing for an injunction for protection against domestic or repeat violence when such brochures become available. *The brochure must include information about the effect of giving the court false information about domestic violence.*

(3)(a) The sworn petition shall allege the existence of such domestic violence and shall include the specific facts and circumstances upon the basis of which relief is sought.

(b) The sworn petition shall be in substantially the following form:

PETITION FOR
INJUNCTION FOR PROTECTION
AGAINST DOMESTIC VIOLENCE

Before me, the undersigned authority, personally appeared Petitioner (Name), who has been sworn and says that the following statements are true:

(a) Petitioner resides at: (address)

(Petitioner may furnish address to the court in a separate confidential filing if, for safety reasons, the petitioner requires the location of the current residence to be confidential.)

(b) Respondent resides at: (last known address)

(c) Respondent's last known place of employment: (name of business and address)

(d) Physical description of respondent: . . . .
Race . . . .
Sex . . . .
Date of birth . . . .
Height . . . .
Weight . . . .
Eye color . . . .
Hair color . . . .
Distinguishing marks or scars . . . .
(e) Aliases of respondent: . . . .

(f) Respondent is the spouse or former spouse of the petitioner or is any other person related by blood or marriage to the petitioner or is any other person who is or was residing within a single dwelling unit with the petitioner, as if a family, or is a person with whom the petitioner has a child in common, regardless of whether the petitioner and respondent are or were married or residing together, as if a family.

(g) The following describes any other cause of action currently pending between the petitioner and respondent: . . . . . .
. . . . . .

The petitioner should also describe any previous or pending attempts by the petitioner to obtain an injunction for protection against domestic violence in this or any other circuit, and the results of that attempt . . . . . .
. . . . . .
Case numbers should be included if available.

(h) Petitioner has suffered or has reasonable cause to fear *imminent* domestic violence because respondent has: . . . . . .

(i) Petitioner alleges the following additional specific facts: (mark appropriate sections)

. . . . Petitioner is the custodian of a minor child or children whose names and ages are as follows: . . . . . .

. . . . Petitioner needs the exclusive use and possession of the dwelling that the parties share.

. . . . Petitioner is unable to obtain safe alternative housing because: . . . . . .

. . . . Petitioner genuinely fears that respondent *imminently* will abuse, remove, or hide the minor child or children from petitioner because: . . . . . .
. . . . . .

(j) Petitioner genuinely fears *imminent* domestic violence by respondent.

(k) Petitioner seeks an injunction: (mark appropriate section or sections)

. . . . Immediately restraining the respondent from committing any acts of domestic violence.

. . . . Restraining the respondent from committing any acts of domestic violence.

. . . . Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

. . . . Awarding temporary custody of, or temporary visitation rights with regard to, the minor child or children of the parties, or prohibiting or limiting visitation to that which is supervised by a third party.

. . . . Establishing temporary support for the minor child or children or the petitioner.

. . . . Directing the respondent to participate in a batterers' intervention program or other treatment pursuant to s. 415.601.

. . . . Providing any terms the court deems necessary for the protection of a victim of domestic violence, or any minor children of the victim, including any injunctions or directives to law enforcement agencies.

(c) Every petition for an injunction against domestic violence shall contain, directly above the signature line, a statement in all capital letters and bold type not smaller than the surrounding text, as follows:

I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN SECTION 837.02, FLORIDA STATUTES.

(initials)

(d) If the sworn petition seeks to determine issues of custody or visitation with regard to the minor child or children of the parties, the sworn petition shall be accompanied by or shall incorporate the allegations required by s. 61.132 of the Uniform Child Custody Jurisdiction Act.

(4) Upon the filing of the petition, the court shall set a hearing to be held at the earliest possible time. The respondent shall be personally served with a copy of the petition, financial affidavit, uniform child custody jurisdiction act affidavit, if any, notice of hearing, and temporary injunction, if any, prior to the hearing.

(5)(a) When it appears to the court that an immediate and present danger of domestic violence exists, the court may grant a temporary injunction ex parte, pending a full hearing, and may grant such relief as the court deems proper, including an injunction:

1. Restraining the respondent from committing any acts of domestic violence.

2. Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

3. On the same basis as provided in s. 61.13(2), (3), (4), and (5), granting to the petitioner temporary custody of a minor child or children.

(b) In a hearing ex parte for the purpose of obtaining such ex parte temporary injunction, no evidence other than verified pleadings or affidavits shall be used as evidence, unless the respondent appears at the hearing or has received reasonable notice of the hearing. A denial of a petition for an ex parte injunction shall be by written order noting the legal grounds for denial. When the only ground for denial is no appearance of an immediate and present danger of domestic violence, the court shall set a full hearing on the petition for injunction with notice at the earliest possible time. Nothing herein affects a petitioner's right to promptly amend any petition, or otherwise be heard in person on any petition consistent with the Florida Rules of Civil Procedure.

(c) Any such ex parte temporary injunction shall be effective for a fixed period not to exceed 15 days. A full hearing, as provided by this section, shall be set for a date no later than the date when the temporary injunction ceases to be effective. The court may grant a continuance of the ~~ex parte injunction and the full~~ hearing before or during a hearing for good cause shown by any party, which shall include a continuance to obtain service of process. *Any injunction shall be extended if necessary to remain in full force and effect during any period of continuance.*

(6)(a) Upon notice and hearing, the court may grant such relief as the court deems proper, including an injunction:

1. Restraining the respondent from committing any acts of domestic violence.

2. Awarding to the petitioner the exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

3. On the same basis as provided in chapter 61, awarding temporary custody of, or temporary visitation rights with regard to, a minor child or children of the parties.

4. On the same basis as provided in chapter 61, establishing temporary support for a minor child or children or the petitioner.

5. Ordering the respondent to participate in treatment, intervention, or counseling services *to be paid for by the respondent. When the court orders the respondent to participate in a batterers' intervention program, the court, or any entity designated by the court, must provide the respondent with a list of all certified batterers' intervention programs and all programs which have submitted an application to the Department of Corrections to become certified under s. 741.325, from which the respondent must choose a program in which to participate. If there are no certified batterers' intervention programs in the circuit, the court shall provide a list of acceptable programs from which the respondent must choose a program in which to participate.*

6. Referring a petitioner to a certified domestic violence center. The court must provide the petitioner with a list of certified domestic violence centers in the circuit which the petitioner may contact.

7.~~6.~~ Ordering such other relief as the court deems necessary for the protection of a victim of domestic violence, including injunctions or directives to law enforcement agencies, as provided in this section.

(b) *The terms of an injunction restraining the respondent under subparagraph (a)1. or ordering other relief for the protection of the victim under subparagraph (a)7. shall remain in effect until modified or dissolved.* ~~Any relief granted by the injunction shall be granted for a fixed period not to exceed 1 year, unless upon petition of the victim the court extends the injunction for successive fixed periods not to exceed 1 year. Broad discretion resides with the court to grant an extension after considering the circumstances.~~ *Either party may move at any time to modify or dissolve the injunction.* No specific allegations are required. Such relief may be granted in addition to other civil or criminal remedies.

(c) A temporary or final judgment on injunction for protection against domestic violence entered pursuant to this section shall, on its face, indicate that:

1. The injunction is valid and enforceable in all counties of the State of Florida.

2. Law enforcement officers may use their arrest powers pursuant to s. 901.15(6) to enforce the terms of the injunction.

3. The court had jurisdiction over the parties and matter under the laws of Florida and that reasonable notice and opportunity to be heard was given to the person against whom the order is sought sufficient to protect that person's right to due process.

4. The date respondent was served with the temporary or final order, if obtainable.

(d) An injunction for protection against domestic violence entered pursuant to this section, on its face, may order that the respondent attend a batterers' intervention program as a condition of the injunction. Unless the court makes written factual findings in its judgment or order which are based on substantial evidence, stating why batterers' intervention programs would be inappropriate, the court shall order the respondent to attend a batterers' intervention program if:

1. It finds that the respondent willfully violated the ex parte injunction;

2. The respondent, in this state or any other state, has been convicted of, had adjudication withheld on, or pled nolo contendere to a crime involving violence or a threat of violence; or

3. The respondent, in this state or any other state, has had at any time a prior injunction for protection entered against the respondent after a hearing with notice.

It is ~~preferred, but not~~ mandatory~~,~~ that such programs be certified under s. 741.32.

(e) The fact that a separate order of protection is granted to each opposing party shall not be legally sufficient to deny any remedy to either party or to prove that the parties are equally at fault or equally endangered.

(7)(a)1. The clerk of the court shall furnish a copy of the petition, financial affidavit, uniform child custody jurisdiction act affidavit, if any, notice of hearing, and temporary injunction, if any, to the sheriff or a law enforcement agency of the county where the respondent resides or can be found, who shall serve it upon the respondent as soon thereafter as possible on any day of the week and at any time of the day or night. The clerk of the court shall be responsible for furnishing to the sheriff such information on the respondent's physical description and location as is required by the department to comply with the verification procedures set forth in this section. Notwithstanding any other provision of law to the contrary, the chief judge of each circuit, in consultation with the appropriate sheriff, may authorize a law enforcement agency within the jurisdiction to effect service. A law enforcement agency serving injunctions pursuant to this section shall use service and verification procedures consistent with those of the sheriff.

2. When an injunction is issued, if the petitioner requests the assistance of a law enforcement agency, the court may order that an officer from the appropriate law enforcement agency accompany the petitioner and assist in placing the petitioner in possession of the dwelling or residence, or otherwise assist in the execution or service of the injunction. A law enforcement officer shall accept a copy of an injunction for protection against domestic violence, certified by the clerk of the court, from the petitioner and immediately serve it upon a respondent who has been located but not yet served.

3. All orders issued, changed, continued, extended, or vacated subsequent to the original service of documents enumerated under subparagraph 1., shall be certified by the clerk of the court and delivered to the parties at the time of the entry of the order. The parties may acknowledge receipt of such order in writing on the face of the original order. In the event a party fails or refuses to acknowledge the receipt of a certified copy of an order, the clerk shall note on the original order that service was effected. If delivery at the hearing is not possible, the clerk shall mail certified copies of the order to the parties at the last known address of each party. Service by mail is complete upon mailing. When an order is served pursuant to this subsection, the clerk shall prepare a written certification to be placed in the court file specifying the time, date, and method of service and shall notify the sheriff.

If the respondent has been served previously with the temporary injunction and has failed to appear at the initial hearing on the temporary injunction, any subsequent petition for injunction seeking an extension of time may be served on the respondent by the clerk of the court by certified mail in lieu of personal service by a law enforcement officer.

(b) There shall be created a Domestic and Repeat Violence Injunction Statewide Verification System within the Department of Law Enforcement. The department shall establish, implement, and maintain a statewide communication system capable of electronically transmitting information to and between criminal justice agencies relating to domestic violence injunctions and repeat violence injunctions issued by the courts throughout the state. Such information must include, but is not limited to, information as to the existence and status of any injunction for verification purposes.

(c)1. Within 24 hours after the court issues an injunction for protection against domestic violence or changes, continues, extends, or vacates an injunction for protection against domestic violence, the clerk of the court must forward a certified copy of the injunction for service to the sheriff with jurisdiction over the residence of the petitioner. The injunction must be served in accordance with this subsection.

2. Within 24 hours after service of process of an injunction for protection against domestic violence upon a respondent, the law enforcement officer must forward the written proof of service of process to the sheriff with jurisdiction over the residence of the petitioner.

3. Within 24 hours after the sheriff receives a certified copy of the injunction for protection against domestic violence, the sheriff must make information relating to the injunction available to other law enforcement agencies by electronically transmitting such information to the department.

4. Within 24 hours after the sheriff or other law enforcement officer has made service upon the respondent and the sheriff has been so notified, the sheriff must make information relating to the service available

to other law enforcement agencies by electronically transmitting such information to the department.

5. Within 24 hours after an injunction for protection against domestic violence is vacated, terminated, or otherwise rendered no longer effective by ruling of the court, the clerk of the court must notify the sheriff receiving original notification of the injunction as provided in subparagraph 2. That agency shall, within 24 hours after receiving such notification from the clerk of the court, notify the department of such action of the court.

(8)(a) The court may enforce a violation of an injunction for protection against domestic violence through a civil or criminal contempt proceeding, or the state attorney may prosecute it as a criminal violation under s. 741.31. The court may enforce the respondent's compliance with the injunction through any appropriate civil and criminal remedies, including, but not limited to, a monetary assessment or a fine. The clerk of the court shall collect and receive such assessments or fines. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph to the State Treasury for deposit in the Domestic Violence Trust Fund established in s. 741.01.

(b) If the respondent is arrested by a law enforcement officer under s. 901.15(6) or for a violation of s. 741.31, the respondent shall be held in custody until brought before the court as expeditiously as possible for the purpose of enforcing the injunction and for admittance to bail in accordance with chapter 903 and the applicable rules of criminal procedure, pending a hearing.

(9) The petitioner or the respondent may move the court to modify or dissolve an injunction at any time.

Section 6. Subsection (4) of section 741.31, Florida Statutes, 1996 Supplement, is amended to read:

741.31 Violation of an injunction for protection against domestic violence.—

(4) A person who willfully violates an injunction for protection against domestic violence~~,~~ issued pursuant to s. 741.30, *or a foreign protection order accorded full faith and credit pursuant to s. 741.315,* by:

(a) Refusing to vacate the dwelling that the parties share;

(b) Going to the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member;

(c) Committing an act of domestic violence against the petitioner;

(d) Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the petitioner; or

(e) Telephoning, contacting, or otherwise communicating with the petitioner directly or indirectly, unless the injunction specifically allows indirect contact through a third party

is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 7. Section 741.315, Florida Statutes, is created to read:

741.315 Recognition of foreign protection orders.—

(1) As used in this section, the term "court of a foreign state" means a court of competent jurisdiction of a state of the United States, other than Florida; the District of Columbia; an Indian tribe; or a commonwealth, territory, or possession of the United States.

(2) Pursuant to 18 U.S.C. s. 2265, an injunction for protection against domestic violence issued by a court of a foreign state must be accorded full faith and credit by the courts of this state and enforced by a law enforcement agency as if it were the order of a Florida court issued under s. 741.30, s. 741.31, s. 784.046, or s. 784.047 and provided that the court had jurisdiction over the parties and the matter and that reasonable notice and opportunity to be heard was given to the person against whom the order is sought sufficient to protect that person's right to due process. Ex parte foreign injunctions for protection are not eligible for enforcement under this section unless notice and opportunity to be heard have been provided within the time required by the foreign state or tribal law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

(3) Notwithstanding s. 55.505 or any other provision to the contrary, neither residence in this state nor registration of foreign injunctions for protection shall be required for enforcement of this order by this state and failure to register the foreign order shall not be an impediment to its enforcement. The following registration procedure shall be available to protected persons who hold orders from a court of a foreign state.

(a) A protected person shall present a certified copy of a foreign order of protection to any sheriff in this state and request that the same be registered in the injunction registry. However, nothing in this section shall operate to preclude the enforcement of any order of protection determined by the law enforcement officer to be valid even if the protected person does not have a certified copy of the foreign protection order. It is not necessary that the protected person register the foreign order in the protected person's county of residence. Venue is proper throughout the state. The protected person must swear by affidavit, that to the best of the protected person's knowledge and belief, the attached certified copy of the foreign order, docket number . . . . . , issued in the state of . . . . . on . . . . . is currently in effect as written and has not been superseded by any other order and that the respondent has been given a copy of it.

(b) The sheriff shall examine the certified copy of the foreign order and register the order in the injunction registry, noting that it is a foreign order of protection. If not apparent from the face of the certified copy of the foreign order, the sheriff shall use best efforts to ascertain whether the order was served on the respondent. The Florida Department of Law Enforcement shall develop a special notation for foreign orders of protection. The sheriff shall assign a case number and give the protected person a receipt showing registration of the foreign order in this state. There shall be no fee for registration of a foreign order.

(c) The foreign order may also be registered by local law enforcement agencies upon receipt of the foreign order and any accompanying affidavits in the same manner described in paragraphs (a) and (b).

(4)(a) Law enforcement officers shall enforce foreign orders of protection as if they were entered by a court of this state. Upon presentation of a foreign protection order by a protected person, a law enforcement officer shall assist in enforcement of all of its terms, pursuant to federal law, except matters related to child custody, visitation, and support. As to those provisions only, enforcement may be obtained upon domestication of the foreign order pursuant to ss. 55.501-55.509 unless the foreign order is a "pickup order" or "order of bodily attachment" requiring the immediate return of a child.

(b) Before enforcing a foreign protection order, a law enforcement officer should confirm the identity of the parties present and review the order to determine that, on its face, it has not expired. Presentation of a certified or true copy of the protection order shall not be required as a condition of enforcement, provided that a conflicting certified copy is not presented by the respondent or the individual against whom enforcement is sought.

(c) A law enforcement officer shall use reasonable efforts to verify service of process.

(d) Service may be verified as follows:

1. By petitioner: Petitioner may state under oath that to the best of petitioner's knowledge, respondent was served with the order of protection because petitioner was present at time of service; respondent told petitioner he or she was served; another named person told petitioner respondent was served; or respondent told petitioner he or she knows of the content of the order and date of the return hearing.

2. By respondent: Respondent states under oath that he or she was or was not served with the order.

(e) Enforcement and arrest for violation of a foreign protection order shall be consistent with the enforcement of orders issued in this state.

(f) A law enforcement officer acting in good faith under this section and the officer's employing agency shall be immune from all liability, civil or criminal, that might otherwise be incurred or imposed by reason

of the officer's or agency's actions in carrying out the provisions of this section.

(g) Law enforcement shall not require petitioner to sign a registration affidavit as a condition of enforcement.

(h) A foreign order of protection shall remain in effect until the date of expiration on its face; or, if there is no expiration date on its face, a foreign order of protection shall remain in effect until expiration. If the order of protection states on its face that it is a permanent order, then there is no date of expiration.

(5) Any person who acts under this section and intentionally provides a law enforcement officer with a copy of an order of protection known by that person to be false or invalid, or who denies having been served with an order of protection when that person has been served with such order, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(6) In the event 18 U.S.C. s. 2265 is held to be unconstitutional, this section shall be null and void.

Section 8. Subsection (7) of section 784.046, Florida Statutes, is amended, and subsection (11) is added to that section, to read:

784.046 Action by victim of repeat violence for protective injunction; powers and duties of court and clerk of court; filing and form of petition; notice and hearing; temporary injunction; issuance; statewide verification system; enforcement.—

(7) Upon notice and hearing, the court may grant such relief as the court deems proper, including an injunction:

(a) Enjoining the respondent from committing any acts of violence.

(b) Ordering such other relief as the court deems necessary for the protection of the petitioner, including injunctions or directives to law enforcement agencies, as provided in this section.

(c) *The terms of the injunction shall remain in full force and effect until modified or dissolved. Either party may move at any time to modify or dissolve the injunction.* ~~Any relief granted by the injunction shall be granted for a fixed period not to exceed 1 year, unless upon petition of the victim the court extends the injunction for successive fixed periods not to exceed 1 year.~~ Such relief may be granted in addition to other civil or criminal remedies.

(d) A temporary or final judgment on injunction for protection against repeat violence entered pursuant to this section shall, on its face, indicate that:

1. The injunction is valid and enforceable in all counties of the State of Florida.

2. Law enforcement officers may use their arrest powers pursuant to s. 901.15(6) to enforce the terms of the injunction.

3. The court had jurisdiction over the parties and matter under the laws of Florida and that reasonable notice and opportunity to be heard was given to the person against whom the order is sought sufficient to protect that person's right to due process.

4. The date that the respondent was served with the temporary or final order, if obtainable.

(11) A law enforcement officer acting in good faith under this section and the officer's employing agency shall be immune from all liability, civil or criminal, that might otherwise be incurred or imposed by reason of the officer's or agency's actions in carrying out the provisions of this section.

Section 9. Section 784.047, Florida Statutes, is amended to read:

784.047 Penalties for violating protective injunction against repeat violators.—A person who willfully violates an injunction for protection against repeat violence, issued pursuant to s. 784.046, *or a foreign protection order accorded full faith and credit pursuant to s. 741.315* by:

(1) Refusing to vacate the dwelling that the parties share;

(2) Going to the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member;

(3) Committing an act of repeat violence against the petitioner;

(4) Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the petitioner; or

(5) Telephoning, contacting, or otherwise communicating with the petitioner directly or indirectly, unless the injunction specifically allows indirect contact through a third party;

commits ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 10. Subsections (6), (7), and (8) of section 901.15, Florida Statutes, 1996 Supplement, are amended to read:

901.15 When arrest by officer without warrant is lawful.—A law enforcement officer may arrest a person without a warrant when:

(6) There is probable cause to believe that the person has committed a criminal act according to s. 741.31 or s. 784.047 which violates an injunction for protection entered pursuant to s. 741.30 or s. 784.046, *or a foreign protection order accorded full faith and credit pursuant to s. 741.315,* over the objection of the petitioner, if necessary.

(7) There is probable cause to believe that the person has committed:

(a) An act of domestic violence, as defined in s. 741.28;

(b) Child abuse, as defined in s. 827.04(2) and (3); or

(c) Any battery upon another person, as defined in s. 784.03.

With respect to an arrest for an act of domestic violence, the decision to arrest shall not require consent of the victim or consideration of the relationship of the parties. A law enforcement officer who acts in good faith and exercises due care in making an arrest under this subsection, *under s. 741.31(4) or s. 784.047, or pursuant to a foreign order of protection accorded full faith and credit pursuant to s. 741.315,* is immune from civil liability that otherwise might result by reason of his *or her* action.

(8) He has probable cause to believe that the person has knowingly committed an act of repeat violence in violation of an injunction for protection from repeat violence entered pursuant to s. 784.046 *or a foreign protection order accorded full faith and credit pursuant to s. 741.315.*

Section 11. Except for this section, section 1, and the amendment of section 741.30(2)(a), Florida Statutes, 1996 Supplement, which shall take effect upon this act becoming a law, this act shall take effect October 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to protection against domestic violence; amending s. 28.241, F.S.; limiting certain fees for injunctions relating to domestic violence; amending s. 44.102, F.S.; providing that a case is not referable to family mediation if the court finds there has been a history of domestic violence; amending s. 61.13, F.S., relating to child custody and support; providing for creation of a rebuttable presumption of detriment to a child upon evidence of a parent's conviction of a felony involving domestic violence; providing for evidence of domestic violence or child abuse to be considered by the court as evidence of detriment to the child; providing for consideration that a party has knowingly provided false information to the court regarding domestic violence or child abuse in custody proceedings; providing for consideration of domestic violence and child abuse in custody proceedings; providing for consideration of allegations of domestic violence or child abuse in custody proceedings; amending s. 741.28, F.S.; redefining "domestic violence" to include kidnapping and false imprisonment and other specified criminal offenses resulting in physical injury or death of one family or household member by another; amending s. 741.30, F.S.; providing for court orders to protect the children of the domestic violence victim's minor children; revising the period during which injunctive relief remains effective; providing for motion to modify or dissolve injunction by either party; providing for

indication of specified information on the face of a temporary or final judgment for protection against domestic violence; prescribing conditions under which persons may present evidence or recommendations; providing for information through the clerk of the court; specifying information to be included in the petition for injunction for protection from domestic violence; providing certain procedures after granting an ex parte injunction; requiring the court to provide respondents with a list of batterers' intervention programs; requiring certification of batterers' intervention programs; providing for petitioners to be referred to a certified domestic violence center; providing for petitioners to be provided a list of domestic violence centers which may be contacted; limiting total charges for issuing or serving injunctions or restraining orders relating to domestic violence; amending s. 741.31, F.S.; defining the offense of willfully violating a foreign protection order accorded full faith and credit by specified acts; providing penalties; creating s. 741.315, F.S.; requiring that an injunction for protection against domestic violence issued by a "court of a foreign state," as defined, be accorded full faith and credit; providing exceptions; providing for availability of a registration procedure to protected persons; providing duties of the Florida Department of Law Enforcement and sheriffs and other local law enforcement officers with respect to registration and enforcement of foreign protection order; providing certain immunity from civil and criminal liability to law enforcement officer and officer's employing agency; defining the offense of intentionally providing a law enforcement officer with a copy of protection order known to be invalid or denying having been served with protection order when served; providing penalties; amending s. 784.046, F.S., relating to action by victim of repeat violence for protective injunction; providing certain immunity from civil and criminal liability to law enforcement officer and officer's employing agency; revising period of duration of injunctive relief; amending s. 784.047, F.S., relating to penalties for violating protective injunction against repeat violators; defining offenses of willfully violating a foreign protection order accorded full faith and credit by committing specified acts; providing penalties; amending s. 901.15, F.S., relating to circumstances when arrest by officer without warrant is lawful; providing conforming terminology and cross-references; providing certain immunity from civil liability to law enforcement officer; providing effective dates.

On motion by Senator Dudley, by two-thirds vote **CS for HB 55** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Silver
Burt	Forman	Klein	Sullivan
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Latvala	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	

Nays—None

CS for SB 1012—A bill to be entitled An act relating to chiropractic; amending s. 460.403, F.S.; revising and providing definitions applicable to the regulation of chiropractic; eliminating the requirement of certification to practice phlebotomy or physiotherapy or to administer proprietary drugs; amending ss. 460.406 and 460.413, F.S., relating to licensure by examination and grounds for disciplinary action, to conform; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **CS for SB 1012** to **HB 1561**.

Pending further consideration of **CS for SB 1012** as amended, on motion by Senator Silver, by two-thirds vote **HB 1561** was withdrawn from the Committee on Health Care.

On motion by Senator Silver—

HB 1561—A bill to be entitled An act relating to chiropractic; amending s. 460.403, F.S.; revising and providing definitions applicable to the regulation of chiropractic; eliminating the requirement of certification to practice phlebotomy or physiotherapy or to administer proprietary drugs; amending ss. 460.406 and 460.413, F.S., relating to licensure by examination and grounds for disciplinary action, to conform; providing an effective date.

—a companion measure, was substituted for **CS for SB 1012** as amended and read the second time by title. On motion by Senator Silver, by two-thirds vote **HB 1561** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

SB 1092—A bill to be entitled An act relating to child support; amending s. 61.13, F.S.; providing for territorial restrictions to be included in a court order providing residential responsibility for children; authorizing relocation of residence under certain circumstances; providing guidelines; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 1092** to **HB 1421**.

Pending further consideration of **SB 1092** as amended, on motion by Senator Dantzler, by two-thirds vote **HB 1421** was withdrawn from the Committee on Judiciary.

On motion by Senator Dantzler—

HB 1421—A bill to be entitled An act relating to child custody; amending s. 61.13, F.S.; providing that no presumption shall arise in favor of or against a relocation request when a primary residential parent seeks to move the child; providing factors for the court to consider; creating s. 61.121, F.S.; providing for rotating custody of a child under certain circumstances; amending s. 61.052, F.S.; providing for rotating custody during a period of continuance; providing an effective date.

—a companion measure, was substituted for **SB 1092** as amended and read the second time by title. On motion by Senator Dantzler, by two-thirds vote **HB 1421** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

CS for CS for SB 1234—A bill to be entitled An act relating to condominiums and cooperatives; amending ss. 718.112, 719.106, F.S.; revising procedures relating to written complaints by unit owners; closing certain meetings of condominiums boards and committees to unit owners; amending s. 718.1255, F.S.; redefining the term "dispute"; adding mediation to the dispute resolution process; revising the arbitration

process; amending s. 718.116, F.S.; providing for payment of common expenses resulting from certain catastrophic events; amending ss. 718.501, 719.501, F.S.; providing rulemaking authority for penalties; providing for the certification of mediators; amending s. 718.616, F.S.; requiring acknowledgment of compliance with applicable zoning requirements; providing an effective date.

—was read the second time by title.

Senator Dudley moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 12, line 25 through page 15, line 6, delete section 3 and renumber subsequent sections.

And the title is amended as follows:

On page 1, lines 10-12, delete those lines and insert: arbitration process;

Amendment 2—On page 21, line 17 through page 23, line 28, delete those lines and insert:

Section 5. Paragraphs (a) and (c) of subsection (1) of section 719.106, Florida Statutes, 1996 Supplement, are amended to read:

719.106 Bylaws; cooperative ownership.—

(1) MANDATORY PROVISIONS.—The bylaws or other cooperative documents shall provide for the following, and if they do not, they shall be deemed to include the following:

(a) Administration.—

1. The form of administration of the association shall be described, indicating the titles of the officers and board of administration and specifying the powers, duties, manner of selection and removal, and compensation, if any, of officers and board members. In the absence of such a provision, the board of administration shall be composed of five members, except in the case of cooperatives having five or fewer units, in which case in not-for-profit corporations, the board shall consist of not fewer than three members. In the absence of provisions to the contrary, the board of administration shall have a president, a secretary, and a treasurer, who shall perform the duties of those offices customarily performed by officers of corporations. Unless prohibited in the bylaws, the board of administration may appoint other officers and grant them those duties it deems appropriate. Unless otherwise provided in the bylaws, the officers shall serve without compensation and at the pleasure of the board. Unless otherwise provided in the bylaws, the members of the board shall serve without compensation.

2. When a unit owner files a written *inquiry* ~~complaint~~ by certified mail with the board of administration, the board shall respond in writing to the unit owner within 30 days of receipt of the *inquiry* ~~complaint~~. The board's response shall either give a substantive response to the *inquirer* ~~complainant~~, notify the *inquirer* ~~complainant~~ that a legal opinion has been requested, or notify the *inquirer* ~~complainant~~ that advice has been requested from the division. If the board requests advice from the division, the board shall, within 10 days of its receipt of the advice, provide in writing a substantive response to the *inquirer* ~~complainant~~. If a legal opinion is requested, the board shall, within 60 days after the receipt of the *inquiry* ~~complaint~~, provide in writing a substantive response to the *inquirer* ~~complainant~~. The failure to provide a substantive response to the *inquirer* ~~complainant~~ as provided herein precludes the board from recovering attorney's fees and costs in any subsequent litigation, administrative proceeding, or arbitration arising out of the *inquiry* ~~complaint~~. *The association may, through its board of administration, adopt reasonable rules and regulations regarding the frequency and manner of responding to the unit owners' inquiries, one of which may be that the association is obligated to respond to only one written inquiry per unit in any given 30-day period. In such case, any additional inquiry or inquiries must be responded to in the subsequent 30-day period, or periods, as applicable.*

(c) Board of administration meetings.—Meetings of the board of administration at which a quorum of the members is present shall be open to all unit owners. Any unit owner may tape record or videotape meetings of the board of administration. The right to attend such meetings includes the right to speak at such meetings with reference to all designated agenda items. The division shall adopt reasonable rules governing the tape recording and videotaping of the meeting. The association may adopt reasonable rules governing the frequency, duration, and manner of unit owner statements. Adequate notice of all meetings shall be posted in a conspicuous place upon the cooperative property at least 48 continuous hours preceding the meeting, except in an emergency. Any item not included on the notice may be taken up on an emergency basis by at least a majority plus one of the members of the board. Such emergency action shall be noticed and ratified at the next regular meeting of the board. However, written notice of any meeting at which nonemergency special assessments, or at which amendment to rules regarding unit use, will be considered shall be mailed or delivered to the unit owners and posted conspicuously on the cooperative property not less than 14 days prior to the meeting. Evidence of compliance with this 14-day notice shall be made by an affidavit executed by the person providing the notice and filed among the official records of the association. Upon notice to the unit owners, the board shall by duly adopted rule designate a specific location on the cooperative property upon which all notices of board meetings shall be posted. Notice of any meeting in which regular assessments against unit owners are to be considered for any reason shall specifically contain a statement that assessments will be considered and the nature of any such assessments. Meetings of a committee to take final action on behalf of the board or to make recommendations to the board regarding the association budget are subject to the provisions of this paragraph. Meetings of a committee that does not take final action on behalf of the board or make recommendations to the board regarding the association budget are subject to the provisions of this section, unless those meetings are exempted from this section by the bylaws of the association. *Notwithstanding any other law to the contrary, the requirement that board meetings and committee meetings be open to the unit owners is inapplicable to meetings between the board or a committee and the association's attorney, with respect to proposed or pending litigation, when the meeting is held for the purpose of seeking or rendering legal advice.*

Section 6. Paragraphs (d) and (n) of subsection (1) of section 719.501, Florida Statutes, 1996 Supplement, are amended to read:

719.501 Powers and duties of Division of Florida Land Sales, Condominiums, and Mobile Homes.—

(1) The Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation, referred to as the "division" in this part, in addition to other powers and duties prescribed by chapter 498, has the power to enforce and ensure compliance with the provisions of this chapter and rules promulgated pursuant hereto relating to the development, construction, sale, lease, ownership, operation, and management of residential cooperative units. In performing its duties, the division shall have the following powers and duties:

(d) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or rule promulgated pursuant hereto has occurred, the division may institute enforcement proceedings in its own name against a developer, association, officer, or member of the board, or its assignees or agents, as follows:

On motion by Senator Dudley, by two-thirds vote **CS for CS for SB 1234** 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

Madam President	Dantzler	Horne	Myers
Bronson	Dudley	Jenne	Ostalkiewicz
Brown-Waite	Dyer	Jones	Rossin
Burt	Forman	Klein	Scott
Campbell	Grant	Kurth	Silver
Casas	Gutman	Latvala	Sullivan
Childers	Hargrett	Lee	Thomas
Cowin	Harris	McKay	Turner
Crist	Holzendorf	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Clary, Diaz-Balart

SB 1304—A bill to be entitled An act relating to aggravated battery; creating s. 784.078, F.S.; defining "facility"; defining the offense of aggravated battery by throwing, tossing, or expelling certain fluids or materials on an employee of a correctional facility of the state or local government or a secure facility operated and maintained by the Department of Corrections or the Department of Juvenile Justice, so as to cause or attempt to cause such employee to come into contact with the fluid or material; providing penalties; providing for placement of an offender on a management meal program under specified circumstances; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 1304** to **HB 1165**.

Pending further consideration of **SB 1304**, on motion by Senator McKay, by two-thirds vote **HB 1165** was withdrawn from the Committees on Criminal Justice; and Ways and Means.

On motion by Senator McKay—

HB 1165—A bill to be entitled An act relating to battery of facility employee; creating s. 784.078, F.S.; defining "facility"; defining "employee"; defining the offense of battery of facility employee by throwing, tossing, or expelling certain fluids or materials on an employee of a correctional facility of the state or local government or a secure facility operated and maintained by the Department of Corrections or the Department of Juvenile Justice or other facility employee, so as to cause or attempt to cause such employee to come into contact with the fluid or material; providing penalties; providing for placement of an offender on a management meal program under specified circumstances; providing an effective date.

—a companion measure, was substituted for **SB 1304** and read the second time by title.

Senator McKay moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 784.078, Florida Statutes, is created to read:

784.078 Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.—

(1) As used in this section, the term "facility" means a state correctional institution defined in s. 944.02(6); a private correctional facility defined in s. 944.710 or under chapter 957; a county, municipal, or regional jail or other detention facility of local government under chapter 950 or chapter 951; or a secure facility operated and maintained by the Department of Corrections or the Department of Juvenile Justice.

(2)(a) As used in this section, the term "employee" means any person employed by or performing contractual services for a public or private entity operating a facility.

(b) "Employee" includes any person who is a parole examiner with the Florida Parole Commission.

(3)(a) It is unlawful for any person, while being detained in a facility and with intent to harass, annoy, threaten, or alarm a person in a facility whom he or she knows or reasonably should know to be an employee of such facility, to cause or attempt to cause such employee to come into contact with blood, masticated food, regurgitated food, saliva, seminal fluid, or urine or feces, whether by throwing, tossing, or expelling such fluid or material.

(b)1. Any person who violates paragraph (a) commits battery of a facility employee, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. In addition to the penalties imposed under subparagraph 1., the administration of a facility may place a violator of paragraph (a) who is a prisoner as defined in s. 944.02 on a management meal program as specified by rules and regulations applicable to the facility.

Section 2. Paragraph (d) of subsection (3) of section 921.0012, Florida Statutes, 1996 Supplement, is amended to read:

921.0012 Sentencing guidelines offense levels; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(d) LEVEL 4
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer resulting in high-speed pursuit.
784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
784.075	3rd	Battery on detention or commitment facility staff.
784.078	*3rd*	*Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.*
784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
784.081(3)	3rd	Battery on specified official or employee.
784.082(3)	3rd	Battery by detained person on visitor or other detainee.
787.03(1)	3rd	Interference with custody; wrongly takes child from appointed guardian.
787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
790.115(2)(c)	3rd	Possessing firearm on school property.
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
810.06	3rd	Burglary; possession of tools.
810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
812.014(2)(c)3.	3rd	Grand theft, 3rd degree $10,000 or more but less than $20,000.
812.014 (2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
837.02(1)	3rd	Perjury in official proceedings.
837.021(1)	3rd	Make contradictory statements in official proceedings.
843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
874.05(1)	3rd	Encouraging or recruiting another to join a criminal street gang.

Florida Statute	Felony Degree	Description
893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), or (2)(a) or (b) drugs).
914.14(2)	3rd	Witnesses accepting bribes.
914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
918.12	3rd	Tampering with jurors.

Section 3. This act shall take effect October 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to battery of facility employee; creating s. 784.078, F.S.; defining "facility"; defining "employee"; defining the offense of battery of facility employee by throwing, tossing, or expelling certain fluids or materials on an employee of a correctional facility of the state or local government or a secure facility operated and maintained by the Department of Corrections or the Department of Juvenile Justice or other facility employee, so as to cause or attempt to cause such employee to come into contact with the fluid or material; providing penalties; providing for placement of an offender on a management meal program under specified circumstances; amending s. 921.0012, F.S.; providing for ranking the offense of battery of a facility employee for purposes of the statewide sentencing guidelines; providing an effective date.

Senator Gutman moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (with title amendment)—On page 2, between lines 19 and 20, insert:

Section 2. Subsection (1) of section 806.13, Florida Statutes, is amended, and subsection (7) is added to said section, to read:

806.13 Criminal mischief; penalties; penalty for minor.—

(1)(a) A person commits the offense of criminal mischief if he willfully and maliciously injures or damages by any means any real or personal property belonging to another, including, but not limited to, the placement of graffiti thereon or other acts of vandalism thereto.

(b)1. If the damage to such property is $200 or less, it is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

2. If the damage to such property is greater than $200 but less than $1,000, it is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

3. If the damage is $1,000 or greater, or if there is interruption or impairment of a business operation or public communication, transportation, supply of water, gas or power, or other public service which costs $1,000 or more in labor and supplies to restore, it is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4. If the person has one or more previous convictions for violating this subsection, the offense under subparagraph 1. or subparagraph 2. for which the person is charged shall be reclassified as a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(7) Because of the difficulty of confronting the blight of graffiti, it is the intent of the Legislature that cities and counties not be preempted by state law from establishing ordinances prohibiting the marking of graffiti or other graffiti-related offenses. Furthermore, as related to graffiti, such cities and counties shall not be preempted by state law from establishing higher penalties than those state law provides and mandatory penalties when state law provides discretionary penalties. Such higher and mandatory penalties include fines, community service, restitution, and forfeiture. Upon a finding that a juvenile has violated a graffiti-related ordinance, no court acting under chapter 39 shall provide a disposition of the case that is less severe than any mandatory penalties prescribed by municipal or county ordinance for such violation.

Section 3. Paragraph (d) is added to subsection (7) of section 901.15, Florida Statutes, 1996 Supplement, to read:

901.15 When arrest by officer without warrant is lawful.—A law enforcement officer may arrest a person without a warrant when:

(7) There is probable cause to believe that the person has committed:

(d) An act of criminal mischief or graffiti-related offense as defined in s. 806.13.

With respect to an arrest for an act of domestic violence, the decision to arrest shall not require consent of the victim or consideration of the relationship of the parties. A law enforcement officer who acts in good faith and exercises due care in making an arrest under this subsection is immune from civil liability that otherwise might result by reason of his action.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 5, line 3 through page 6, line 17, delete those lines and insert: An act relating to criminal justice; creating s. 784.078, F.S.; defining "facility"; defining "employee"; defining the offense of battery of facility employee by throwing, tossing, or expelling certain fluids or materials on an employee of a correctional facility of the state or local government or a secure facility operated and maintained by the Department of Corrections or the Department of Juvenile Justice or other facility employee, so as to cause or attempt to cause such employee to come into contact with the fluid or material; providing penalties; providing for placement of an offender on a management meal program under specified circumstances; amending s. 806.13, F.S., relating to criminal mischief offenses and penalties; providing for reclassification of a misdemeanor violation of said section involving less than $1,000 property damage when the offender has one or more prior convictions under said section; providing legislative intent; providing that a county or municipality is not preempted by state law from establishing an ordinance which prohibits the marking of graffiti or other graffiti-related offense and penalizes such offense with higher penalties than those provided by state law or with mandatory penalties; providing for the court to provide a disposition of the case no less severe than such higher or mandatory penalties in certain juvenile proceedings for violation of the ordinance; amending s. 901.15, F.S., relating to circumstances for arrest without a warrant; providing for such arrest when there is probable cause to believe that the person has committed criminal mischief or a graffiti-related offense; amending s. 921.0012, F.S.; providing for ranking the offense of battery of a facility employee for purposes of the statewide sentencing guidelines; providing an effective date.

Amendment 1 as amended was adopted.

On motion by Senator McKay, by two-thirds vote **HB 1165** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jenne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Silver
Burt	Forman	Klein	Sullivan
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Latvala	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	

Nays—None

CS for SB 1360—A bill to be entitled An act relating to elderly affairs; creating s. 430.071, F.S.; establishing the "Respite for Elders Living in Everyday Families" (RELIEF) program to be administered by the Office of Volunteer and Community Services in the Department of Elderly Affairs; providing for the screening, selection, and training of volunteers; providing other duties for the office; providing an appropriation; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **CS for SB 1360** to **CS for HB 1107**.

Pending further consideration of **CS for SB 1360** as amended, on motion by Senator Holzendorf, by two-thirds vote **CS for HB 1107** was withdrawn from the Committees on Children, Families and Seniors; and Ways and Means.

On motion by Senator Holzendorf—

CS for HB 1107—A bill to be entitled An act relating to elderly affairs; creating s. 430.071, F.S.; providing definitions; establishing the "Respite for Elders Living in Everyday Families" (RELIEF) program to be administered by the Office of Volunteer and Community Services in the Department of Elderly Affairs; providing for the screening, selection, and training of volunteers; providing other duties for the office; amending s. 430.502, F.S.; providing for a memory disorder clinic at Orlando Regional Healthcare System, Inc.; providing an effective date.

—a companion measure, was substituted for **CS for SB 1360** as amended and read the second time by title. On motion by Senator Holzendorf, by two-thirds vote **CS for HB 1107** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

CS for SB 1466—A bill to be entitled An act relating to the Department of Community Affairs; amending s. 163.3180, F.S.; revising an exemption to the concurrency requirements of local government comprehensive plans for development that constitutes a de minimis impact; amending s. 163.3184, F.S.; revising the definition of the term "in compliance"; revising the effective date of local government comprehensive plans or amendments in an area of critical state concern; amending s. 163.3187, F.S.; providing that certain counties may adopt certain small-scale amendments to the local government comprehensive plan; creating an exception to the requirement that local governments adopt plan amendments twice a year; amending s. 163.3189, F.S.; providing an exception, applicable to local governments in an area of critical state concern, to procedures for effectuating a comprehensive plan amendment after the commission's determination of noncompliance; amending s. 380.05, F.S.; providing for state land planning agency approval or rejection of certain local government land development regulations by agency order; providing for state land planning agency approval or rejection of certain local government comprehensive plans and amendments; amending s. 380.051, F.S.; deleting certain rulemaking duties of the department with respect to the Florida Keys area of critical state concern; amending s. 380.06, F.S.; deleting certain rulemaking duties of the department with respect to areawide developments of regional impact; requiring an evaluation of statutory provisions relating to evaluation and appraisal of comprehensive plans; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **CS for SB 1466** to **HB 1641**.

Pending further consideration of **CS for SB 1466** as amended, on motion by Senator Dyer, by two-thirds vote **HB 1641** was withdrawn from the Committees on Community Affairs and Natural Resources.

On motion by Senator Dyer—

HB 1641—A bill to be entitled An act relating to the Department of Community Affairs; amending s. 163.3180, F.S.; revising an exemption to the concurrency requirements of local government comprehensive plans for development that constitutes a de minimis impact; amending s. 163.3184, F.S.; revising the definition of the term "in compliance"; revising the effective date of local government comprehensive plans or amendments in an area of critical state concern; amending s. 163.3187, F.S.; providing that certain counties may adopt certain small-scale amendments to the local government comprehensive plan; creating an exception to the requirement that local governments adopt plan amendments twice a year; amending s. 163.3189, F.S.; providing an exception, applicable to local governments in an area of critical state concern, to procedures for effectuating a comprehensive plan amendment after the commission's determination of noncompliance; amending s. 380.05, F.S.; providing for state land planning agency approval or rejection of certain local government land development regulations by agency order; providing for state land planning agency approval or rejection of certain local government comprehensive plans and amendments; amending s. 380.051, F.S.; deleting certain rulemaking duties of the department with respect to the Florida Keys area of critical state concern; amending s. 380.06, F.S.; deleting certain rulemaking duties of the department with respect to areawide developments of regional impact; requiring an evaluation of statutory provisions relating to evaluation and appraisal of comprehensive plans; providing an effective date.

—a companion measure, was substituted for **CS for SB 1466** as amended and read the second time by title. On motion by Senator Dyer, by two-thirds vote **HB 1641** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—None

SB 1484—A bill to be entitled An act relating to lodging and food service establishments; amending s. 509.032, F.S.; providing standards for rules adopted by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 1484** to **CS for HB 1345**.

Pending further consideration of **SB 1484** as amended, on motion by Senator Gutman, by two-thirds vote **CS for HB 1345** was withdrawn from the Committee on Commerce and Economic Opportunities.

On motion by Senator Gutman—

CS for HB 1345—A bill to be entitled An act relating to public food service establishments; amending s. 509.032, F.S.; providing that certain rules adopted by the Division of Hotels and Restaurants shall provide alternative methods of achieving food protection in certain rules related to cooking and handling foods; providing an effective date.

—a companion measure, was substituted for **SB 1484** as amended and read the second time by title. On motion by Senator Gutman, by two-thirds vote **CS for HB 1345** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Madam President	Bronson	Casas	Cowin
Bankhead	Burt	Clary	Crist

Dantzler	Hargrett	Lee	Silver
Diaz-Balart	Harris	McKay	Sullivan
Dudley	Holzendorf	Meadows	Thomas
Dyer	Horne	Ostalkiewicz	Turner
Grant	Jones	Rossin	Williams
Gutman	Klein	Scott	

Nays—6

Brown-Waite	Forman	Latvala	Myers
Campbell	Kurth		

Vote after roll call:

Yea—Childers

CS for SB 1594—A bill to be entitled An act relating to outdoor power equipment; creating ss. 686.60-686.614, F.S.; regulating sales and distribution of, and dealer relationships relating to, outdoor power equipment; providing a short title; providing legislative findings and intent; providing definitions; providing application; providing for warranty agreements; providing for claims and compensation of dealers; providing for parts availability and return; providing for repurchase of inventory under certain circumstances; providing for compensation for inventory under certain circumstances; providing for indemnification of dealers under certain legal actions; specifying unlawful acts and practices; specifying unenforceable contracts or agreements; providing remedies; providing for effect on other remedies; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote **CS for SB 1594** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Jenne	Rossin
Bankhead	Dantzler	Jones	Scott
Bronson	Diaz-Balart	Klein	Silver
Brown-Waite	Dudley	Kurth	Sullivan
Burt	Forman	Latvala	Thomas
Campbell	Grant	Lee	Turner
Casas	Gutman	McKay	Williams
Childers	Hargrett	Meadows	
Clary	Harris	Myers	
Cowin	Holzendorf	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Horne

SB 1634—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for patient records and other identifying information concerning a complainant involved in a complaint to the statewide or a district managed care ombudsman committee; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was read the second time by title.

The Committee on Health Care recommended the following amendment which was moved by Senator Grant and adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *(1) The following information is confidential and exempt from the provisions of section 119.07(1), Florida Statutes, and section 24(a) of Article I of the State Constitution:*

(a) Patient records held by the statewide or a district managed care ombudsman committee created under sections 641.60 or 641.65, Florida Statutes, 1996 Supplement.

(b) The name or identity of a complainant who files a complaint with the statewide or a district managed care ombudsman committee, including any problem identified by the ombudsman committee as a result of an investigation, unless the complainant provides written consent that authorizes the release of his or her name or unless a court of competent jurisdiction orders that the name or identity of a complainant be disclosed.

Exemptions created under this subsection are subject to the Open Government Sunset Review Act of 1995, in accordance with section 119.15, Florida Statutes, and shall stand repealed on October 2, 2002, unless reviewed and saved from repeal by reenactment of the Legislature.

(2) The Legislature finds that it is a public necessity that patient records and any other identifying information concerning a complainant held by the statewide or a district managed care ombudsman committee be held confidential and exempt from the Public Records Law. The Legislature finds that the citizens of Florida benefit from the thorough investigation and prompt resolution of complaints regarding the quality of care provided by managed care programs. Investigation of complaints regarding quality of care often requires careful review of a patient's medical record. Such records, as well as other information contained in the complaint, often concern matters of a personal and private nature. Disclosure to the public of a patient's medical record, a complainant's identity, or other personal information would significantly discourage the filing of complaints. Consequently, the quality of care provided to the public would suffer. Therefore, the Legislature finds that the harm to the individual and the public in disclosing patient records and identifying information substantially outweighs the public benefit in allowing such disclosure.

Section 2. *(1) That portion of a committee meeting conducted by the statewide or a district managed care ombudsman committee created under sections 641.60 or 641.65, Florida Statutes, 1996 Supplement, where patient records and information identifying a complainant are discussed is exempt from the provisions of section 286.011, Florida Statutes, and section 24(b) of Article I of the State Constitution. The exemption created under this subsection is subject to the Open Government Sunset Review Act of 1995, in accordance with section 119.15, Florida Statutes, and shall stand repealed on October 2, 2002, unless reviewed and saved from repeal by reenactment of the Legislature.*

(2) The exemption created under subsection (1) overrides the important public policy of public access to portions of certain public discussions of governmental agencies because of the need to maintain consistency in the law relating to the management and handling of information of a personal and senstive nature involving private individuals. It is important that the statewide or a district managed care ombudsman committee be able to discuss such personal and sensitive information in detail so that an accurate evaluation can be made of the facts contained in a complaint. Dissemination to the public of information about a health maintenance organization or other managed care organization that is obtained through a complaint would have a chilling effect on the willingness of persons with knowledge of any substandard quality-of-care activities of such organizations to provide such information to the statewide or a district managed care ombudsman committee. Based on the evaluation of such committees, certain remedial actions may be required of health maintenance organizations or other managed care organizations which will serve to enhance overall quality of care rendered by any specific company involved and potentially the entire managed care industry. Furthermore, such information may provide grounds for investigation by the Agency for Health Care Administration or may assist the agency in carrying out its responsibilities of protecting the public.

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 9, after the semicolon (;) insert: making confidential and providing an exemption from public meetings requirements for portions of meetings of the statewide or a district managed care ombudsman committee during which certain information relating to complaints filed with such committees is discussed; providing for future review and repeal; providing a statement of public necessity;

On motion by Senator Grant, by two-thirds vote **SB 1634** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

CS for SB's 1678 and 2404—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.06, F.S.; exempting certain vessels used by vessel manufacturers and dealers solely for demonstration, sales promotional, and testing purposes from the tax on sales, use, and other transactions; providing a definition; providing for application; amending s. 212.11, F.S.; revising provisions which require dealers who paid $100,000 or more in tax in the prior year to make estimated tax payments; providing that certain dealers engaged in the sale of boats, motor vehicles, or aircraft may make estimated tax payments for a portion of sales, while remitting the tax for sales of $100,000 or more at the time of sale; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **CS for SB's 1678 and 2404** to **CS for HB 915**.

Pending further consideration of **CS for SB's 1678 and 2404** as amended, on motion by Senator Williams, by two-thirds vote **CS for HB 915** was withdrawn from the Committees on Commerce and Economic Opportunities; and Ways and Means.

On motion by Senator Williams—

CS for HB 915—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.06, F.S.; exempting certain vessels used by vessel manufacturers and dealers solely for demonstration, sales promotional, or testing purposes from said tax; providing a definition; providing for application; amending s. 212.11, F.S.; revising provisions which require dealers who paid $100,000 or more in tax in the prior year to make estimated tax payments; providing that certain dealers engaged in the sale of boats, motor vehicles, or aircraft may make estimated tax payments for a portion of sales, while remitting the tax for sales of $100,000 or more at the time of sale; providing an effective date.

—a companion measure, was substituted for **CS for SB's 1678 and 2404** as amended and read the second time by title.

Senator Rossin moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 4, between lines 4 and 5, insert:

Section 3. Paragraph (o) of subsection (7) of section 212.08, Florida Statutes, 1996 Supplement, is amended, and paragraph (nn) is added to that subsection, 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.—

(o) Religious, charitable, scientific, educational, and veterans' institutions and organizations.—

1. There are exempt from the tax imposed by this part transactions involving:

a. Sales or leases directly to churches or sales or leases of tangible personal property by churches;

b. Sales or leases to nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational institutions when used in carrying on their customary nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational activities, including church cemeteries; and

c. Sales or leases to the state headquarters of qualified veterans' organizations and the state headquarters of their auxiliaries when used in carrying on their customary veterans' organization activities. If a qualified veterans' organization or its auxiliary does not maintain a permanent state headquarters, then transactions involving sales or leases to such organization and used to maintain the office of the highest ranking state official are exempt from the tax imposed by this part.

2. The provisions of this section authorizing exemptions from tax shall be strictly defined, limited, and applied in each category as follows:

a. "Religious institutions" means churches, synagogues, and established physical places for worship at which nonprofit religious services and activities are regularly conducted and carried on. The term "religious institutions" includes nonprofit corporations the sole purpose of which is to provide free transportation services to church members, their families, and other church attendees. The term "religious institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of religious organizations or members. The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1986, as amended, which owns and operates a Florida television station, at least 90 percent of the programming of which station consists of programs of a religious nature, and the financial support for which, exclusive of receipts for broadcasting from other nonprofit organizations, is predominantly from contributions from the general public. The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1986, as amended, which provides regular religious services to Florida state prisoners and which from its own established physical place of worship, operates a ministry providing worship and services of a charitable nature to the community on a weekly basis.

b. "Charitable institutions" means only nonprofit corporations qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1954, as amended, and other nonprofit entities, the sole or primary function of which is to provide, or to raise funds for organizations which provide, one or more of the following services if a reasonable percentage of such service is provided free of charge, or at a substantially reduced cost, to persons, animals, or organizations that are unable to pay for such service:

(I) Medical aid for the relief of disease, injury, or disability;

(II) Regular provision of physical necessities such as food, clothing, or shelter;

(III) Services for the prevention of or rehabilitation of persons from alcoholism or drug abuse; the prevention of suicide; or the alleviation of mental, physical, or sensory health problems;

(IV) Social welfare services including adoption placement, child care, community care for the elderly, and other social welfare services which clearly and substantially benefit a client population which is disadvantaged or suffers a hardship;

(V) Medical research for the relief of disease, injury, or disability;

(VI) Legal services; or

(VII) Food, shelter, or medical care for animals or adoption services, cruelty investigations, or education programs concerning animals;

and the term includes groups providing volunteer staff to organizations designated as charitable institutions under this sub-subparagraph; nonprofit organizations the sole or primary purpose of which is to coordinate, network, or link other institutions designated as charitable institutions under this sub-subparagraph with those persons, animals, or organizations in need of their services; and nonprofit national, state, district, or other governing, coordinating, or administrative organizations the sole or primary purpose of which is to represent or regulate the customary activities of other institutions designated as charitable institutions

under this sub-subparagraph. Notwithstanding any other requirement of this section, any blood bank that relies solely upon volunteer donations of blood and tissue, that is licensed under chapter 483, and that qualifies as tax exempt under s. 501(c)(3) of the Internal Revenue Code constitutes a charitable institution and is exempt from the tax imposed by this part.

c. "Scientific organizations" means scientific organizations which hold current exemptions from federal income tax under s. 501(c)(3) of the Internal Revenue Code and also means organizations the purpose of which is to protect air and water quality or the purpose of which is to protect wildlife and which hold current exemptions from the federal income tax under s. 501(c)(3) of the Internal Revenue Code.

d. "Educational institutions" means state tax-supported or parochial, church and nonprofit private schools, colleges, or universities which conduct regular classes and courses of study required for accreditation by, or membership in, the Southern Association of Colleges and Schools, the Department of Education, the Florida Council of Independent Schools, or the Florida Association of Christian Colleges and Schools, Inc., or nonprofit private schools which conduct regular classes and courses of study accepted for continuing education credit by a Board of the Division of Medical Quality Assurance of the Department of Business and Professional Regulation or which conduct regular classes and courses of study accepted for continuing education credit by the American Medical Association. Nonprofit libraries, art galleries, *performing arts centers that provide educational programs to school children, which programs involve performances or other educational activities at the performing arts center and serve a minimum of 50,000 school children a year,* and museums open to the public are defined as educational institutions and are eligible for exemption. The term "educational institutions" includes private nonprofit organizations the purpose of which is to raise funds for schools teaching grades kindergarten through high school, colleges, and universities. The term "educational institutions" includes any nonprofit newspaper of free or paid circulation primarily on university or college campuses which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code, and any educational television or radio network or system established pursuant to s. 229.805 or s. 229.8051 and any nonprofit television or radio station which is a part of such network or system and which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code. The term "educational institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of educational organizations or members. The term "educational institutions" also includes a nonprofit educational cable consortium which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, whose primary purpose is the delivery of educational and instructional cable television programming and whose members are composed exclusively of educational organizations which hold a valid consumer certificate of exemption and which are either an educational institution as defined in this sub-subparagraph, or qualified as a nonprofit organization pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, as amended.

e. "Veterans' organizations" means nationally chartered or recognized veterans' organizations, including, but not limited to, Florida chapters of the Paralyzed Veterans of America, Catholic War Veterans of the U.S.A., Jewish War Veterans of the U.S.A., and the Disabled American Veterans, Department of Florida, Inc., which hold current exemptions from federal income tax under s. 501(c)(4) or (19) of the Internal Revenue Code.

And the title is amended as follows:

On page 1, line 16, after the semicolon (;) insert: providing for a tax exemption for specified performing arts centers;

Senator Dudley moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 4, between lines 4 and 5, insert:

Section 3. Paragraph (c) of subsection (5) of section 212.08, Florida Statutes, 1996 Supplement, is 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.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(c) Machinery and equipment used in production of electrical or steam energy.—

1. The purchase of machinery and equipment for use at a fixed location which ~~equipment and~~ machinery *and equipment* are necessary in the production of electrical or steam energy resulting from the burning of boiler fuels other than residual oil is exempt from the tax imposed by this chapter. Such electrical or steam energy must be primarily for use in manufacturing, processing, compounding, or producing for sale items of tangible personal property in this state. *Use of a de minimis amount of residual fuel to facilitate the burning of nonresidual fuel shall not reduce the exemption otherwise available under this paragraph.*

2. In facilities where machinery and equipment are necessary to burn both residual and nonresidual fuels, the exemption shall be prorated. Such proration shall be based upon the production of electrical or steam energy from nonresidual fuels as a percentage of electrical or steam energy from all fuels. Purchasers claiming a partial exemption shall obtain such exemption by refund of taxes paid, or as otherwise provided in the department's rules.

3. The department may adopt rules that provide for implementation of this exemption. Purchasers of machinery and equipment qualifying for the exemption provided in this paragraph shall furnish the department with ~~However, the exemption provided for in this paragraph shall not be allowed unless the purchaser signs~~ an affidavit stating that the item or items to be exempted are for the ~~exclusive~~ use designated herein. Any person furnishing a false affidavit to the vendor for the purpose of evading payment of any tax imposed under this chapter shall be subject to the penalty set forth in s. 212.085 and as otherwise provided by law. *Purchasers with self–accrual authority shall maintain all documentation necessary to prove the exempt status of purchases.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 16, after the semicolon (;) insert: amending s. 212.08, F.S.; clarifying the application of a sales and use tax exemption for machinery and equipment necessary in the production of electrical or steam energy from the burning of boiler fuels; providing that the use of a de minimis amount of residual fuel to help burn nonresidual fuel shall not reduce the exemption; providing for a prorated exemption in facilities where machinery and equipment are necessary to burn residual and nonresidual fuels; providing rulemaking authority;

Senator Silver moved the following amendment which was adopted:

Amendment 3 (with title amendment)—On page 4, between lines 4 and 5, insert:

Section 3. Paragraph (o) of subsection (7) of section 212.08, Florida Statutes, 1996 Supplement, is 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.—

(o) Religious, charitable, scientific, educational, and veterans' institutions and organizations.—

1. There are exempt from the tax imposed by this part transactions involving:

a. Sales or leases directly to churches or sales or leases of tangible personal property by churches;

b. Sales or leases to nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational institutions when used in carrying on their customary nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational activities, including church cemeteries; and

c. Sales or leases to the state headquarters of qualified veterans' organizations and the state headquarters of their auxiliaries when used in carrying on their customary veterans' organization activities. If a qualified veterans' organization or its auxiliary does not maintain a permanent state headquarters, then transactions involving sales or leases to such organization and used to maintain the office of the highest ranking state official are exempt from the tax imposed by this part.

2. The provisions of this section authorizing exemptions from tax shall be strictly defined, limited, and applied in each category as follows:

a. "Religious institutions" means churches, synagogues, and established physical places for worship at which nonprofit religious services and activities are regularly conducted and carried on. The term "religious institutions" includes nonprofit corporations the sole purpose of which is to provide free transportation services to church members, their families, and other church attendees. The term "religious institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of religious organizations or members. The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1986, as amended, which owns and operates a Florida television station, at least 90 percent of the programming of which station consists of programs of a religious nature, and the financial support for which, exclusive of receipts for broadcasting from other nonprofit organizations, is predominantly from contributions from the general public. The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1986, as amended, which provides regular religious services to Florida state prisoners and which from its own established physical place of worship, operates a ministry providing worship and services of a charitable nature to the community on a weekly basis.

b. "Charitable institutions" means only nonprofit corporations qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1954, as amended, and other nonprofit entities, the sole or primary function of which is to provide, or to raise funds for organizations which provide, one or more of the following services if a reasonable percentage of such service is provided free of charge, or at a substantially reduced cost, to persons, animals, or organizations that are unable to pay for such service:

(I) Medical aid for the relief of disease, injury, or disability;

(II) Regular provision of physical necessities such as food, clothing, or shelter;

(III) Services for the prevention of or rehabilitation of persons from alcoholism or drug abuse; the prevention of suicide; or the alleviation of mental, physical, or sensory health problems;

(IV) Social welfare services including adoption placement, child care, community care for the elderly, and other social welfare services which clearly and substantially benefit a client population which is disadvantaged or suffers a hardship;

(V) Medical research for the relief of disease, injury, or disability;

(VI) Legal services; or

(VII) Food, shelter, or medical care for animals or adoption services, cruelty investigations, or education programs concerning animals;

and the term includes groups providing volunteer staff to organizations designated as charitable institutions under this sub-subparagraph; nonprofit organizations the sole or primary purpose of which is to coordinate, network, or link other institutions designated as charitable institutions under this sub-subparagraph with those persons, animals, or organizations in need of their services; and nonprofit national, state, district, or other governing, coordinating, or administrative organizations the sole or primary purpose of which is to represent or regulate the customary activities of other institutions designated as charitable institutions under this sub-subparagraph. Notwithstanding any other requirement of this section, any blood bank that relies solely upon volunteer donations of blood and tissue, that is licensed under chapter 483, and that qualifies as tax exempt under s. 501(c)(3) of the Internal Revenue Code constitutes a charitable institution and is exempt from the tax imposed by this part. *Sales to a health system, qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1986, as amended, which filed an application for exemption with the department prior to April 5, 1997, and which application is subsequently approved, shall be exempt as to any unpaid taxes on purchases made from January 1, 1994, to June 1, 1997.*

c. "Scientific organizations" means scientific organizations which hold current exemptions from federal income tax under s. 501(c)(3) of the Internal Revenue Code and also means organizations the purpose of which is to protect air and water quality or the purpose of which is to protect wildlife and which hold current exemptions from the federal income tax under s. 501(c)(3) of the Internal Revenue Code.

d. "Educational institutions" means state tax-supported or parochial, church and nonprofit private schools, colleges, or universities which conduct regular classes and courses of study required for accreditation by, or membership in, the Southern Association of Colleges and Schools, the Department of Education, the Florida Council of Independent Schools, or the Florida Association of Christian Colleges and Schools, Inc., or nonprofit private schools which conduct regular classes and courses of study accepted for continuing education credit by a Board of the Division of Medical Quality Assurance of the Department of Business and Professional Regulation or which conduct regular classes and courses of study accepted for continuing education credit by the American Medical Association. Nonprofit libraries, art galleries, and museums open to the public are defined as educational institutions and are eligible for exemption. The term "educational institutions" includes private nonprofit organizations the purpose of which is to raise funds for schools teaching grades kindergarten through high school, colleges, and universities. The term "educational institutions" includes any nonprofit newspaper of free or paid circulation primarily on university or college campuses which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code, and any educational television or radio network or system established pursuant to s. 229.805 or s. 229.8051 and any nonprofit television or radio station which is a part of such network or system and which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code. The term "educational institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of educational organizations or members. The term "educational institutions" also includes a nonprofit educational cable consortium which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, whose primary purpose is the delivery of educational and instructional cable television programming and whose members are composed exclusively of educational organizations which hold a valid consumer certificate of exemption and which are either an educational institution as defined in this sub-subparagraph, or qualified as a nonprofit organization pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, as amended.

e. "Veterans' organizations" means nationally chartered or recognized veterans' organizations, including, but not limited to, Florida chapters of the Paralyzed Veterans of America, Catholic War Veterans of the U.S.A., Jewish War Veterans of the U.S.A., and the Disabled American Veterans, Department of Florida, Inc., which hold current exemptions from federal income tax under s. 501(c)(4) or (19) of the Internal Revenue Code.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 16, after the semicolon (;) insert: amending s. 212.08, F.S.; providing an exemption for sales to certain health systems for a specified period;

Senator Diaz-Balart moved the following amendment which was adopted:

Amendment 4 (with title amendment)—On page 4, between lines 4 and 5, insert:

Section 3. Paragraph (mm) is added to subsection (7) of section 212.08, Florida Statutes, 1996 Supplement, 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.—

(mm) Nonprofit cooperative hospital laundries.—Nonprofit organizations that are incorporated under chapter 617 and which are treated, for federal income tax purposes, as cooperatives under subchapter T of the Internal Revenue Code, whose sole purpose is to offer laundry supplies and services to their members, which members must all be exempt from federal income tax pursuant to section 501(c)(3) of the Internal Revenue Code, are exempt from the tax imposed by this chapter.

And the title is amended as follows:

On page 1, line 16, after the semicolon (;) insert: amending s. 212.08, F.S.; exempting certain nonprofit hospital laundries from the sales tax;

On motion by Senator Williams, by two-thirds vote **CS for HB 915** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Madam President	Crist	Horne	Meadows
Bankhead	Dantzler	Jenne	Myers
Bronson	Diaz-Balart	Jones	Ostalkiewicz
Brown-Waite	Dudley	Kirkpatrick	Rossin
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Turner
Clary	Harris	Lee	Williams
Cowin	Holzendorf	McKay	

Nays—None

Vote after roll call:

Yea—Thomas

CS for SB 1850—A bill to be entitled An act relating to genetic testing; amending s. 760.40, F.S.; defining the term "genetic testing"; providing standards for consent to genetic testing; providing standards for disclosure of results; providing civil penalties; providing public records exemptions; providing requirements upon insurers; providing exemptions; providing legislative findings; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **CS for SB 1850** to **CS for HB's 37 and 127**.

Pending further consideration of **CS for SB 1850** as amended, on motion by Senator Forman, by two-thirds vote **CS for HB's 37 and 127** was withdrawn from the Committees on Banking and Insurance; and Judiciary.

On motion by Senator Forman—

CS for HB's 37 and 127—A bill to be entitled An act relating to genetic testing for insurance purposes; amending s. 624.155, F.S.; permitting civil actions against insurers for violations of s. 627.4301, F.S.; creating s. 627.4301, F.S.; prohibiting health insurers from using genetic information or requiring genetic testing; amending s. 632.638, F.S.; providing applicability of s. 627.4301, F.S., to fraternal benefit societies; creating s. 636.0201, F.S.; providing applicability of s. 627.4301, F.S., to prepaid limited health service organizations; amending s. 641.30, F.S.; providing applicability of s. 627.4301, F.S., to health maintenance organizations; creating s. 641.438, F.S.; providing applicability of s. 627.4301, F.S., to prepaid health clinics; amending s. 760.40, F.S.; defining the term "genetic testing"; providing exceptions; providing standards for informed consent; prohibiting release of genetic testing results without written consent, under certain circumstances; providing civil and criminal penalties; providing an effective date.

—a companion measure, was substituted for **CS for SB 1850** as amended and read the second time by title.

Senator Forman moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 627.4301, Florida Statutes, is created to read:

627.4301 Genetic information for insurance purposes.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Genetic information" means information derived from genetic testing to determine the presence or absence of variations or mutations, including carrier status, in an individual's genetic material or genes that are scientifically or medically believed to cause a disease, disorder, or syndrome, or are associated with a statistically increased risk of developing a disease, disorder, or syndrome, which is asymptomatic at the time of testing. Such testing does not include routine physical examinations or chemical, blood, or urine analysis, unless conducted purposefully to obtain genetic information, or questions regarding family history.

(b) "Health insurer" means an authorized insurer offering health insurance as defined in s. 624.603, a self-insured plan as defined in s. 624.031, a multiple-employer welfare arrangement as defined in s. 624.437, a prepaid limited health service organization as defined in s. 636.003, a health maintenance organization as defined in s. 641.19, a prepaid health clinic as defined in s. 641.402, a fraternal benefit society as defined in s. 632.601, an accountable health partnership as defined in s. 408.701, or any health care arrangement whereby risk is assumed.

(2) USE OF GENETIC INFORMATION.—

(a) In the absence of a diagnosis of a condition related to genetic information, no health insurer authorized to transact insurance in this state may cancel, limit, or deny coverage, or establish differentials in premium rates, based on such information.

(b) Health insurers may not require or solicit genetic information, use genetic test results, or consider a person's decisions or actions relating to genetic testing in any manner for any insurance purpose.

(c) This section does not apply to the underwriting or issuance of a life insurance policy, disability income policy, long-term care policy, accident-only policy, hospital indemnity or fixed indemnity policy, dental policy, or vision policy or any other actions of an insurer directly related to a life insurance policy, disability income policy, long-term care policy, accident-only policy, hospital indemnity or fixed indemnity policy, dental policy, or vision policy.

Section 2. Section 627.6419, Florida Statutes, is amended to read:

627.6419 Requirements with respect to fibrocystic conditions.—An insurer may not deny the issuance or renewal of, or cancel, a policy of accident insurance or health insurance, nor include any exception or exclusion of benefits in a policy, solely because the insured has been diagnosed as having a fibrocystic condition or a nonmalignant lesion that demonstrates a predisposition, *or solely due to the family history of the insured related to breast cancer, or solely due to any combination of these factors,* unless the condition is diagnosed through a breast biopsy that demonstrates an increased disposition to developing breast cancer. This section also applies to a policy of group, blanket, or franchise accident or health insurance and to a contract or evidence of coverage issued by a health maintenance organization.

Section 3. Section 632.638, Florida Statutes, is amended to read:

632.638 Applicability of other code provisions.—In addition to *other* ~~the~~ provisions ~~heretofore~~ contained or referred to in this chapter, *the following* ~~other~~ chapters and provisions of this code ~~shall~~ apply to fraternal benefit societies, to the extent applicable and not in conflict with the express provisions of this chapter and the reasonable implications thereof~~, as follows~~:

(1) Part I of chapter 624;
(2) Part II of chapter 624;
(3) Sections 624.404, 624.415, 624.416, 624.418, 624.420, 624.421, 624.4211, 624.422, and 624.423;
(4) Section 624.501;
(5) Part I of chapter 626;
(6) Part III of chapter 626;
(7) Part IV of chapter 626;
(8) Sections 626.901 through 626.912;
(9) Part VIII of chapter 626, subject to the limitations set forth in former s. 632.341;
(10) Section 627.424;

(11) Section 627.428;
(12) Section 627.4301;
(13)~~(12)~~ Section 627.479; and
(14)~~(13)~~ Part I of chapter 631.

Section 4. Section 636.0201, Florida Statutes, is created to read:

636.0201 Genetic information restrictions.—A prepaid limited health service organization must comply with the provisions of s. 627.4301.

Section 5. Subsection (5) is added to section 641.30, Florida Statutes, to read:

641.30 Construction and relationship to other laws.—

(5) Every health maintenance organization must comply with s. 627.4301.

Section 6. Section 641.438, Florida Statutes, is created to read:

641.438 Genetic information restrictions.—A prepaid health clinic must comply with the provisions of s. 627.4301.

Section 7. This act shall take effect January 1, 1998, and shall apply to policies and contracts issued or renewed on or after that date.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to genetic testing for insurance purposes; creating s. 627.4301, F.S.; prohibiting health insurers from using genetic information; providing definitions; providing exemptions; amending s. 627.6419, F.S.; prohibiting insurers from denying or canceling coverage or limiting benefits solely due to family history, unless the condition is diagnosed through a breast biopsy; amending s. 632.638, F.S.; providing applicability of s. 627.4301, F.S., to fraternal benefit societies; creating s. 636.0201, F.S.; providing applicability of s. 627.4301, F.S., to prepaid limited health service organizations; amending s. 641.30, F.S.; providing applicability of s. 627.4301, F.S., to health maintenance organizations; creating s. 641.438, F.S.; providing applicability of s. 627.4301, F.S., to prepaid health clinics; providing civil penalties; providing requirements upon insurers; providing exemptions; providing an effective date.

On motion by Senator Forman, by two-thirds vote **CS for HB's 37 and 127** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Madam President	Dantzler	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Brown-Waite	Dudley	Jenne	Rossin
Burt	Dyer	Jones	Silver
Campbell	Forman	Klein	Sullivan
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Bronson, Crist, Lee

Consideration of **CS for SB 1880** was deferred.

SB 1906—A bill to be entitled An act relating to waiver of court costs for indigent persons; amending s. 57.081, F.S.; requiring that the certification of indigency for purposes of waiving court costs be based on an affidavit which certifies that no person has been paid or promised payment for services in connection with the action or proceeding; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendment which was moved by Senator Campbell and failed:

Amendment 1—On page 2, line 10, after "renumeration" insert: *by the applicant*

Senators Campbell, Gutman and Dudley offered the following amendment which was moved by Senator Dudley and adopted:

Amendment 2 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 27.005, Florida Statutes, is amended to read:

27.005 Definitions.—As used in parts II and III of this chapter, the following definitions include, but are not limited to:

(1) "Communication services" includes postage, required printed documents, all data processing equipment, including terminals, modems, software, printers, wiring, and data lines, radio, courier, messenger and subpoena services, fax equipment and supplies, support services, and telegraph, including maintenance, supplies and line charges.

(2) "Conflict attorney" means a private attorney assigned by the court to handle the case of a defendant who is indigent and who cannot be represented by the public defender due to a conflict of interest or due to the public defender's excessive caseload, as certified to the court by the public defender.

(3)~~(2)~~ "Expert witnesses" includes any individual, firm, or service used by the prosecution or defense to provide information and consultation on specialized areas of art, science, profession, business, or other calling.

(4) "Indigency examiner" means the person employed by the court or the board of county commissioners to assist the court in investigating and assessing the indigency of any person who applies for representation by the public defender or a conflict attorney.

(5)~~(3)~~ "Library services" includes books, periodicals, automated legal research services and line charges, legal documents, and reference books and materials, including maintenance and supplies.

(6)~~(4)~~ "Postindictment and postinformation deposition costs" includes any costs incurred through a deposition, including the use of expert witnesses.

(7)~~(5)~~ "Pretrial" includes any case investigation cost incurred at any time prior to the disposition of a case, including preindictment costs.

(8)~~(6)~~ "Pretrial consultation fees" includes any costs related to the testing, evaluation, investigation, or other case-related services and materials necessary to prosecute, defend, or dispose of a criminal case.

(9) "Special assistant public defender" means an attorney who performs contractual legal work or voluntary legal work for the public defender, but who is not a full-time assistant public defender.

(10)~~(7)~~ "Telephone services" includes any equipment, including fax, cellular telephones, pagers, computer lines, telephone switching equipment, and the maintenance, supplies, software, and line charges necessary for operation.

(11)~~(8)~~ "Transportation services" includes the cost of operating any vehicle, aircraft, or watercraft, including gasoline, oil, and maintenance costs, any witness travel expenses, and any witness services.

(12)~~(9)~~ "Travel expenses" includes costs incurred under s. 112.061 by the state attorney or public defender, or their designated employees, while on travel prior to the final disposition of a case.

Section 2. Subsection (1) of section 27.51, Florida Statutes, 1996 Supplement, is amended to read:

27.51 Duties of public defender.—

(1) The public defender shall represent, without additional compensation, any person who is determined by the court to be indigent as provided in s. 27.52 and who is:

(a) Under arrest for, or is charged with, a felony;

(b) Under arrest for, or is charged with, a misdemeanor, a violation of chapter 316 which is punishable by imprisonment, criminal contempt,

or a violation of a municipal or county ordinance in the county court, unless the court, prior to trial, files in the cause *an order of no imprisonment which states* ~~a statement in writing~~ that the defendant will not be imprisoned if he or she is convicted;

(c) Alleged to be a delinquent child pursuant to a petition filed before a circuit court; or

(d) Sought by petition filed in such court to be involuntarily placed as a mentally ill person or involuntarily admitted to residential services as a person with developmental disabilities.

Section 3. Section 27.512, Florida Statutes, is created to read:

27.512 Order of no imprisonment.—

(1) In each case in which the court determines that it will not sentence the defendant to imprisonment if convicted, the court shall issue an order of no imprisonment and the court may not appoint the public defender to represent the defendant. If the court issues an order of no imprisonment following the appointment of the public defender, the court shall immediately terminate the public defender's services. However, if at any time the court withdraws the order of no imprisonment with respect to an indigent defendant, the court shall appoint the public defender to represent the defendant.

(2) The form and contents of an order of no imprisonment shall be determined by rules adopted by the Supreme Court.

Section 4. Subsections (1) and (2) of section 27.52, Florida Statutes, 1996 Supplement, are amended to read:

27.52 Determination of indigency.—

(1)(a) The determination of indigency *for purposes of appointing the public defender or conflict attorney* ~~of any accused person~~ shall be made by the court, and may be made at any stage of the proceedings. *Before appointing the public defender or a conflict attorney, the court shall consider a completed affidavit that contains the financial information required under paragraph (f) and shall make a preliminary determination of indigency, pending verification by the indigency examiner.*

(b) An accused person, or if applicable a parent or legal guardian of an accused minor or an accused adult tax-dependent person, asserting indigency and requesting representation by the public defender *or a conflict attorney*, shall file with the court a completed affidavit containing the *financial* ~~factual~~ information required under *paragraph (f)* ~~subsection (2)~~ and stating that the affidavit is signed under oath and under penalty of perjury.

(c) *Each person who requests the appointment of the public defender or a conflict attorney shall pay to the clerk of the court an application* ~~A~~ fee of $40, *as ordered by the court,* ~~shall be paid into the county depository~~ at the time the *financial* affidavit is filed*, or within 7 days thereafter. If not paid within 7 days, the application fee shall be assessed at sentencing or at the final disposition of the case. The application fee shall be assessed for each affidavit filed against a defendant who requests appointment of the public defender or a conflict attorney. A defendant who is found to be indigent may not be refused counsel for failure to pay the application fee.* ~~However, the affidavit shall be accepted without the fee if the court finds, after reviewing the financial information contained in the affidavit, that the fee should be reduced, waived, or assessed at the disposition.~~

(d) If the court finds that the accused person applying for representation appears to be indigent based *upon the financial affidavit required under paragraph (f)* ~~on the factual information provided~~, the court shall appoint the public defender *or a conflict attorney* to provide representation. If the *application* fee is not paid prior to the disposition of the case, *the clerk shall advise* the sentencing judge ~~shall be advised~~ of this fact and *the court shall* ~~may~~:

1. Assess the *application* fee as part of the sentence or as a condition of probation; or

2. Assess the *application* fee pursuant to s. 27.56.

If the indigency examiner finds discrepancies between the financial affidavit and the examiner's investigation of assets, the indigency examiner shall submit the information to the court and the court shall determine whether the public defender or conflict attorney shall continue representation. The defendant may be heard regarding the information discovered by the indigency examiner. If the court, based on the information provided, determines that the defendant is not indigent, the court shall order that the public defender or conflict attorney discontinue representation. Notwithstanding any provision of law or local order to the contrary, the *clerk of the court* ~~collecting entity~~ shall assign the first $40 *of any court assessed fees or costs that are paid by an indigent defendant* to the Indigent Criminal Defense Trust Fund~~, if created by law; otherwise it shall be deposited in the General Revenue Fund~~ *as payment for the application fee.* In no event should a person who is found to be indigent be refused counsel for failure to pay the fee.

(e) *All application fees* ~~The fee~~ shall be ~~remitted into the county depository and~~ transferred *monthly by the clerk of the court* to the Indigent Criminal Defense Trust Fund, *administered by the Justice Administrative Commission, to be used to supplement* ~~if created by law; otherwise it shall be deposited in the General Revenue Fund, for the purpose of supplementing~~ the general revenue funds appropriated *by the Legislature* to *the* public defenders. *The clerk of the court may retain 2 percent of application fees collected monthly for administrative costs prior to remitting the remainder to the Justice Administrative Commission.*

(f) The affidavit must contain the following financial information and calculations as to the accused person's income:

1. Net income.—Total salary and wages, minus deductions required by law, including court-ordered support payments.

2. Other income.—Including, but not limited to, social security benefits, union funds, veterans' benefits, workers' compensation, other regular support from absent family members, public or private employee pensions, unemployment compensation, dividends, interest, rent, trusts, and gifts.

3. Assets.—Including, but not limited to, cash, savings accounts, bank accounts, stocks, bonds, certificates of deposit, equity in real estate, and equity in a boat or a motor vehicle or in other tangible property.

(g) The income of an accused minor or an accused adult tax-dependent person who is substantially supported by a parent or parents or by a guardian, or who continues to be claimed as a dependent for tax purposes, shall include the income of that dependent person's parent or parents or guardian, except a parent or guardian who has an adverse interest in the proceeding.

(h) In addition to the financial information, the affidavit must contain the following statement: "I, __(name of accused person)__*, agree to report any change in my financial situation to the court or to the indigency examiner."*

(2)(a) After reviewing the affidavit and questioning the accused person, the court shall make one of the following ~~three~~ determinations:

1. The accused person is indigent.

~~2. The accused person is indigent, but able to contribute.~~

2.~~3.~~ The accused person is not indigent.

(b) An accused person, or an accused minor's or accused adult tax-dependent person's parent or guardian, is indigent if:

1. The income of the person is equal to or below *250* ~~125~~ percent of the then-current federal poverty guidelines prescribed for the size of the household of the accused by the United States Department of Health and Human Services or if the person is receiving Aid to Families with Dependent Children (AFDC), poverty-related veterans' benefits, or Supplemental Security Income (SSI); or

2. The person is unable to pay for the services of an attorney without substantial hardship to his or her family.

~~(c) An accused person, or an accused minor's or accused adult tax-dependent person's parent or guardian, is indigent but able to contribute if the person has income of more than 125 percent and less than 250 percent of the then-current federal poverty income guidelines prescribed for the size of the household of the person by the United States Department of Health and Human Services.~~

(c)~~(d)~~ In determining whether a defendant is indigent, the court shall determine whether any of the following facts exist, and the existence of any such fact *creates* ~~shall create~~ a presumption that the defendant is not indigent:

1. The defendant has been released on bail in the amount of $5,000 or more.

2. The defendant owns, or has equity in, any intangible or tangible personal property or real property or the expectancy of an interest in any such property.

3. The defendant retained private counsel immediately before or after filing the affidavit asserting indigency pursuant to subsection (1).

(d)~~(e)~~ A nonindigent parent or legal guardian of an accused minor or an accused adult tax-dependent person shall furnish the minor or dependent person with the necessary legal services and costs incident to a delinquency proceeding or, upon transfer of such person for criminal prosecution as an adult pursuant to s. 39.052, a criminal prosecution, in which the person has a right to legal counsel under the Constitution of the United States or the Constitution of the State of Florida. The failure of a parent or legal guardian to furnish legal services and costs under this section *does* ~~shall~~ not bar the appointment of legal counsel pursuant to s. 27.53. When the public defender, a special assistant public defender appointed pursuant to s. 27.53(2), or appointed private legal counsel is appointed to represent an accused minor or an accused adult tax-dependent person in any proceeding in circuit court or in a criminal proceeding in any other court, the parents or the legal guardian shall be liable for the fees and costs of such representation even if the person is a minor being tried as an adult. Liability for the costs of such representation may be imposed in the form of a lien against the property of the nonindigent ~~or indigent but able to contribute~~ parents or legal guardian of the accused minor or accused adult tax-dependent person, which lien *is* ~~shall be~~ enforceable as provided in s. 27.56 or s. 27.561. The court shall determine the amount of the obligation; and, in determining the amount of the obligation, the court shall follow the procedure outlined by this section.

Section 5. Subsection (2) of section 27.53, Florida Statutes, is amended to read:

27.53 Appointment of assistants and other staff; method of payment.—

(2) Any member of The Florida Bar, in good standing, may register his or her availability to the public defender of any judicial circuit for acceptance of special assignments without salary to represent indigent defendants. Such persons shall be listed and referred to as special assistant public defenders and be paid a fee and costs and expenses as provided in s. 925.036. *A special assistant public defender may not reassign or subcontract a case to another attorney.*

Section 6. Section 925.036, Florida Statutes, is amended to read:

925.036 Appointed counsel; compensation*; reassignment of case prohibited*.—

(1) An attorney appointed pursuant to s. 925.035 or s. 27.53 shall, at the conclusion of the representation, be compensated at an hourly rate fixed by the chief judge or senior judge of the circuit in an amount not to exceed the prevailing hourly rate for similar representation rendered in the circuit; however, such compensation shall not exceed the maximum fee limits established by this section. In addition, such attorney shall be reimbursed for expenses reasonably incurred, including the costs of transcripts authorized by the court. If the attorney is representing a defendant charged with more than one offense in the same case, the attorney shall be compensated at the rate provided for the most serious offense for which he represented the defendant. This section does not allow stacking of the fee limits established by this section.

(2) The compensation for representation shall not exceed the following:

(a) For misdemeanors and juveniles represented at the trial level: $1,000.

(b) For noncapital, nonlife felonies represented at the trial level: $2,500.

(c) For life felonies represented at the trial level: $3,000.

(d) For capital cases represented at the trial level: $3,500.

(e) For representation on appeal: $2,000.

(3) An attorney appointed in lieu of the public defender to represent an indigent defendant may not reassign or subcontract the case to another attorney.

Section 7. Section 27.56, Florida Statutes, 1996 Supplement, is amended to read:

27.56 Assistance; lien for payment of attorney's fees or costs.—

(1)(a) The court having jurisdiction over any defendant who has been determined to be guilty of a criminal act by a court or jury or through a plea of guilty or nolo contendere and who has received the assistance of the public defender's office, ~~or~~ a special assistant public defender, or ~~the services of~~ a *conflict* ~~private~~ attorney *shall* ~~appointed pursuant to the Florida Statutes or the Florida Rules of Criminal Procedure, but is not indigent under s. 27.52(2), or has been determined indigent but able to contribute, may~~ assess attorney's fees and costs against the defendant~~.~~ at the sentencing hearing~~, the court shall assess attorney's fees and costs against the defendant~~ and shall determine the appropriate amount and method of payment. Such costs may include the cost of depositions; cost of transcripts of depositions, including the cost of defendant's copy, which transcripts are certified by the defendant's attorney as having served a useful purpose in the disposition of the case; investigative costs; witness fees; the cost of psychiatric examinations; or other reasonable costs specially incurred by the county for the defense of the defendant in criminal prosecutions within the county. Costs shall not include expenses inherent in providing a constitutionally guaranteed jury trial or expenditures in connection with the maintenance and operation of government agencies that must be made by the public irrespective of specific violations of law. Any *costs* ~~cost~~ assessed pursuant to this paragraph shall be reduced by any amount assessed against a defendant pursuant to s. 27.3455.

(b) Upon entering a judgment of conviction, the trial court *shall* ~~may~~ order the defendant to pay the costs assessed by the court in full, or within a time certain as set by the court, after the judgment of conviction becomes final.

(c) After assessment of the *application fee under s. 27.52(1)(c) and* attorney's fees and costs, the court *shall* ~~may~~ order the defendant to pay the attorney's fees *and costs* in full or in installments, at the time or times specified. The court may order payment of the assessed *application fee and* attorney's fees *and costs* as a condition of probation, of suspension of sentence, or of withholding the imposition of sentence. *All fees and costs may be assessed under one judgment.*

(2)(a) When payment of *the application fee and* attorney's fees *and* ~~or~~ costs has been ordered by the court, there is ~~hereby~~ created in the name of the county in which such assistance was rendered a lien, enforceable as hereinafter provided, upon all the property, both real and personal, of any person who:

1. Has received any assistance from any public defender of the state, from any special assistant public defender, or from any *conflict attorney* ~~appointed private legal counsel~~; or

2. Is a parent of an accused minor or an accused adult tax-dependent person who is being, or has been, represented by any public defender of the state, by any special assistant public defender, or by *a conflict attorney* ~~any appointed private legal counsel~~.

Such lien *constitutes* ~~shall constitute~~ a claim against the defendant-recipient or parent and his or her estate, enforceable according to law, in an amount to be determined by the court in which such assistance was rendered.

(b) Immediately after the issuance of an order for the payment of *the application fee and* attorney's fees *and* ~~or~~ costs, a judgment showing the name and residence of the defendant-recipient or parent shall be filed for record in the office of the clerk of the circuit court in the county where the defendant-recipient or parent resides and in each county in which such defendant-recipient or parent then owns or later acquires any property. Such judgments shall be enforced on behalf of the county by the

board of county commissioners of the county in which assistance was rendered.

~~(3) In lieu of the procedure above described, the court is authorized to require that the defendant-recipient of the services of the public defender, special assistant public defender, or appointed private legal counsel, or that the parent of an accused minor or an accused adult tax-dependent person who has received such services, execute a lien upon his or her real or personal property, presently owned or after-acquired, as security for the debt created hereby. Such lien shall be recorded in the public records of the county at no charge by the clerk of the circuit court and shall be enforceable in the same manner as a mortgage.~~

(3)~~(4)~~ The board of county commissioners of the county wherein the defendant-recipient was tried or received the services of a public defender, special assistant public defender, or appointed private legal counsel shall enforce, satisfy, compromise, settle, subordinate, release, or otherwise dispose of any debt or lien imposed under this section. A defendant-recipient or parent, who has been ordered to pay attorney's fees or costs and who is not in willful default in the payment thereof, may, at any time, petition the court which entered the order for remission of the payment of attorney's fees or costs or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on such person or his or her immediate family, the court may remit all or part of the amount due in attorney's fees or costs or may modify the method of payment.

(4)~~(5)~~ The board of county commissioners of the county claiming such lien is authorized to contract with a collection agency for collection of such debts or liens, provided the fee for such collection shall be on a contingent basis not to exceed 50 percent of the recovery. However, no fee shall be paid to any collection agency by reason of foreclosure proceedings against real property or from the proceeds from the sale or other disposition of real property.

(5)~~(6)~~ No lien thus created shall be foreclosed upon the homestead of such defendant-recipient or parent, nor shall any defendant-recipient or parent who is ordered to pay attorney's fees or costs be denied any of the protections afforded any other civil judgment debtor.

(6)~~(7)~~ The court having jurisdiction of the defendant-recipient may, at such stage of the proceedings as the court may deem appropriate, determine the value of the services of the public defender, special assistant public defender, or appointed private legal counsel and costs, at which time the defendant-recipient or parent, after adequate notice thereof, shall have opportunity to be heard and offer objection to the determination, and to be represented by counsel, with due opportunity to exercise and be accorded the procedures and rights provided in the laws and court rules pertaining to civil cases at law.

Section 8. Section 27.562, Florida Statutes, 1996 Supplement, is amended to read:

27.562 Disposition of funds.—All funds collected pursuant to s. 27.56*, except the application fee imposed under s. 27.52,* shall be remitted to the board of county commissioners of the county *in which the judgment was entered* ~~wherein the defendant-recipient was tried~~. Such funds shall be placed in the fine and forfeiture fund of that county to be used to defray the expenses incurred by the county in defense of criminal prosecutions. All judgments entered pursuant to *this part* ~~the provisions of this act~~ shall be in the name of the county in which the judgment was rendered.

Section 9. Subsection (1) of section 57.081, Florida Statutes, 1996 Supplement, is amended to read:

57.081 Costs; right to proceed where prepayment of costs waived.—

(1) Any indigent person, except a prisoner as defined in s. 57.085, who is a party or intervenor in any judicial or administrative agency proceeding or who initiates such proceeding shall receive the services of the courts, sheriffs, and clerks, with respect to such proceedings, without charge. Such services are limited to filing fees*;*~~,~~ service of process*;*~~,~~ certified copies of orders or final judgments*;*~~,~~ a single photocopy of any court pleading, record, or instrument filed with the clerk*;*~~,~~ examining fees*;*~~,~~ mediation services and fees*;*~~,~~ court-appointed counsel fees*;*~~,~~ subpoena fees and services*;*~~,~~ service charges for collecting and disbursing funds*;*~~,~~ and any other cost or service arising out of pending litigation. In any appeal from an administrative agency decision, for which the clerk is responsible for preparing the transcript, the clerk shall waive the cost of preparing the transcripts and the cost for copies of any exhibits in the record. ~~No~~ Prepayment of costs to any *court* ~~judge~~, clerk, or sheriff is *not* required in any action *if* ~~when~~ the party has obtained from the clerk in each proceeding a certification of indigency, based on an affidavit of the applicant claiming that the applicant is indigent and unable to pay the charges otherwise payable by law to any of such officers, ~~and~~ providing the details of the applicant's financial condition*, and containing a statement that certifies that no person has been paid or promised any payment of any remuneration by the applicant for services performed on behalf of the applicant in connection with the action or proceeding.* However, when the person is represented by an attorney, the person need not file an affidavit in order to be exempt from payment of charges under this subsection. A represented person is exempt from charges under this subsection if the attorney of such person files a written certificate, signed by the attorney, certifying that the attorney has made an investigation to ascertain the financial condition of the client and has found the client to be indigent; that the attorney has investigated the nature of the applicant's position and in the attorney's opinion it is meritorious as a matter of law; and that the attorney has not been paid or promised payment of any remuneration for services and intends to act as attorney for the applicant without compensation. On the failure or refusal of the clerk to issue a certificate of indigency, the applicant is entitled to a review of the application for the certificate by the court having jurisdiction of the cause of action.

Section 10. Paragraph (s) is added to subsection (1) of section 215.22, Florida Statutes, 1996 Supplement, to read:

215.22 Certain income and certain trust funds exempt.—

(1) The following income of a revenue nature or the following trust funds shall be exempt from the deduction required by s. 215.20(1):

(s) The Indigent Criminal Defense Trust Fund.

Section 11. Paragraph (i) of subsection (1) of section 948.03, Florida Statutes, 1996 Supplement, is amended to read:

948.03 Terms and conditions of probation or community control.—

(1) The court shall determine the terms and conditions of probation or community control. Conditions specified in paragraphs (a) through and including (n) do not require oral pronouncement at the time of sentencing and may be considered standard conditions of probation. Conditions specified in paragraphs (a) through and including (n) and (2)(a) do not require oral pronouncement at sentencing and may be considered standard conditions of community control. These conditions may include among them the following, that the probationer or offender in community control shall:

(i) Pay any *application fee assessed under s. 27.52(1)(c) and* attorney's fees and costs assessed under s. 27.56, subject to modification based on change of circumstances.

Section 12. Subsection (4) of section 925.037, Florida Statutes, 1996 Supplement, is amended to read:

925.037 Reimbursement of counties for fees paid to appointed counsel; circuit conflict committees.—

(4) The responsibility of the circuit conflict committee is to select and approve attorneys for all appointments pursuant to ss. 27.53(3) and 925.035, commonly known as conflict case appointments. *The circuit conflict committee shall meet at least once each year.*

Section 13. Subsections (2), (3), and (4) of section 948.08, Florida Statutes, are amended to read:

948.08 Pretrial intervention program.—

(2) *Any first offender, or* any person *previously convicted of not more than one nonviolent misdemeanor,* who is charged with any *misdemeanor or* ~~nonviolent~~ felony of the third degree is eligible for release to the pretrial intervention program on the approval of the administrator of the program and the consent of the victim, the state attorney, and the judge who presided at the initial appearance hearing of the offender. ~~As used in this subsection, "nonviolent felony" excludes arson; sexual battery; robbery; kidnapping; aggravated child abuse; aggravated assault;~~

~~murder; manslaughter; unlawful throwing, placing, or discharging of a destructive device or bomb; aggravated battery; and armed burglary. In no case,~~ However, *the defendant may not* ~~shall any individual~~ be released to the pretrial intervention program unless, after consultation with his attorney ~~or one made available to him if he is indigent~~, he has voluntarily agreed to such program and has knowingly and intelligently waived his right to a speedy trial for the period of his diversion. ~~In no case shall~~ The defendant or his immediate family *may not* personally contact the victim or *the victim's* ~~his~~ immediate family to acquire the victim's consent under ~~the provisions of~~ this *section* ~~act~~.

(3) The criminal charges against an *offender* ~~individual~~ admitted to the program shall be continued without final disposition for a period of 90 days *after* ~~from~~ the date the *offender* ~~individual~~ was released to the program, if the offender's participation in the program is satisfactory, and for an additional 90 days upon the request of the program administrator and consent of the state attorney, if the offender's participation in the program is satisfactory.

(4) Resumption of pending criminal proceedings shall be undertaken at any time if the program administrator or state attorney finds *that the offender* ~~such individual~~ is not fulfilling his obligations under this plan or if the public interest so requires. *The court may not appoint the public defender to represent an indigent offender released to the pretrial intervention program unless the offender's release is revoked and the offender is subject to imprisonment if convicted.*

Section 14. *The Office of the State Courts Administrator shall submit an annual report to the Legislature for the calendar years of 1997, 1998, and 1999 to assist the Legislature in determining the fiscal effect of the changes enacted by chapter 96-232, Laws of Florida, which revised procedures for establishing the indigency of defendants. The indigency examiner within each judicial circuit shall submit the following information to the office each month, which shall be compiled by the office in the report:*

(1) The percentage of defendants who request representation by a public defender.

(2) The number of defendants who are interviewed for eligibility for indigency.

(3) The number and percentage of defendants who are determined to be indigent.

Section 15. *Section 775.0121, Florida Statutes, 1996 Supplement, is hereby repealed.*

Section 16. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to legal proceedings; amending s. 27.005, F.S.; providing definitions; amending s. 27.51, F.S.; clarifying the procedure by which the court may issue an order stating that a defendant will not be imprisoned if convicted; creating s. 27.512, F.S.; requiring the court to issue an order of no imprisonment in each case in which the defendant is not subject to imprisonment if convicted; prohibiting the court from appointing a public defender to represent the defendant following issuance of such an order; providing for the appointment of a public defender upon the withdrawal of an order of no imprisonment; amending s. 27.52, F.S.; providing for the court to appoint a conflict attorney to represent an indigent defendant if the public defender certifies that the defendant cannot be represented due to a conflict of interest or an excessive caseload; revising requirements for the court in determining whether a defendant is indigent; providing for the determination of indigency to be verified by an indigency examiner; requiring a defendant who claims indigency to pay an application fee; requiring the clerk of the court to transfer the application fee to the Indigent Criminal Defense Trust Fund and to retain a percentage for administrative costs; deleting a provision that authorizes the court to find a defendant indigent but able to contribute; requiring that an indigent defendant agree to report any change in his or her financial situation; amending ss. 27.53 and 925.036, F.S., relating to appointed counsel; prohibiting an attorney appointed to assist the public defender from reassigning the case to another attorney; amending s. 27.56, F.S.; providing for the application fee to be included in the judgment assessed against a defendant following conviction; deleting certain provisions that authorize a defendant to execute a lien upon real or personal property as security for payment of fees and costs; amending s. 27.562, F.S.; providing for the disposition of fees and costs collected from a defendant; amending s. 57.081, F.S.; requiring that the certification of indigency for purposes of waiving court costs be based on an affidavit which certifies that no person has been paid or promised payment for services in connection with the action or proceeding; amending s. 215.22, F.S.; providing that funds in the Indigent Criminal Defense Trust Fund are exempt from certain deductions; amending s. 948.03, F.S.; providing for payment of the indigency application fee to be a condition of probation or community control; amending s. 925.037, F.S.; providing meeting requirements for the circuit conflict committee; amending s. 948.08, F.S.; revising criteria under which an offender may be admitted to a pretrial intervention program; prohibiting the appointment of a public defender to represent an offender released to a pretrial intervention program; requiring the Office of the State Courts Administrator to submit certain reports to the Legislature to assist the Legislature in determining the fiscal effect of certain revisions in the law for establishing the indigency of defendants; repealing section 775.0121, F.S.; providing for a continuous revision cycle; providing an effective date.

On motion by Senator Campbell, further consideration of **SB 1906** as amended was deferred.

Consideration of **CS for SB's 1964 and 1742** was deferred.

On motion by Senator Jones, by two-thirds vote **HB 1465** was withdrawn from the Committees on Health Care; and Ways and Means.

On motion by Senator Jones—

HB 1465—A bill to be entitled An act relating to social and economic assistance; amending s. 409.908, F.S.; deleting a provision relating to the reimbursement for midwives who provide services to Medicaid recipients; directing the Agency for Health Care Administration to adopt certain rules; providing an effective date.

—a companion measure, was substituted for **SB 1980** and read the second time by title. On motion by Senator Jones, by two-thirds vote **HB 1465** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Madam President	Cowin	Horne	Myers
Bankhead	Crist	Jenne	Ostalkiewicz
Bronson	Dantzler	Jones	Rossin
Brown-Waite	Diaz-Balart	Kirkpatrick	Scott
Burt	Dudley	Klein	Silver
Campbell	Dyer	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Harris	Lee	Turner
Clary	Holzendorf	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Gutman

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until completion of the Consent Calendar and consideration of the Conference Committee Report on **CS for CS for SB's 1688, 792, 1334 and 2254**.

SB 2062—A bill to be entitled An act relating to the Motor Vehicle Warranty Enforcement Act; amending s. 681.101, F.S.; providing legislative intent; amending s. 681.102, F.S.; providing definitions; amending s. 681.103, F.S.; revising provisions with respect to the duty of the manufacturer to conform a motor vehicle to the warranty; amending s. 681.104, F.S.; including reference to recreational vehicles with respect

to nonconformity of motor vehicles; providing additional timeframes with respect to recreational vehicles; amending s. 681.109, F.S., relating to the Florida New Motor Vehicle Arbitration Board and dispute eligibility; revising procedures for dispute; providing for rules; amending s. 681.1095, F.S.; increasing membership on the board; providing for hearings by panels of three board members; providing timeframes for hearings; creating s. 681.1096, F.S.; providing for a Pilot RV Mediation and Arbitration Program; providing for creation and qualifications; creating s. 681.1097, F.S.; providing for dispute eligibility and program functions; providing for mediation; providing for arbitration; amending s. 681.113, F.S.; revising provisions with respect to dealer liability; amending s. 681.114, F.S.; revising provisions with respect to resale of returned vehicles; amending s. 319.14, F.S.; redefining the term "settlement"; providing for the application of the act; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **SB 2062** to **HB 1495**.

Pending further consideration of **SB 2062** as amended, on motion by Senator Brown-Waite, by two-thirds vote **HB 1495** was withdrawn from the Committees on Transportation and Judiciary.

On motion by Senator Brown-Waite—

HB 1495—A bill to be entitled An act relating to the Motor Vehicle Warranty Enforcement Act; amending s. 681.101, F.S.; providing legislative intent; amending s. 681.102, F.S.; providing definitions; amending s. 681.103, F.S.; revising language with respect to the duty of the manufacturer to conform a motor vehicle to the warranty; amending s. 681.104, F.S.; including reference to recreational vehicles with respect to nonconformity of motor vehicles; providing additional timeframes with respect to recreational vehicles; amending s. 681.109, F.S., relating to the Florida New Motor Vehicle Arbitration Board and dispute eligibility; revising procedures for dispute; providing for rules; amending s. 681.1095, F.S.; increasing membership on the board; providing for hearings by panels of three board members; providing timeframes for hearings; creating s. 681.1096, F.S.; providing for a Pilot RV Mediation and Arbitration Program; providing for creation and qualifications; creating s. 681.1097, F.S.; providing for dispute eligibility and program functions; providing for mediation; providing for arbitration; amending s. 681.113, F.S.; revising language with respect to dealer liability; amending s. 681.114, F.S.; revising language with respect to resale of returned vehicles; amending s. 319.14, F.S.; redefining the term "settlement"; providing for the application of the act; providing an effective date.

—a companion measure, was substituted for **SB 2062** as amended and read the second time by title. On motion by Senator Brown-Waite, by two-thirds vote **HB 1495** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Madam President	Cowin	Holzendorf	Meadows
Bankhead	Crist	Horne	Myers
Bronson	Dantzler	Jenne	Ostalkiewicz
Brown-Waite	Diaz-Balart	Jones	Rossin
Burt	Dudley	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Thomas
Childers	Hargrett	Latvala	Turner
Clary	Harris	Lee	Williams

Nays—None

Vote after roll call:

Yea—Gutman, McKay

CS for SB 2186—A bill to be entitled An act relating to criminal history background checks; providing legislative intent; creating s. 943.083, F.S.; providing that certain religious, charitable, scientific, educational, athletic, or service institutions or organizations or local governmental entities with volunteers or employees or applicants for employment working with, or having regular unsupervised access to, children, elderly persons, or individuals with disabilities may make certain requirements upon such volunteers, employees, or applicants; providing that the volunteer, employee, or applicant be required to agree to the release of investigative records, provide fingerprints and other information necessary for criminal history records checks by the Florida Department of Law Enforcement and Federal Bureau of Investigation, agree to notification by the department to the institution or organization or local governmental entity regarding certain previous convictions, under specified circumstances, and attend a training program; providing for fees for requested records checks; authorizing additional positions within the department in excess of the total number of authorized positions provided in the appropriation acts; providing for funding from the Law Enforcement Operating Trust Fund; providing an effective date.

—was read the second time by title.

Senator Silver moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *It is the intent of the Legislature to provide a means by which the state may develop a coordinated united plan to implement the National Child Protection Act, Pub. L. No. 103-209, as amended by Pub. L. No. 103-322, or as otherwise amended. Toward that end, the Legislature intends to authorize the Division of Criminal Justice Information Systems of the Florida Department of Law Enforcement to establish procedures for providing criminal history background checks on volunteers and employees of organizations subject to the act, consistent with federal law, regulations, and guidelines.*

Section 2. Section 943.083, Florida Statutes, is created to read:

943.083 Criminal history background checks on volunteers and employees subject to National Child Protection Act.—

(1) Notwithstanding any other provision of law requiring preemployment background screening, a religious, charitable, scientific, educational, athletic, or service institution or organization or local governmental entity which provides care, treatment, education, training, instruction, supervision, or recreation to children, elderly persons, or individuals with disabilities may require any person, who works with or applies to work with or have unsupervised access to such children, elderly persons, or individuals with disabilities, as a volunteer or as a paid employee, to do one or more of the following:

(a) Agree to the release of all investigative records, including a statewide criminal records correspondence check through the Department of Law Enforcement, to such religious, charitable, scientific, educational, athletic, or service institution or organization or local governmental entity for the purpose of verifying the accuracy of information contained on an application to work for such institution or organization or local governmental entity;

(b) Provide a complete set of fingerprints and such other information in a manner approved by the Florida Department of Law Enforcement as is necessary for processing a criminal history record check by the Florida Department of Law Enforcement and the Federal Bureau of Investigation and agree to allow the Florida Department of Law Enforcement to use the information available to verify on behalf of the religious, charitable, scientific, educational, athletic, or service institution or organization or local governmental entity whether the individual appears to have provided substantially accurate and complete information concerning the existence, if any, of prior criminal arrests or convictions; or

(c) Attend a comprehensive training program for the protection of children, elderly persons, or individuals with disabilities which includes training on recognition, disclosure, reporting, and prevention of abuse, and provide necessary information for character, employment, education, and reference checks.

(2) When a records check is requested by a charitable or not-for-profit organization that demonstrates that it is eligible to have one conducted under the provisions of this section, fees shall be at the rates established by the Florida Department of Law Enforcement and the Federal Bureau of Investigation in accordance with the National Child Protection Act.

(3) Pursuant to section 216.262, Florida Statutes, the Florida Department of Law Enforcement is granted authority to establish positions in excess of the total authorized positions upon submission of a proper request to the Administration Commission. These positions shall be established with funding from the department's Law Enforcement Operating

Trust Fund and shall be used to process the increased workload of conducting the criminal history records checks authorized under this section. These positions will be earmarked by the department, and, at such time as they are no longer needed, may be placed in a reserve status for future use.

Section 3. This act shall take effect October 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to criminal history background checks; providing legislative intent; creating s. 943.083, F.S.; providing that certain religious, charitable, scientific, educational, athletic, or service institutions or organizations or local governmental entities with volunteers or employees or applicants for employment working with, or having regular unsupervised access to, children, elderly persons, or individuals with disabilities may make certain requirements upon such volunteers, employees, or applicants; providing that the volunteer, employee, or applicant may be required to agree to the release of investigative records, provide fingerprints and other information necessary for criminal history records checks by the Florida Department of Law Enforcement and Federal Bureau of Investigation, agree to notification by the department to the institution or organization or local governmental entity regarding certain previous convictions, under specified circumstances, or attend a training program; providing for fees for requested records checks; authorizing additional positions within the department in excess of the total number of authorized positions provided in the appropriation acts; providing for funding from the Law Enforcement Operating Trust Fund; providing an effective date.

On motion by Senator Silver, by two-thirds vote **CS for SB 2186** 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

Madam President	Crist	Horne	Meadows
Bankhead	Dantzler	Jenne	Myers
Bronson	Diaz-Balart	Jones	Ostalkiewicz
Brown-Waite	Dudley	Kirkpatrick	Rossin
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Latvala	Turner
Childers	Harris	Lee	Williams
Cowin	Holzendorf	McKay	

Nays—None

Vote after roll call:

Yea—Clary

SB 2272—A bill to be entitled An act relating to driver's licenses; amending s. 322.18, F.S.; prohibiting the Department of Highway Safety and Motor Vehicles from renewing a driver's license if its records show that the driver is the subject of an outstanding warrant for worthless checks; directing the Department of Law Enforcement to provide the Department of Highway Safety and Motor Vehicles with electronic access; providing circumstances for renewal of license; providing for confidentiality; providing for a fee; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 2272** to **CS for HB 225**.

Pending further consideration of **SB 2272** as amended, on motion by Senator McKay, by two-thirds vote **CS for HB 225** was withdrawn from the Committees on Transportation; Criminal Justice; and Ways and Means.

On motion by Senator McKay—

CS for HB 225—A bill to be entitled An act relating to driver licenses; amending s. 322.18, F.S.; prohibiting the Department of Highway Safety and Motor Vehicles from renewing a driver's license if its records show that the driver is the subject of an outstanding warrant for worthless checks; directing the Department of Law Enforcement to provide the Department of Highway Safety and Motor Vehicles with electronic access; providing circumstances for renewal of license; providing for confidentiality; providing for a fee; providing for an appropriation; providing an effective date.

—a companion measure, was substituted for **SB 2272** as amended and read the second time by title. On motion by Senator McKay, by two-thirds vote **CS for HB 225** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Madam President	Crist	Horne	Meadows
Bankhead	Dantzler	Jenne	Myers
Brown-Waite	Diaz-Balart	Jones	Ostalkiewicz
Burt	Dudley	Kirkpatrick	Rossin
Campbell	Dyer	Klein	Scott
Casas	Forman	Kurth	Silver
Childers	Grant	Latvala	Sullivan
Clary	Gutman	Lee	Thomas
Cowin	Harris	McKay	Williams

Nays—None

SB 2282—A bill to be entitled An act relating to fines; amending s. 939.017, F.S.; providing that fines collected for misdemeanor convictions involving drug or alcohol shall be forwarded to the jurisdictional county of collection rather than to the Department of Health and Rehabilitative Services; providing for the deposit of such fines in the local County Alcohol and Other Drug Abuse Trust Fund; repealing s. 397.321(20), F.S.; conforming provisions to the act; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 2282** to **HB 553**.

Pending further consideration of **SB 2282**, on motion by Senator Holzendorf, by two-thirds vote **HB 553** was withdrawn from the Committees on Children, Families and Seniors; Community Affairs; and Ways and Means.

On motion by Senator Holzendorf—

HB 553—A bill to be entitled An act relating to fines; amending s. 939.017, F.S.; providing that fines collected for misdemeanor convictions involving drug or alcohol shall be forwarded to the jurisdictional county of collection rather than to the Department of Health and Rehabilitative Services; providing for the deposit of such fines in the local County Alcohol and Other Drug Abuse Trust Fund; repealing s. 397.321(20), F.S.; conforming to the act; providing an effective date.

—a companion measure, was substituted for **SB 2282** and read the second time by title. On motion by Senator Holzendorf, by two-thirds vote **HB 553** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Dantzler	Jenne	Rossin
Bronson	Diaz-Balart	Jones	Scott
Brown-Waite	Dudley	Kirkpatrick	Silver
Burt	Dyer	Klein	Sullivan
Campbell	Forman	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	Lee	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—McKay

Consideration of **CS for SB 2450** was deferred.

SB 678—A bill to be entitled An act relating to local government finance; amending s. 212.055, F.S.; authorizing charter counties and counties as defined in s. 125.011, F.S., to use the proceeds of local government infrastructure surtax revenues and interest thereon to retire or service indebtedness incurred for certain bonds and to refund bonds issued after a specified date; ratifying any use of such proceeds or interest for purposes of retiring or servicing indebtedness incurred before the effective date of this act for refunding certain bonds; providing an effective date.

—was read the second time by title.

Senator Horne moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Section 327 of chapter 96-410, Laws of Florida, is repealed.*

Section 2. Subsection (4) is added to section 34.191, Florida Statutes, 1996 Supplement, to read:

34.191 Fines, forfeitures, and costs.—

(4) The board of county commissioners may assign the collection of fines, court costs, and other costs imposed by the court that are past due for 90 days or more to a private attorney or collection agency that is licensed or registered in this state, if the board of county commissioners determines that the assignment is cost-effective and follows established bid practices. The board of county commissioners may authorize a fee to be added to the outstanding balance to offset any collection costs that will be incurred.

Section 3. Subsection (3) of section 163.05, Florida Statutes, 1996 Supplement, is amended to read:

163.05 Small County Technical Assistance Program.—

(3) The purpose of this section is to provide technical assistance to small counties to enable them to implement workable solutions to financial and administrative problems. As used in this section, "small county" means a county that has a population of *75,000* ~~50,000~~ or less.

Section 4. Paragraph (i) of subsection (6) of section 163.3177, Florida Statutes, 1996 Supplement, is amended to read:

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

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

(i) The optional elements of the comprehensive plan in paragraphs (7)(a) and (b) are required elements for those *municipalities* ~~units of local government~~ having populations greater than 50,000, *and those counties having populations greater than 75,000,* as determined under s. 186.901.

Section 5. Paragraph (c) of subsection (1) of section 163.3187, Florida Statutes, 1996 Supplement, is amended to read:

163.3187 Amendment of adopted comprehensive plan.—

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(c) Any local government comprehensive plan amendments directly related to proposed small scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan. A small scale development amendment may be adopted only under the following conditions:

1. The proposed amendment involves a use of 10 acres or fewer and:

a. The cumulative annual effect of the acreage for all small scale development amendments adopted by the local government shall not exceed:

(I) A maximum of 120 acres in a local government that contains areas specifically designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e); however, amendments under this paragraph may be applied to no more than 60 acres annually of property outside the designated areas listed in this sub-sub-subparagraph.

(II) A maximum of 80 acres in a local government that does not contain any of the designated areas set forth in sub-sub-subparagraph (I).

(III) A maximum of 120 acres in a county established pursuant to Article VIII, Section 9, of the Constitution.

b. The proposed amendment does not involve the same property granted a change within the prior 12 months.

c. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.

d. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity.

e. The property that is the subject of the proposed amendment is not located within an area of critical state concern.

f. If the proposed amendment involves a residential land use, the residential land use has a density of 10 units or less per acre, except that this limitation does not apply to small scale amendments described in sub-sub-subparagraph a.(I) that are designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e).

2.a. A local government that proposes to consider a plan amendment pursuant to this paragraph is not required to comply with the procedures and public notice requirements of s. 163.3184(15)(c) for such plan amendments if the local government complies with the provisions in s. 125.66(4)(a) for a county or in s. 166.041(3)(c) for a municipality. If a request for a plan amendment under this paragraph is initiated by other than the local government, public notice is required.

b. The local government shall send copies of the notice and amendment to the state land planning agency, the regional planning council, and any other person or entity requesting a copy. This information shall also include a statement identifying any property subject to the amendment that is located within a coastal high hazard area as identified in the local comprehensive plan.

3. Small scale development amendments adopted pursuant to this paragraph require only one public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(7), and are not subject to the requirements of s. 163.3184(3)-(6) unless the local government elects to have them subject to those requirements.

Section 6. Paragraph (a) of subsection (12) of section 163.3191, Florida Statutes, 1996 Supplement, is amended to read:

163.3191 Evaluation and appraisal of comprehensive plan.—

(12)(a) The state land planning agency may enter into a written agreement with a municipality of fewer than 5,000 residents or a county with fewer than *75,000* ~~50,000~~ residents so that such a jurisdiction may focus planning resources on selected issues or elements when updating its plan, if the local government includes such a request in its report and the agency approves the request. Approval of the request does not authorize the local government to repeal or render ineffective any existing portion or element of its local plan.

Section 7. Paragraph (b) of subsection (1) of section 165.061, Florida Statutes, is amended to read:

165.061 Standards for incorporation, merger, and dissolution.—

(1) The incorporation of a new municipality, other than through merger of existing municipalities, must meet the following conditions in the area proposed for incorporation:

(b) It must have a total population, as determined in the latest official state census, special census, or estimate of population, in the area proposed to be incorporated of at least 1,500 persons in counties with a population of *75,000 or* less ~~than 50,000~~, and of at least 5,000 population in counties with a population of more than *75,000* ~~50,000~~.

Section 8. Paragraph (a) of subsection (1), paragraph (d) of subsection (2), and subsection (6) of section 212.055, Florida Statutes, 1996 Supplement, are amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(1) CHARTER COUNTY TRANSIT SYSTEM SURTAX.—

(a) Each charter county ~~which adopted a charter prior to June 1, 1976,~~ and each county the government of which is consolidated with that of one or more municipalities~~,~~ may levy a discretionary sales surtax, subject to approval by a majority vote of the electorate of the county or by a charter amendment approved by a majority vote of the electorate of the county.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(d)1. The proceeds of the surtax authorized by this subsection and any interest accrued thereto shall be expended by the school district or within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure and to acquire land for public recreation or conservation or protection of natural resources and to finance the closure of county-owned or municipally owned solid waste landfills that are already closed or are required to close by order of the Department of Environmental Protection. Any use of such proceeds or interest for purposes of landfill closure prior to July 1, 1993, is ratified. Neither the proceeds nor any interest accrued thereto shall be used for operational expenses of any infrastructure, except that any county with a population of less than *75,000* ~~50,000~~ that is required to close a landfill by order of the Department of Environmental Protection may use the proceeds or any interest accrued thereto for long-term maintenance costs associated with landfill closure. *Charter counties and* counties~~,~~ as defined in s. 125.011(1)~~,~~ may, in addition, use the proceeds *and any interest accrued thereon* to retire or service indebtedness incurred for bonds issued prior to July 1, 1987, for infrastructure purposes *and, for bonds subsequently issued, to refund such bonds.*

2. For the purposes of this paragraph, "infrastructure" means:

a. Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities which have a life expectancy of 5 or more years and any land acquisition, land improvement, design, and engineering costs related thereto.

b. A fire department vehicle, an emergency medical service vehicle, a sheriff's office vehicle, a police department vehicle, or any other vehicle, and such equipment necessary to outfit the vehicle for its official use or equipment that has a life expectancy of at least 5 years.

(6) SMALL COUNTY INDIGENT CARE SURTAX.—

(a) The governing body in each county that has a population of 50,000 or less on April 1, 1992, may levy, pursuant to an ordinance approved by an extraordinary vote of the governing body, a discretionary sales surtax at a rate of 0.5 percent. Any county that levies the surtax authorized by this subsection shall continue to expend county funds for the medically poor and related health services in an amount equal to the amount that it expended for the medically poor and related health services in the fiscal year preceding the adoption of the authorizing ordinance.

(b) Notwithstanding s. 212.054(5), the sales surtax may take effect on the first day of any month, as fixed by the ordinance adopted pursuant to paragraph (a), but may not take effect until at least 60 days after the date of adoption of the ordinance.

(c) The ordinance adopted by the governing body providing for the imposition of the surtax shall set forth a brief plan for providing health care services to qualified residents, as defined in paragraph (d). Such plan and subsequent amendments to it shall fund a broad range of health care services for both indigent persons and the medically poor, including, but not limited to, primary care and preventive care as well as hospital care. It shall emphasize a continuity of care in the most cost-effective setting, taking into consideration both a high quality of care and geographic access. Where consistent with these objectives, it shall include, without limitation, services rendered by physicians, clinics, community hospitals, mental health centers, and alternative delivery sites, as well as at least one regional referral hospital where appropriate. It shall provide that agreements negotiated between the county and providers will include reimbursement methodologies that take into account the cost of services rendered to eligible patients, recognize hospitals that render a disproportionate share of indigent care, provide other incentives to promote the delivery of charity care, and require cost containment including, but not limited to, case management. It shall also provide that any hospitals that are owned and operated by government entities on May 21, 1991, must, as a condition of receiving funds under this subsection, afford public access equal to that provided under s. 286.011 as to meetings of the governing board, the subject of which is budgeting resources for the rendition of charity care as that term is defined in the *Florida Hospital Uniform Reporting System (FHURS) manual referenced in s. 408.07* ~~rules of the Health Care Cost Containment Board~~. The plan shall also include innovative health care programs that provide cost-effective alternatives to traditional methods of service delivery and funding.

(d) For the purpose of this subsection, "qualified resident" means residents of the authorizing county who are:

1. Qualified as indigent persons as certified by the authorizing county;

2. Certified by the authorizing county as meeting the definition of the medically poor, defined as persons having insufficient income, resources, and assets to provide the needed medical care without using resources required to meet basic needs for shelter, food, clothing, and personal expenses; or not being eligible for any other state or federal program, or having medical needs that are not covered by any such program; or having insufficient third-party insurance coverage. In all cases, the authorizing county is intended to serve as the payor of last resort; or

3. Participating in innovative, cost-effective programs approved by the authorizing county.

(e) Moneys collected pursuant to this subsection remain the property of the state and shall be distributed by the Department of Revenue on a regular and periodic basis to the clerk of the circuit court as ex officio custodian of the funds of the authorizing county. The clerk of the circuit court shall:

1. Maintain the moneys in an indigent health care trust fund;

2. Invest any funds held on deposit in the trust fund pursuant to general law; and

3. Disburse the funds, including any interest earned, to any provider of health care services, as provided in paragraphs (c) and (d), upon directive from the authorizing county.

(f) Notwithstanding any other provision of this section, a county shall not levy local option sales surtaxes authorized in this subsection and subsections (2) and (3) in excess of a combined rate of 1 percent.

(g) This subsection expires October 1, *2008* ~~1998~~.

Section 9. *Any use of the proceeds of the surtax authorized by subsection (2) of section 212.055, Florida Statutes, or of any interest accrued on*

such proceeds, for purposes of retiring or servicing indebtedness incurred before July 1, 1997, for refunding bonds issued after July 1, 1987, is ratified.

Section 10. Section 218.075, Florida Statutes, is amended to read:

218.075 Reduction or waiver of permit processing fees.—Notwithstanding any other provision of law, the Department of Environmental Protection and the water management districts shall reduce or waive permit processing fees for counties with a population of 50,000 or less *on April 1, 1994, until such counties exceed a population of 75,000* ~~in population~~ and municipalities with a population of 25,000 or less, or any county or municipality not included within a metropolitan statistical area. Fee reductions or waivers shall be approved on the basis of fiscal hardship or environmental need for a particular project or activity. The governing body must certify that the cost of the permit processing fee is a fiscal hardship due to one of the following factors:

(1) Per capita taxable value is less than the statewide average for the current fiscal year;

(2) Percentage of assessed property value that is exempt from ad valorem taxation is higher than the statewide average for the current fiscal year;

(3) Any condition specified in s. 218.503, that determines a state of financial emergency;

(4) Ad valorem operating millage rate for the current fiscal year is greater than 8 mills; or

(5) A financial condition that is documented in annual financial statements at the end of the current fiscal year and indicates an inability to pay the permit processing fee during that fiscal year.

The permit applicant must be the governing body of a county or municipality or a third party under contract with a county or municipality and the project for which the fee reduction or waiver is sought must serve a public purpose. If a permit processing fee is reduced, the total fee shall not exceed $100.

Section 11. Paragraph (a) of subsection (2) and paragraph (a) of subsection (7) of section 218.65, Florida Statutes, 1996 Supplement, are amended to read:

218.65 Emergency distribution.—

(2) The Legislature hereby finds and declares that a fiscal emergency exists in any county which meets the criteria specified in paragraph (a), if applicable, and the criterion specified in paragraph (b):

(a) If the county has a population of *65,000* ~~50,000~~ or above:

1. In any year from 1977 to 1981, inclusive, the value of net new construction and additions placed on the tax roll for that year was less than 2 percent of the taxable value for school purposes on the roll for that year, exclusive of such net value; or

2. The percentage increase in county taxable value from 1979 to 1980, 1980 to 1981, or 1981 to 1982 was less than 3 percent.

(7)(a) Any county ~~eligible for an emergency distribution pursuant to this section~~ the inmate population of which in any year is greater than 7 percent of the total population of the county is eligible for a supplemental distribution for that year from funds expressly appropriated therefor. At the beginning of each fiscal year, the Department of Revenue shall calculate a supplemental allocation for each eligible county equal to the current per capita limitation pursuant to subsection (4) times the inmate population of the county. If moneys appropriated for distribution pursuant to this section for the current year are less than the sum of supplemental allocations, each eligible county shall receive a share of the appropriated amount proportional to its supplemental allocation. Otherwise, each shall receive an amount equal to its supplemental allocation.

Section 12. Paragraph (a) of subsection (3) of section 252.373, Florida Statutes, is amended to read:

252.373 Allocation of funds; rules.—

(3) The department shall allocate funds from the Emergency Management, Preparedness, and Assistance Trust Fund to local emergency management agencies and programs pursuant to criteria specified in rule. Such rules shall include, but are not limited to:

(a) Requiring that, at a minimum, a local emergency management agency either:

1. Have a program director who works at least 40 hours a week in that capacity; or

2. If the county has fewer than *75,000* ~~50,000~~ population or is party to an interjurisdictional emergency management agreement entered into pursuant to s. 252.38(3)(b), that is recognized by the Governor by executive order or rule, have an emergency management coordinator who works at least 20 hours a week in that capacity.

Section 13. Paragraphs (b) and (e) of subsection (12) of section 259.032, Florida Statutes, 1996 Supplement, are amended to read:

259.032 Conservation and Recreation Lands Trust Fund; purpose.—

(12)

(b) Payment in lieu of taxes shall be available:

1. To counties which levy an ad valorem tax of at least *8.25* ~~9~~ mills or the amount of the tax loss from all completed Preservation 2000 acquisitions in the county exceeds 0.01 percent of the county's total taxable value, and have a population of 75,000 or less, and

2. To counties with a population of less than 100,000 which contain all or a portion of an area of critical state concern designated pursuant to chapter 380 and to local governments within such counties.

For the purposes of this paragraph, "local government" includes municipalities, the county school board, mosquito control districts, and any other local government entity which levies ad valorem taxes, with the exception of a water management district.

(e) The payment amount shall be based on the average amount of actual taxes paid on the property for the 3 years preceding acquisition. Applications for payment in lieu of taxes shall be made no later than January 31 of the year following acquisition. No payment in lieu of taxes shall be made for properties which were exempt from ad valorem taxation for the year immediately preceding acquisition. If property which was subject to ad valorem taxation was acquired by a tax-exempt entity for ultimate conveyance to the state under this chapter, payment in lieu of taxes shall be made for such property based upon the average amount of taxes paid on the property for the 3 years prior to its being removed from the tax rolls. The department shall certify to the Department of Revenue those properties that may be eligible under this provision. Payment in lieu of taxes shall be limited to a total of 10 *consecutive* years of annual payments, *beginning in the year a local government becomes eligible.*

Section 14. Paragraph (b) of subsection (14) of section 373.59, Florida Statutes, 1996 Supplement, is amended to read:

373.59 Water Management Lands Trust Fund.—

(14)

(b) Payment in lieu of taxes shall be available to counties for each year in which the levy of ad valorem tax is at least *8.25* ~~9~~ mills or the amount of the tax loss from all completed Preservation 2000 acquisitions in the county exceeds 0.01 percent of the county's total taxable value, and the population *of* ~~is~~ 75,000 or less, and to counties with a population of less than 100,000 which contain all or a portion of an area of critical state concern designated pursuant to chapter 380.

Section 15. Subsection (3) of section 288.063, Florida Statutes, 1996 Supplement, is amended to read:

288.063 Contracts for transportation projects.—

(3) With respect to any contract executed pursuant to this section, the term "transportation project" means a transportation facility as defined in s. 334.03(31) which is necessary in the judgment of the Office of Tourism, Trade, and Economic Development to facilitate the economic development and growth of the state. Except for applications received prior to July 1, 1996, such transportation projects shall be approved only

as a consideration to attract new employment opportunities to the state or expand or retain employment in existing companies operating within the state, or to allow for the construction or expansion of a state or federal correctional facility in a county with a population of *75,000* ~~50,000~~ or less that creates new employment opportunities or expands or retains employment in the county. The Office of Tourism, Trade, and Economic Development shall institute procedures to ensure that small and minority businesses have equal access to funding provided under this section. Funding for approved transportation projects may include any expenses, other than administrative costs and equipment purchases specified in the contract, necessary for new, or improvement to existing, transportation facilities.

Section 16. Subsection (1) of section 373.441, Florida Statutes, is amended to read:

373.441 Role of counties, municipalities, and local pollution control programs in permit processing.—

(1) The department in consultation with the water management districts shall, by December 1, 1994, adopt rules to guide the participation of counties, municipalities, and local pollution control programs in an efficient, streamlined permitting system. Such rules shall seek to increase governmental efficiency, shall maintain environmental standards, and shall include consideration of the following:

(a) Provisions under which the environmental resource permit program shall be delegated, upon approval of the department and the appropriate water management districts, to a county, municipality, or local pollution control program which has the financial, technical, and administrative capabilities and desire to implement and enforce the program;

(b) Provisions under which a locally delegated permit program may have stricter environmental standards than state standards;

(c) Provisions for identifying and reconciling any duplicative permitting by January 1, 1995;

(d) Provisions for timely and cost-efficient notification by the reviewing agency of permit applications, and permit requirements, to counties, municipalities, local pollution control programs, the department, or water management districts, as appropriate;

(e) Provisions for ensuring the consistency of permit applications with local comprehensive plans;

(f) Provisions for the partial delegation of the environmental resource permit program to counties, municipalities, or local pollution control programs, and standards and criteria to be employed in the implementation of such delegation by counties, municipalities, and local pollution control programs;

(g) Special provisions under which the environmental resource permit program may be delegated to counties *with populations of 75,000 or less*, or municipalities with, or local pollution control programs serving, populations of 50,000 or less; and

(h) Provisions for the applicability of chapter 120 to local government programs when the environmental resource permit program is delegated to counties, municipalities, or local pollution control programs.

Section 17. Subsection (5) of section 403.4131, Florida Statutes, is amended to read:

403.4131 "Keep Florida Beautiful, Incorporated"; placement of signs.—

(5) Each county is encouraged to initiate a litter control and prevention program or to expand upon its existing program. The department shall establish a system of grants for municipalities and counties to implement litter control and prevention programs. In addition to the activities described in subsection (1), such grants shall at a minimum be used for litter cleanup, grassroots educational programs involving litter removal and prevention, and the placement of litter and recycling receptacles. Counties are encouraged to form working public private partnerships as authorized under this section to implement litter control and prevention programs at the community level. The grants authorized pursuant to this section shall be incorporated as part of the recycling and education grants. Counties that have a population under *75,000* ~~50,000~~ are encouraged to develop a regional approach to administering and coordinating their litter control and prevention programs.

Section 18. Paragraph (d) of subsection (4) of section 403.706, Florida Statutes, is amended to read:

403.706 Local government solid waste responsibilities.—

(4)

(d) A county with a population of *75,000* ~~50,000~~ or less may provide its residents with the opportunity to recycle in lieu of achieving the goal set forth in paragraph (a). For the purposes of this subsection, the "opportunity to recycle" means that the county:

1.a. Provides a system for separating and collecting recyclable materials prior to disposal that is located at a solid waste management facility or solid waste disposal area; or

b. Provides a system of places within the county for collection of source-separated recyclable materials.

2. Provides a public education and promotion program that is conducted to inform its residents of the opportunity to recycle, encourages source separation of recyclable materials, and promotes the benefits of reducing, reusing, recycling, and composting materials.

If a county with a population of *75,000* ~~50,000~~ or less decides to provide the opportunity to recycle in lieu of achieving the goal set forth in paragraph (a), the county shall notify the department by October 1~~, 1993,~~ of such decision, and shall provide the department with a description of how the county intends to provide the opportunity to recycle. The department shall take into consideration the description provided by the county in determining the amount of grant moneys to be provided to the county pursuant to s. 403.7095.

Section 19. Paragraph (c) of subsection (3) of section 403.7061, Florida Statutes, is amended to read:

403.7061 Requirements for review of new waste-to-energy facility capacity by the Department of Environmental Protection.—

(3) An applicant must provide reasonable assurance that the construction of a new waste-to-energy facility or the expansion of an existing waste-to-energy facility will comply with the following subsections:

(c) The county in which the facility is located will achieve the 30-percent waste reduction goal set forth in s. 403.706(4) by the time the facility begins operation. For the purposes of this section, the provisions of s. 403.706(4)(d) for counties with populations of *75,000* ~~50,000~~ or less do not apply.

Section 20. Paragraph (a) of subsection (7) of section 403.7095, Florida Statutes, is amended to read:

403.7095 Solid waste management grant program.—

(7)(a) Annual solid waste and recycling grants shall be available to counties with populations of fewer than *75,000* ~~50,000~~. The sum of $50,000 shall be available annually to each eligible county from the Solid Waste Management Trust Fund ~~through 1996~~. These grants shall be made by October 1 of each year to any county applying to the department prior to August 1 of any given year.

Section 21. Subsection (1) of section 403.719, Florida Statutes, is amended to read:

403.719 Waste tire grants.—

(1) The department shall administer a program to make grants to counties that seek, individually or collectively, to:

(a) Construct or operate, or contract for the construction or operation of, a waste tire processing facility and equipment purchases therefor;

(b) Contract for a waste tire processing facility service within or outside the county or state;

(c) Collect and remove, or contract for the collection and removal of, waste tires from waste tire piles or other areas within the county. Re-

moval of waste tires may include transportation outside the county, region, or state;

(d) Perform, or contract for the performance of, research designed to facilitate waste tire recycling and to operate recycling and education programs;

(e) Establish waste tire collection centers at solid waste disposal facilities or waste tire processing facilities;

(f) Provide incentives for establishing privately operated waste tire collection centers for the public;

(g) Perform, or contract for the performance of, enforcement and prevention activities to prevent the illegal transportation and disposal of waste tires and other solid waste materials;

(h) Purchase materials and products made from waste tires that are collected and recycled within this state;

(i) Counties with populations less than *75,000* ~~50,000~~ may use waste tire grants for any solid waste related purpose; or

(j) In addition to the use specified in paragraph (c), abate mosquitoes and provide mosquito control at waste tire sites, other tire piles, and other sites in the county identified by local mosquito control agencies as mosquito breeding areas.

Section 22. Subsection (4) is added to section 288.065, Florida Statutes, 1996 Supplement, to read:

288.065 Rural Community Development Revolving Loan Fund.—

(4) Notwithstanding the provisions of s. 216.301, funds appropriated for this purpose shall not be subject to reversion.

Section 23. Paragraph (b) of subsection (2) of section 288.106, Florida Statutes, 1996 Supplement, is amended, paragraphs (r) and (s) are added to that subsection, and paragraph (b) of subsection (4) of that section is amended, to read:

288.106 Tax refund program for qualified target industry businesses.—

(2) DEFINITIONS.—As used in this section:

(b) "Average *private sector* wage in the area" means the statewide private sector average wage or the average of all *private sector* wages and salaries in the county or in the standard metropolitan area in which the business is located.

(r) "Rural county" means a county with a population of 75,000 or less.

(s) "Rural city" means a city with a population of 10,000 or less, or a city with a population of greater than 10,000 but less than 20,000 which has been determined by the Office of Tourism, Trade, and Economic Development to have economic characteristics such as, but not limited to, a significant percentage of residents on public assistance, a significant percentage of residents with income below the poverty level, or a significant percentage of the city's employment base in agriculture-related industries.

(4) APPLICATION AND APPROVAL PROCESS.—

(b) To qualify for review by the office, the application of a target industry business must, at a minimum, establish the following to the satisfaction of the office:

1. The jobs proposed to be provided under the application, pursuant to subparagraph (a)4., must pay an estimated annual average wage equaling at least 115 percent of the average *private sector* wage in the area where the business is to be located or the statewide private sector average wage. *The office may waive this average wage requirement at the request of the local governing body recommending the project and Enterprise Florida, Inc. The wage requirement may be waived only for a project located in a rural city or county or in an enterprise zone and only when the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. If the local governing body and Enterprise Florida, Inc., make such a recommendation, it must be transmitted in writing and the specific justification for the waiver recommendation must be explained. If the director elects to waive the wage requirement, the waiver must be stated in writing and the reasons for granting the waiver must be explained.*

2. The target industry business's project must result in the creation of at least 10 jobs at such project.

3. The business activity or product for the applicant's project is within an industry or industries that have been identified by the office to be high-value-added industries that contribute to the area and to the economic growth of the state and that produce a higher standard of living for citizens of this state in the new global economy or that can be shown to make an equivalent contribution to the area and state's economic progress.

Section 24. Paragraph (l) of subsection (3) of section 125.0104, Florida Statutes, 1996 Supplement, is amended to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

(l) In addition to any other tax which is imposed pursuant to this section, a county may impose up to an additional 1-percent tax on the exercise of the privilege described in paragraph (a) by majority vote of the governing board of the county in order to:

1. Pay the debt service on bonds issued to finance the construction, reconstruction, or renovation of a professional sports franchise facility, either publicly owned and operated, or publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred prior to the issuance of such bonds.

2. Pay the debt service on bonds issued to finance the construction, reconstruction, or renovation of a convention center, and to pay the planning and design costs incurred prior to the issuance of such bonds. *As used in this section, the term "convention center" does not include any facility having a hotel, motel, or other transient living accommodations as described in s. 509.013(4)(a) which are licensed under part I of chapter 509.*

~~3.~~ Only counties that have elected to levy the tax initially for the purposes authorized in subparagraph 1. may use the tax for the purposes enumerated in subparagraph 2. *A high tourism impact county that imposes the tax authorized by paragraph (m) and qualifies as a high tourism impact county under paragraph (m) because it had sales subject to the tax levied pursuant to this section which were at least 18 percent of the county's total taxable sales under chapter 212, and the sales subject to the tax levied pursuant to this section were a minimum of $200 million, but that is not authorized to levy the tax under s. 125.0108, may use the tax revenues received pursuant to this paragraph to acquire a convention center, or to pay the cost of planning, designing, constructing, reconstructing, or renovating a convention center, and to pay the debt service on bonds issued for such purposes, whether or not the tax is levied initially to finance the construction, reconstruction, or renovation of a professional sports franchise facility. In such event, any remaining tax revenue shall be used to promote and advertise the convention center or tourism in general.* The provision of paragraph (b) which prohibits any county authorized to levy a convention development tax pursuant to s. 212.0305 from levying more than the 2-percent tax authorized by this section, and the provisions of paragraphs (4)(a) through (d), shall not apply to the additional tax authorized in this paragraph. The effective date of the levy and imposition of the tax authorized under this paragraph shall be the first day of the second month following approval of the ordinance by the governing board or the first day of any subsequent month as may be specified in the ordinance. A certified copy of such ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of such ordinance.

Section 25. Paragraph (b) of subsection (2) of section 212.054, Florida Statutes, 1996 Supplement, is amended to read:

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

(2)

(b) However:

1. The tax on any sales amount above $5,000 on any item of tangible personal property and on long-distance telephone service shall not be subject to the surtax. For purposes of administering the $5,000 limitation on an item of tangible personal property, if two or more taxable items of tangible personal property are sold to the same purchaser at the same time and, under generally accepted business practice or industry standards or usage, are normally sold in bulk or are items that, when assembled, comprise a working unit or part of a working unit, such items must be considered a single item for purposes of the $5,000 limitation when supported by a charge ticket, sales slip, invoice, or other tangible evidence of a single sale or rental. The limitation provided in this subparagraph does not apply to the sale of any other service.

2. In the case of utility, telecommunication, or television system program services billed on or after the effective date of any such surtax, the entire amount of the tax for utility, telecommunication, or television system program services shall be subject to the surtax. In the case of utility, telecommunication, or television system program services billed after the last day the surtax is in effect, the entire amount of the tax on said items shall not be subject to the surtax.

3. In the case of written contracts which are signed prior to the effective date of any such surtax for the construction of improvements to real property or for remodeling of existing structures, the surtax shall be paid by the contractor responsible for the performance of the contract. However, the contractor may apply for one refund of any such surtax paid on materials necessary for the completion of the contract. Any application for refund shall be made no later than 15 months following initial imposition of the surtax in that county. The application for refund shall be in the manner prescribed by the department by rule. A complete application shall include proof of the written contract and of payment of the surtax. The application shall contain a sworn statement, signed by the applicant or its representative, attesting to the validity of the application. The department shall, within 30 days after approval of a complete application, certify to the county information necessary for issuance of a refund to the applicant. Counties are hereby authorized to issue refunds for this purpose and shall set aside from the proceeds of the surtax a sum sufficient to pay any refund lawfully due. Any person who fraudulently obtains or attempts to obtain a refund pursuant to this subparagraph, in addition to being liable for repayment of any refund fraudulently obtained plus a mandatory penalty of 100 percent of the refund, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4. Transactions that are subject to the tourist development tax levied and imposed under s. 125.0104(3) are not subject to the discretionary surtax levied under s. 212.055 by the governing body of a high tourism impact county if:

a. The aggregate rate of the tourist development tax levied and imposed on such transactions within the county equals or exceeds 5 percent; and

b. The discretionary surtax that is initially levied by the governing body of the county has an effective date of January 1, 1998, or later.

If the tourist development tax is levied and imposed only in a subcounty special district and not in the entire county, the exemption provided under this subparagraph applies only in the subcounty special district. If the aggregate rate of the tourist development tax levied and imposed within the county or subcounty special district is reduced to less than 5 percent, the exemption provided under this subparagraph no longer applies within the county or subcounty special district.

Section 26. Section 939.18, Florida Statutes, is created to read:

939.18 Assessment of additional court costs for court facilities.—

(1)(a) When a person pleads guilty or nolo contendere to, or is found guilty of, any felony, misdemeanor, or criminal traffic offense under the laws of this state, the court may assess an additional court cost, not to exceed $150. Such additional assessment shall be accounted for separately by the county in which the offense occurred to be used for providing and maintaining court facilities under rules adopted by the Administration Commission. The Administration Commission shall adopt rules to implement this subsection which prescribe the methods of expenditure, the permissible purposes of expenditure, the investment requirements for the fund, and the accounting and reporting requirements to be enforced by each county as to the funds collected.

(b) The court may order a person to pay the additional court cost if it finds that the person has the ability to pay the additional assessment and will not be prevented thereby from making restitution or other compensation to victims which is authorized by law or from paying child support.

(2) The clerk of court shall annually prepare a financial report detailing the amount of court costs assessed and received, and expenditures and earnings from the investment of such funds. This report must be submitted to the board of county commissioners, the chief judge of the judicial circuit in which the county is situated, and the Cabinet through the Administration Commission.

Section 27. This act shall take effect July 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to counties; repealing s. 327, ch. 96-410, Laws of Florida, which provides that once a small county meets the population requirements and qualifies for programs under ss. 40.015, 163.05, 163.3177, 163.3187, 163.3191, 165.061, 212.055, 218.075, 218.65, 252.373, 265.2861, 403.706, and 403.7095, F.S., it shall retain that qualification until it exceeds a population of 75,000; amending s. 34.191, F.S.; authorizing boards of county commissioners to assign collection of past due fines and costs to a private attorney or collection agency and authorizing fees for such purposes; amending ss. 163.05, 163.3177, 163.3187, 163.3191, 165.061, 212.055, 218.075, 252.373, 288.063, 373.441, 403.4131, 403.706, 403.719, F.S., to increase the maximum population limit to qualify as a small county in provisions that establish a technical assistance program for small counties, that provide that certain elements of a local government comprehensive plan are optional for small counties, that provide for small-scale amendment thresholds to allow Duval County 120 acres, that authorize the state land planning agency to enter into agreements with small counties to focus on selected issues or elements when updating their comprehensive plans, that provide population requirements for incorporation of municipalities in small counties, that authorize certain small counties to use proceeds of the local government infrastructure surtax for long-term maintenance costs associated with landfill closure, that authorize the Department of Environmental Protection and Water Management districts to waive or reduce permit processing fees for small counties under certain conditions, that provide criteria that small counties must meet to qualify for funds from the Emergency Management, Preparedness, and Assistance Trust Fund, that provide that certain small counties are qualified for contracts with the Office of Tourism, Trade, and Economic Development for transportation projects, that require consideration of special provisions when an environmental resource permit program is delegated to small counties, that encourage a regional approach to litter control and prevention programs in small counties, that authorize small counties to provide their residents with the opportunity to recycle in lieu of achieving solid waste reduction goals, and that provide for the use of waste tire grants by small counties; amending s. 212.055, F.S.; authorizing charter counties to levy a county transit system surtax; authorizing charter counties and counties as defined in s. 125.011, F.S., to use the proceeds of local government infrastructure surtax revenues and interest thereon to retire or service indebtedness incurred for certain bonds and to refund bonds issued after a specified date; ratifying any use of such proceeds or interest for purposes of retiring or servicing indebtedness incurred before the effective date of this act for refunding certain bonds; amending s. 403.7061, F.S., to conform; amending s. 218.65, F.S., relating to emergency and supplemental distributions from the Local Government Half-cent Sales Tax Clearing Trust Fund; revising the population limitation for purposes of provisions which exempt small counties from certain criteria imposed to qualify for an emergency distribution; deleting a requirement that a county must be eligible for an emergency distribution in order to qualify for a supplemental distribution; amending ss. 259.032, 373.59, F.S.; amending a requirement that small counties levy a specified millage or suffer a specified percentage of tax loss in order to receive payments in lieu of taxes from funds in the Conservation and Recreation Lands Trust Fund or Water Management Lands Trust Fund for tax losses incurred as a result of acquisitions under the Florida Preservation 2000 Program; revising the period during which payments in lieu of taxes are to be made; amending s. 403.7095, F.S.; revising the population limitation for purposes of provisions which authorize annual solid waste and recycling grants to small counties and deleting the

expiration date for such grants; amending s. 212.055, F.S.; providing the expiration date for small county indigent care surtax; amending s. 288.065, F.S.; providing that funds appropriated for the Rural Community Development Revolving Loan Fund are not subject to reversion; amending s. 288.106, F.S.; defining the terms "rural county" and "rural city"; providing for the determination of the "average wage in the area" for purposes of the tax refund program for qualified target industry businesses to be based on private sector wages only; authorizing the Office of Tourism, Trade, and Economic Development to waive the annual wage requirement imposed as a condition of qualifying for review for participation in the program under certain circumstances; amending s. 125.0104, F.S.; revising provisions which authorize the levy of an additional local option tourist development tax to pay debt service on bonds for a professional sports franchise facility or convention center; providing a definition of "convention center"; providing additional uses for the additional tax authorized to be levied by counties which levy said tax; amending s. 212.054, F.S.; exempting from newly enacted discretionary sales surtaxes levied by a high tourism impact county transactions that are subject to specified tourist development taxes in an aggregate rate that exceeds a specified maximum; creating s. 939.18, F.S.; providing for an additional assessment on persons pleading guilty or nolo contendere to, or found guilty of, a crime, to be used to provide and maintain court facilities; providing an effective date.

On motion by Senator Horne, by two-thirds vote **SB 678** 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

Madam President	Dantzler	Jenne	Rossin
Bankhead	Diaz-Balart	Jones	Scott
Bronson	Dudley	Kirkpatrick	Silver
Brown-Waite	Dyer	Klein	Sullivan
Campbell	Forman	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	Lee	Williams
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	
Crist	Horne	Myers	

Nays—1

Ostalkiewicz

Vote after roll call:

Yea—Burt

CS for SB 904—A bill to be entitled An act relating to confidentiality of information relating to risk-based-capital reports of insurers; providing a public records exemption for risk-based-capital reports, risk-based-capital plans, and working papers and reports of examination or analysis; providing a public meetings notice for certain hearings conducted by the department regarding risk-based capital; providing exceptions; providing application of the act; providing for termination of the exemptions; providing legislative findings; providing an effective date.

—was read the second time by title.

Senator Grant moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Confidentiality of risk-based capital information.—*

(1) The initial risk-based capital report made, furnished, or filed with the Department of Insurance, any risk-based capital plan, revised risk-based capital plan, adjusted risk-based capital report, and working papers and reports of examination or analysis of an insurer performed pursuant to a plan or corrective order, or regulatory action level, subsequently filed at the request of the department, with respect to any domestic insurer or foreign insurer, and transcripts of hearings conducted pursuant to this section, are confidential and exempt from section 119.07(1), Florida Statutes, and section 24(a), Art. I of the State Constitution.

(2) Proceedings and hearings conducted pursuant to section 1 of SB 620, section 1 of HB 1943, or section 1 of SB 898 relating to the department's actions regarding any insurer's risk-based capital plan, revised risk-based capital plan, risk-based capital report or adjusted risk-based capital report, are exempt from the provisions of section 286.011, Florida Statutes, and section 24(b), Art. I of the State Constitution, except as otherwise provided in this section. All portions of such hearings or proceedings shall be recorded by a court reporter. The Department of Insurance shall open such proceedings or hearings or provide a copy of the transcript of such hearings or proceedings, or disclose the contents of notices, correspondence, reports, records, or other information to a department, agency, or instrumentality of this or another state or of the United States if the department determines the disclosure is necessary or proper for the enforcement of the laws of the United States or of this or another state.

(3) This section does not apply to proceedings, hearings, notices, correspondence, reports, records, or other information obtained upon the appointment of a receiver for the insurer by a court of competent jurisdiction.

(4) The exemptions provided by this section shall terminate:

(a) One year following the conclusion of any risk-based capital plan or revised risk-based capital plan; or

(b) On the date of entry of an order of seizure, rehabilitation, or liquidation pursuant to chapter 631, Florida Statutes.

(5) This section is subject to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall stand repealed on October 2, 2002, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. *The Legislature finds that the public records and meetings exemptions provided for in section 1 of this act are a public necessity because unrestricted public access to information, proceedings, and hearings relating to an insurer's risk-based capital plan and risk-based capital adjusted report, and documents and examination reports related thereto, might damage the insurer if made available to its competitors and could substantially affect the solvency of an insurer. Damage to an insurer's solvency could have a substantial negative effect on the public as well as on other insurers. Furthermore, public access to such information would not serve a public interest in that such information can be misleading as to an insurer's ranking because risk-based data does not reflect all of the factors involved in the assessment of an insurer's financial strength. The Legislature also finds that risk-based capital reports and plans reveal an insurer's investment decisions and that such decisions are a trade secret that give the insurer a competitive advantage in the private market. Public access to such information could affect an insurer's ability to do business in Florida and the insurer's solvency. Therefore, it is a public necessity to maintain the confidentiality of this information and these proceedings and hearings within the regulatory body responsible for the oversight of insurer solvency. Finally, the Legislature finds that the public has access through other means to information regarding the financial strength of an insurance company and its ranking with regard to other insurance companies.*

Section 3. This act shall take effect upon the effective date of House Bill 1943, Senate Bill 620, or similar legislation, if such legislation is enacted in the same legislative session or extension thereof.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to confidentiality of risk-based capital information; providing confidentiality and a public meetings and records exemption for certain information relating to risk-based capital; providing for termination of the exemption; providing for legislative review and future repeal; providing a public necessity statement; providing an effective date.

Senator Diaz-Balart moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (with title amendment)—On page 3, line 30 through page 4, line 2, delete those lines and insert:

Section 3. Subsection (1) of section 112.324, Florida Statutes, 1996 Supplement, is amended to read:

112.324 Procedures on complaints of violations.—

(1) Upon a written complaint executed on a form prescribed by the commission and signed under oath or affirmation by any person, the commission shall investigate any alleged violation of this part or any other alleged breach of the public trust within the jurisdiction of the commission as provided in s. 8(f), Art. II of the State Constitution in accordance with procedures set forth herein. Within 5 days after receipt of a complaint by the commission, a copy shall be transmitted to the alleged violator. All proceedings, the complaint, and other records relating to the preliminary investigation as provided herein, *or as provided by a Commission on Ethics and Public Trust established by any county defined in s. 125.011(1)*, shall be confidential and exempt from the provisions of s. 119.07(1), *and s. 24(a), Art. I of the State Constitution*, either until the alleged violator requests in writing that such investigation and records be made public records or the preliminary investigation is completed, notwithstanding any provision of chapter 120 or *s. 286.011 and s. 24(b), Art. I of the State Constitution* ~~chapter 286~~. In no event shall a complaint under this part against a candidate in any general, special, or primary election be filed or any intention of filing such a complaint be disclosed on the day of any such election or within the 5 days immediately preceding the date of the election. *This subsection is repealed October 2, 2002, and must be reviewed by the Legislature before that date in accordance with s. 119.15, the Open Government Sunset Review Act of 1995.*

Section 4. *The Legislature finds it a public necessity that information concerning individuals under investigation for alleged violations of the ethics standards be kept confidential and exempt from the public records law. The release of such information could potentially be defamatory to such individuals or cause unwarranted damage to the good name or reputation of such individuals. In addition, the Legislature finds it a public necessity that records be protected and meetings be closed to the public so that administration of the Commission on Ethics and Public Trust is not otherwise significantly impaired. The exemption of this information would minimize the possibility of unnecessary scrutiny by the public or media of individuals under investigation and their families, and will create a secure environment in which the Commission on Ethics and Public Trust may conduct its business.*

Section 5. This act shall take effect July 1, 1997.

And the title is amended as follows:

On page 4, lines 11-19, delete those lines and insert: An act relating to public records and public meetings exemptions; affording confidentiality to risk-based capital information; providing confidentiality and a public meetings and records exemption for certain information relating to risk-based capital; providing for termination of the exemption; providing for legislative review and future repeal; providing a public necessity statement; amending s. 112.324, F.S.; providing an exemption from public records requirements for a local Commission on Ethics and Public Trust; providing an effective date.

Amendment 1 as amended was adopted.

On motion by Senator Grant, by two-thirds vote **CS for SB 904** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

On motion by Senator Diaz-Balart, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 794, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 794—A bill to be entitled An act relating to property insurance; amending s. 627.351, F.S.; providing standards for membership in the Florida Windstorm Underwriting Association; providing exclusions from membership; providing definitions; requiring retention of surplus; providing for participation in regular assessments by member insurers; authorizing credits from assessments for taking policies out of the Residential Property and Casualty Joint Underwriting Association; providing for membership on the board of directors; providing for term of office of certain board members; providing for regular assessments; prohibiting credits, exemptions, limitations, deferment, or other relief from participation in emergency assessments collected from policyholders; conforming references; creating a limitation upon an assessment; providing for participation in emergency assessments; requiring the Department of Insurance to verify calculations of emergency assessments; specifying purpose of financing mechanisms; providing for the financing of bond issues or other indebtedness; providing for market equalization surcharges; authorizing local government to issue bonds and pay for fund reimbursement; authorizing limited apportionment for companies writing a specified percentage of the total countrywide property insurance premiums in this state; providing for rates of the association; requiring underwriting criteria; providing standards for eligibility of new and covered risks; providing for establishment of operational procedures; revising the notice requirements for cancellation of association policies; providing for a notice to be placed in the association policy; providing legislative intent that the rate and premium structure of the association be actuarially sound and noncompetitive; authorizing the establishment of a partnership, a trust, and a limited liability company; providing for certain powers; authorizing issuance of bonds and other indebtedness in the absence of a hurricane; providing legislative intent; providing for the protection of creditors; providing immunity from liability; applying such prohibition to pending applications; prohibiting expansion of the geographical boundaries of the association after the effective date of this act; applying such prohibition to pending applications; providing standards for membership in the Residential Property and Casualty Joint Underwriting Association; providing definitions; providing for the payment of regular assessments; requiring participation in emergency assessments collected from policyholders without credit, limitation, deferment, or exemption; requiring the Department of Insurance to verify the calculations of emergency assessments; specifying purpose of financing mechanisms; creating a limitation upon an assessment; providing technical corrections; providing for agent commissions; revising notice requirement for cancellation of association policies; providing for a market equalization surcharge; authorizing different eligibility requirements and operational procedures of operation; providing for rates; revising the mobile home rate requirements for the association; authorizing local governments to issue bonds; limiting credits, limitations, exemptions, or deferments from regular assessments for a period of time; authorizing the sale of revenue bonds; revising the standards and scope of the immunity from causes of action provided to board members and others; providing for protection of creditors; amending s. 627.3511, F.S.; providing for the cancellation of policies; providing terms for the payment for the removal of policies; providing definitions; allowing for deduction of acquisition costs; providing for exemptions and credits for a limited period of time from regular assessments but not emergency assessments; providing that the required payment of unearned commission to an agent does not apply under certain circumstances; providing terms for replacement of policies; making technical corrections; providing for the ownership of escrow accounts; expanding the condominium association take-out plan to all commercial residential policies; providing terms for the take-out plan; providing terms for the assumption of policies; providing for the calculation of regular and emergency assessments for certain insurers; creating s. 627.3513, F.S.; establishing requirements for the sale of bonds and the selection of financial services providers and underwriters by the Florida Windstorm Underwriting Association and the Residential Property and Casualty Joint Underwriting Association; prohibiting the engagement of the services of

certain persons; requiring the disclosure of certain information; providing that failure to comply does not affect validity of bond issue but is a violation of the Insurance Code; amending s. 624.4071, F.S.; providing that policyholders of special purpose homeowner insurance companies are subject to emergency assessments; amending s. 624.424, F.S.; prescribing a time period for insurers to use certain accountants; amending s. 626.752, F.S.; deleting the role of the market assistance plan in the removal of policies from the Residential Property and Casualty Joint Underwriting Association; amending s. 627.701, F.S.; providing for certain offers up to a specified deductible; prescribing additional guidelines with respect to deductibles offered on hurricane coverage; conforming cross-references; providing an effective date.

House Amendment 1 (with title amendment)—On page 5, remove from the bill everything after the enacting clause and insert in lieu thereof:

Section 1. Subsection (2) of section 624.4071, Florida Statutes, 1996 Supplement, is amended to read:

624.4071 Special purpose homeowner insurance company.—

(2) A special purpose homeowner insurance company must have a parent company, and both companies must meet the requirements of this subsection in order for the subsidiary to qualify for and maintain a certificate of authority under this section.

(a) The parent company must be an admitted insurer in at least one state in the United States and must have over $50 million in capital and surplus.

(b) The parent company must have and maintain at least 51 percent of the equity and at least 51 percent of the control of the special purpose homeowner insurance company.

(c) An insurer not authorized to transact business in this state, but that otherwise meets the requirements of this section, may apply as a special purpose homeowner insurance company.

(d) The special purpose homeowner insurance company must:

1. Have and maintain at least $10 million in surplus and otherwise satisfy the requirements of s. 624.4095.

2. Be a member of the Florida Insurance Guaranty Association and the Florida Hurricane Catastrophe Fund, and be subject to any of their required assessments and premium charges. However, a special purpose homeowner insurance company may not be a member of the Florida Windstorm Underwriting Association or the Florida Residential Property and Casualty Joint Underwriting Association, and neither the company nor its policyholders are subject to any assessments by these associations *except for emergency assessments collected from policyholders pursuant to s. 627.351(2)(b)2.d.(III), and s. 627.351(6)(b)3.d. For the sole purpose of levying and collecting emergency assessments and determining the statewide written premium for property insurance, special purpose homeowner insurance companies shall be considered member insurers of the Florida Windstorm Underwriting Association and the Florida Residential Property and Casualty Joint Underwriting Association.*

3. Offer coverage for all perils, including windstorm, in providing residential coverage as defined in s. 627.4025. A special purpose homeowner insurance company's rates must be filed with the department. After a period of 1 year from the date a company receives a certificate of authority, the company's rates are subject to department approval under s. 627.062.

Section 2. Subsection (5) of section 626.752, Florida Statutes, is amended to read:

626.752 Exchange of business.—

(5) Within 15 days after the last day of each month, any insurer accepting business under this section shall report to the department the name, address, telephone number, and social security number of each agent from which the insurer received more than 24 personal lines risks during the calendar year, except for risks being removed from the Residential Property and Casualty Joint Underwriting Association and placed with that insurer ~~through the market assistance plan~~ by a brokering agent. Once the insurer has reported pursuant to this subsection an agent's name to the department, additional reports on the same agent shall not be required. However, the fee set forth in s. 624.501 shall be paid for the agent by the insurer for each year until the insurer notifies the department that the insurer is no longer accepting business from the agent pursuant to this section. The insurer may require that the agent reimburse the insurer for the fee.

Section 3. Paragraph (c) of subsection (3) of section 627.0628, Florida Statutes, 1996 Supplement, is amended to read:

627.0628 Florida Commission on Hurricane Loss Projection Methodology.—

(3) ADOPTION AND EFFECT OF STANDARDS AND GUIDELINES.—

(c) With respect to a rate filing under s. 627.062, an insurer may employ actuarial methods, principles, standards, models, or output ranges found by the commission to be accurate or reliable to determine hurricane loss factors for use in a rate filing under s. 627.062, which findings and factors are admissible and relevant in consideration of a rate filing by the department or in any *arbitration or* administrative or judicial review.

Section 4. Subsections (8), (9), and (10) are added to section 627.0629, Florida Statutes, 1996 Supplement, to read:

627.0629 Residential property insurance; rate filings.—

(8) An insurer may implement appropriate discounts or other rate differentials of up to 10 percent of the annual premium to mobile home owners who provide to the insurer evidence of a current inspection of tie-downs for the mobile home, certifying that the tie-downs have been properly installed and are in good condition.

(9) EVALUATION OF RESIDENTIAL PROPERTY STRUCTURAL SOUNDNESS.—

(a) It is the intent of the Legislature to provide a program whereby homeowners may obtain an evaluation of the wind resistance of their homes with respect to preventing damage from hurricanes, together with a recommendation of reasonable steps that may be taken to upgrade their homes to better withstand hurricane force winds.

(b) To the extent that funds are provided for this purpose in the General Appropriations Act, the Legislature hereby authorizes the establishment of a program to be administered by the Florida Windstorm Underwriting Association.

(c) The program shall provide grants to homeowners, for the purpose of providing homeowner applicants with funds to conduct an evaluation of the integrity of their homes with respect to withstanding hurricane force winds, recommendations to retrofit the homes to better withstand damage from such winds, and the estimated cost to make the recommended retrofits.

(d) The Department of Community Affairs shall establish by rule standards to govern the quality of the evaluation, the quality of the recommendations for retrofitting, the eligibility of the persons conducting the evaluation, and the selection of applicants under the program. In establishing the rule, the department shall consult with the advisory committee to minimize the possibility of fraud or abuse in the evaluation and retrofitting process, and to ensure that funds spent by homeowners acting on the recommendations achieve positive results.

(e) The Florida Windstorm Underwriting Association shall identify areas of this state with the greatest wind risk to residential properties and recommend annually to the department priority target areas for such evaluations and inclusion with the associated residential construction mitigation program.

(10) A property insurance rate filing that includes any adjustments related to premiums paid to the Florida Hurricane Catastrophe Fund must include a complete calculation of the insurer's catastrophe load, and the information in the filing may not be limited solely to recovery of moneys paid to the fund.

Section 5. Subsections (2) and (6) of section 627.351, Florida Statutes, 1996 Supplement, are amended to read:

627.351 Insurance risk apportionment plans.—

(2) WINDSTORM INSURANCE RISK APPORTIONMENT.—

(a) Agreements may be made among property insurers with respect to the equitable apportionment among them of insurance which may be afforded applicants who are in good faith entitled to, but are unable to procure, such insurance through ordinary methods; and such insurers may agree among themselves on the use of reasonable rate modifications for such insurance. Such agreements and rate modifications shall be subject to the applicable provisions of this chapter.

(b) The department shall require all insurers *holding a certificate of authority* ~~licensed~~ to transact property insurance on a direct basis in this state, *other than joint underwriting associations and other entities formed pursuant to this section,* to provide windstorm coverage to applicants from areas determined to be eligible pursuant to paragraph (c) who in good faith are entitled to, but are unable to procure, such coverage through ordinary means; or it shall adopt a reasonable plan or plans for the equitable apportionment or sharing among such insurers of windstorm coverage, *which may include formation of an association for this purpose. As used in this subsection, the term "property insurance" means insurance on real or personal property, as defined in s. 624.604, including insurance for fire, industrial fire, allied lines, farmowners multi-peril, homeowners' multi-peril, commercial multi-peril, and mobile homes, and including liability coverages on all such insurance, but excluding inland marine as defined in s. 624.607(3) and excluding vehicle insurance as defined in s. 624.605(1)(a) other than insurance on mobile homes used as permanent dwellings.* The *department* ~~commissioner~~ shall *adopt* ~~promulgate~~ rules *that* ~~which~~ provide a formula for the recovery and repayment of any deferred assessments.

1. For the purpose of this section, properties eligible for such windstorm coverage are defined as dwellings, buildings, and other structures, including mobile homes which are used as dwellings and which are tied down in compliance with mobile home tie-down requirements prescribed by the Department of Highway Safety and Motor Vehicles pursuant to s. 320.8325, and the contents of all such properties. *An applicant or policyholder is eligible for coverage only if an offer of coverage cannot be obtained by or for the applicant or policyholder from an admitted insurer at approved rates.*

2.a.*(I)* All insurers required to be members of such *association* ~~plan~~ shall participate in its writings, expenses, ~~profits,~~ and losses. *Surplus of the association shall be retained for the payment of claims and shall not be distributed to the member insurers.* Such ~~gross~~ participation *by member insurers* shall be in the proportion that the net direct premiums of each member *insurer* written *for* ~~on~~ property *insurance* in this state during the preceding calendar year bear to the aggregate net direct premiums *for property insurance* of all *member insurers, as reduced by any credits for voluntary writings,* ~~members of the plan written on property~~ in this state during the preceding calendar year. *For the purposes of this subsection, the term "net direct premiums" means direct written premiums for property insurance, reduced by premium for liability coverage and for the following if included in allied lines: rain and hail on growing crops; livestock; association direct premiums booked; National Flood Insurance Program direct premiums; and similar deductions specifically authorized by the plan of operation and approved by the department. A member's participation shall begin on the first day of the calendar year following the year in which it is issued a certificate of authority to transact property insurance in the state and shall terminate 1 year after the end of the calendar year during which it no longer holds a certificate of authority to transact property insurance in the state.* The commissioner, after review of annual statements, other reports, and any other statistics *that the commissioner* ~~which he~~ deems necessary, shall certify to the *association* ~~plan~~ the aggregate ~~net~~ direct premiums written *for* ~~on~~ property *insurance* in this state by all *member insurers* ~~members~~.

(II) The plan of operation shall provide *for a board of directors consisting of the Insurance Consumer Advocate appointed under s. 627.0613, one consumer representative appointed by the Insurance Commissioner, one consumer representative appointed by the Governor, and 12 additional members appointed as specified in the plan of operation. One of the 12 additional members shall* ~~that one additional domestic member of the board of directors~~ be elected by the domestic companies of this state on the basis of cumulative weighted voting based on the net *direct* ~~written~~ premiums of domestic companies in this state. *Nothing in the 1997 amendments to this paragraph terminates the existing board or the terms of any members of the board.*

(III) The ~~Any such~~ plan *of operation* shall provide a formula whereby a company voluntarily providing windstorm coverage in affected areas will be relieved wholly or partially from apportionment *of a regular assessment pursuant to sub-sub-subparagraph d.(I) or sub-sub-subparagraph d.(II).*

(IV) A company which is a member of a group of companies under common management may elect to have its credits applied on a group basis, and any company or group may elect to have its credits applied to any other company or group.

(V) There shall be no credits or relief from apportionment to a company for emergency assessments collected from its policyholders under sub-sub-subparagraph d.(III).

(VI) The plan of operation may also provide for the award of credits, for a period not to exceed 3 years, from a regular assessment pursuant to sub-sub-subparagraph d.(I) or sub-sub-subparagraph d.(II) as an incentive for taking policies out of the Residential Property and Casualty Joint Underwriting Association. In order to qualify for the exemption under this sub-sub-subparagraph, the take-out plan must provide that at least 40 percent of the policies removed from the Residential Property and Casualty Joint Underwriting Association cover risks located in Dade, Broward, and Palm Beach Counties or at least 30 percent of the policies so removed cover risks located in Dade, Broward, and Palm Beach Counties and an additional 50 percent of the policies so removed cover risks located in other coastal counties, and must also provide that no more than 15 percent of the policies so removed may exclude windstorm coverage. With the approval of the department, the association may waive these geographic criteria for a take-out plan that removes at least the lesser of 100,000 Residential Property and Casualty Joint Underwriting Association policies or 15 percent of the total number of Residential Property and Casualty Joint Underwriting Association policies, provided the governing board of the Residential Property and Casualty Joint Underwriting Association certifies that the take-out plan will materially reduce the Residential Property and Casualty Joint Underwriting Association's 100-year probable maximum loss from hurricanes. With the approval of the department, the board may extend such credits for an additional year if the insurer guarantees an additional year of renewability for all policies removed from the Residential Property and Casualty Joint Underwriting Association, or for 2 additional years if the insurer guarantees 2 additional years of renewability for all policies removed from the Residential Property and Casualty Joint Underwriting Association.

b. Assessments to pay deficits in the *association* ~~plan~~ under this subparagraph shall be included as an appropriate factor in the making of rates as provided in s. 627.3512.

c. The Legislature finds that the potential for unlimited deficit assessments under this subparagraph may induce insurers to attempt to reduce their writings in the voluntary market, and that such actions would worsen the availability problems that the *association* ~~plan~~ was created to remedy. It is the intent of the Legislature that insurers remain fully responsible for *paying regular assessments and collecting emergency assessments for* ~~covering~~ any deficits of the *association* ~~plan~~; however, it is also the intent of the Legislature to provide a means by which assessment liabilities may be amortized over a period of years.

d.*(I) When the deficit incurred in a particular calendar year is 10 percent or less of the aggregate statewide direct written premium for property insurance for the prior calendar year for all member insurers, the association shall levy an assessment on member insurers in an amount equal to the deficit.*

(II)~~(I)~~ When the deficit incurred in a particular calendar year exceeds 10 percent of the aggregate statewide direct written premium for property insurance *for the prior calendar year* ~~as defined in s. 624.404~~ for all *member* insurers ~~licensed to transact property insurance on a direct basis in this state~~, the association shall levy an assessment on *member* ~~such~~ insurers in an amount equal to the greater of 10 percent of the deficit or 10 percent of the aggregate statewide direct written premium for property *insurance for the prior calendar year for member insurers.* Any remaining deficit shall be recovered through emergency assessments under sub-sub-subparagraph *(III)*~~(II)~~.

(III)~~(II)~~ Upon a determination by the board of *directors* ~~governors~~ that a deficit exceeds the amount that will be recovered through regular assessments *on member* ~~of~~ insurers, *pursuant to sub-sub-subparagraph*

(I) or sub-sub-subparagraph (II), the board shall levy, after verification by the department, emergency assessments to be collected by *member* insurers *and by*~~, including joint~~ underwriting associations *created pursuant to this section which write property insurance,* upon issuance or renewal of *property insurance* policies *other than National Flood Insurance policies* in the year or years following levy of the regular assessments. The amount of the emergency assessment collected in a particular year shall be a uniform percentage of that year's direct written premium for property insurance *for all member insurers and underwriting associations, excluding National Flood Insurance policy premiums* ~~as defined in s. 624.404~~, as *annually* determined by the board and verified by the department. *The department shall verify the arithmetic calculations involved in the board's determination within 30 days after receipt of the information on which the determination was based. Notwithstanding any other provision of law, each member insurer and each underwriting association created pursuant to this section shall collect emergency assessments from its policyholders without such obligation being affected by any credit, limitation, exemption, or deferment.* The emergency assessments so collected shall be transferred directly to the association on a periodic basis as determined by the association. The aggregate amount of emergency assessments levied under this *sub-sub-subparagraph* ~~sub-subparagraph~~ in any calendar year may not exceed the greater of 10 percent of the amount needed to cover the original deficit, plus interest, fees, commissions, required reserves, and other costs associated with financing of the original deficit, or 10 percent of the aggregate statewide direct written premium for *property insurance written by member insurers and underwriting associations* ~~subject lines of business~~ for the prior year*, plus interest, fees, commissions, required reserves, and other costs associated with financing the original deficit.* The board may pledge the proceeds of the emergency assessments under this *sub-sub-subparagraph* ~~sub-subparagraph~~ as the source of revenue for bonds, to retire any other debt incurred as a result of the deficit or events giving rise to the deficit, or in any other way that the board determines will efficiently recover the deficit. *The emergency assessments under this sub-sub-subparagraph shall continue as long as any bonds issued or other indebtedness incurred with respect to a deficit for which the assessment was imposed remain outstanding, unless adequate provision has been made for the payment of such bonds or other indebtedness pursuant to the document governing such bonds or other indebtedness.* Emergency assessments collected under this *sub-sub-subparagraph* ~~subparagraph~~ are not part of an insurer's rates, are not premium, and are not subject to premium tax, fees, or commissions; however, failure to pay the emergency assessment shall be treated as failure to pay premium.

(IV)~~(III)~~ Each *member* insurer's share of the total *regular assessments* ~~assessment~~ under *sub-sub-subparagraph (I) or sub-sub-subparagraph (II)* ~~this sub-subparagraph~~ shall be in the proportion that the insurer's *net* direct ~~written~~ premium for property insurance *in this state,* ~~as defined in s. 624.404~~ for the year preceding the assessment bears to the aggregate statewide *net* direct ~~written~~ premium for property insurance *of all member insurers, as reduced by any credits for voluntary writings* ~~as defined in s. 624.404~~ for that year.

(V)~~(IV)~~ *If regular deficit assessments are made under sub-sub-subparagraph (I) or sub-sub-subparagraph (II), or by the Residential Property and Casualty Joint Underwriting Association under sub-subparagraph (6)(b)3.a. or sub-subparagraph (6)(b)3.b., the association shall levy upon the association's policyholders, as part of its next rate filing, or by a separate rate filing solely for this purpose, a market equalization surcharge in a percentage equal to the total amount of such regular assessments divided by the aggregate statewide direct written premium for property insurance for member insurers for the prior calendar year. Market equalization surcharges under this sub-sub-subparagraph are not considered premium and are not subject to commissions, fees, or premium taxes; however, failure to pay a market equalization surcharge shall be treated as failure to pay premium.*

e. The governing body of any unit of local government, any residents of which are insured under the plan, may issue bonds as defined in s. 125.013 or s. 166.101 ~~from time to time~~ to fund an assistance program, in conjunction with the *association* ~~plan~~, for the purpose of defraying deficits of the *association* ~~plan~~. *In order to avoid needless and indiscriminate proliferation, duplication, and fragmentation of such assistance programs, any unit of local government, any residents of which are insured by the association, may provide for the payment of losses, regardless of whether or not the losses occurred within or outside of the territorial jurisdiction of the local government.* Revenue bonds may not be issued until validated pursuant to chapter 75, unless a state of emergency is declared by executive order or proclamation of the Governor pursuant to s. 252.36 making such findings as are necessary to determine that it is in the best interests of, and necessary for, the protection of the public health, safety, and general welfare of residents of this state and the protection and preservation of the economic stability of insurers operating in this state, and declaring it an essential public purpose to permit certain municipalities or counties to issue bonds as will provide relief to claimants and policyholders of the *association* ~~plan~~ and insurers responsible for apportionment of plan losses. *Any such* ~~The~~ unit of local government *may* ~~shall~~ enter into such contracts with the *association and with any other entity created pursuant to this subsection* ~~plan~~ as are necessary to carry out this paragraph. Any bonds issued under this sub-subparagraph shall be payable from and secured by moneys received by the *association* ~~plan~~ from assessments under this subparagraph, and assigned and pledged to or on behalf of the unit of local government for the benefit of the holders of such bonds. The funds, credit, property, and taxing power of the state or of the unit of local government shall not be pledged for the payment of such bonds. If any of the bonds remain unsold 60 days after issuance, the department shall require all insurers subject to assessment to purchase the bonds, which shall be treated as admitted assets; each insurer shall be required to purchase that percentage of the unsold portion of the bond issue that equals the insurer's relative share of assessment liability under this subsection. An insurer shall not be required to purchase the bonds to the extent that the department determines that the purchase would endanger or impair the solvency of the insurer. The authority granted by this sub-subparagraph is additional to any bonding authority granted by subparagraph 6.

3. The plan shall also provide that any member with a surplus as to policyholders of $20 million or less writing 25 percent *or more* of its total countrywide property insurance premiums in this state may petition the department, ~~within 90 days of the effective date of chapter 76-96, Laws of Florida, and thereafter~~ within the first 90 days of each calendar year, to qualify as a limited apportionment company. The apportionment of such a *member* company in any calendar year for which it is qualified shall not exceed its gross participation, which shall not be affected by the formula for voluntary writings. In no event shall a limited apportionment company be required to participate in any apportionment of losses *pursuant to sub-sub-subparagraph 2.d.(I) or sub-sub-subparagraph 2.d.(II)* in the aggregate which exceeds $50 million after payment of available plan funds in any calendar year. *However, a limited apportionment company shall collect from its policyholders any emergency assessment imposed under sub-sub-subparagraph 2.d.(III).* The plan shall provide that, if the department determines that any *regular* assessment will result in an impairment of the surplus of a limited apportionment company, the department may direct that all or part of such assessment be deferred. *However, there shall be no limitation or deferment of an emergency assessment to be collected from policyholders under sub-sub-subparagraph 2.d.(III).*

4. The plan shall provide for the deferment, in whole or in part, of *a regular* ~~the~~ assessment of a member insurer *under sub-sub-subparagraph 2.d.(I) or sub-sub-subparagraph 2.d.(II), but not for an emergency assessment collected from policyholders under sub-sub-subparagraph 2.d.(III),* if, in the opinion of the commissioner, payment of *such regular* ~~the~~ assessment would endanger or impair the solvency of the member insurer. In the event *a regular* ~~an~~ assessment against a member insurer is deferred in whole or in part, the amount by which such assessment is deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in *sub-sub-subparagraph 2.d.(I) or sub-sub-subparagraph 2.d.(II)* ~~sub-paragraph 2~~.

5.*a.* The plan *of operation* may include deductibles and rules for classification of risks and rate modifications consistent with the objective of providing and maintaining funds sufficient to pay catastrophe losses.

b. The association may require arbitration of a rate filing under s. 627.062(6). It is the intent of the Legislature that the rates for coverage provided by the association be actuarially sound and not competitive with approved rates charged in the admitted voluntary market such that the association functions as a residual market mechanism to provide insurance only when the insurance cannot be procured in the voluntary market. The plan of operation shall provide a mechanism to assure that, beginning no later than January 1, 1999, the rates charged by the association for each line of business are reflective of approved rates in the voluntary market for hurricane coverage for each line of business in the various areas eligible for association coverage.

c. The *association* ~~plan~~ shall provide for windstorm coverage on residential properties in limits up to $10 million for commercial lines residential risks and up to $1 million for personal lines residential risks. If coverage with the association is sought for a residential risk valued in excess of these limits, coverage shall be available to the risk up to the replacement cost or actual cash value of the property, at the option of the insured, if coverage for the risk cannot be located in the authorized market. The association must accept a commercial lines residential risk with limits above $10 million or a personal lines residential risk with limits above $1 million if coverage is not available in the authorized market. The association may write coverage above the limits specified in this subparagraph with or without facultative or other reinsurance coverage, as the association determines appropriate.

d. The plan of operation must provide objective criteria and procedures, approved by the department, to be uniformly applied for all applicants in determining whether an individual risk is so hazardous as to be uninsurable. In making this determination and in establishing the criteria and procedures, the following shall be considered:

(I) Whether the likelihood of a loss for the individual risk is substantially higher than for other risks of the same class; and

(II) Whether the uncertainty associated with the individual risk is such that an appropriate premium cannot be determined.

The acceptance or rejection of a risk by the association pursuant to such criteria and procedures must be construed as the private placement of insurance, and the provisions of chapter 120 do not apply.

e. The policies issued by the association must provide that if the association obtains an offer from an authorized insurer to cover the risk at its approved rates under either a standard policy including wind coverage or, if consistent with the insurer's underwriting rules as filed with the department, a basic policy including wind coverage, the risk is no longer eligible for coverage through the association. Upon termination of eligibility, the association shall provide written notice to the policyholder and agent of record stating that the association policy must be canceled as of 60 days after the date of the notice because of the offer of coverage from an authorized insurer. Other provisions of the insurance code relating to cancellation and notice of cancellation do not apply to actions under this sub-subparagraph.

f. Association policies and applications must include a notice that the association policy could, under this section, be replaced with a policy issued by an authorized insurer that does not provide coverage identical to the coverage provided by the association. The notice shall also specify that acceptance of association coverage creates a conclusive presumption that the applicant or policyholder is aware of this potential.

6.a. The plan *of operation* may authorize the formation of a private nonprofit corporation, a private nonprofit unincorporated association, *a partnership, a trust, a limited liability company,* or a nonprofit mutual company which may be empowered, among other things, to borrow money by issuing bonds or by incurring other indebtedness and to accumulate reserves or funds to be used for the payment of insured catastrophe losses. The plan may authorize all actions necessary to facilitate the issuance of bonds, including the pledging of assessments or other revenues.

b. *Any* ~~The~~ entity created under this *subsection* ~~subparagraph~~, or any entity formed for the purposes of *this subsection, may sue and be sued* ~~subparagraph 2.~~, may borrow money; issue bonds, notes, or debt instruments; pledge or sell assessments, *market equalization surcharges and other surcharges,* rights, premiums, contractual rights, *projected recoveries from the Florida Hurricane Catastrophe Fund, other reinsurance recoverables,* and other assets as security for such bonds, notes, or debt instruments; enter into any contracts or agreements necessary or proper to accomplish such borrowings; and take other actions necessary to carry out the purposes of this subsection. *The association may issue bonds or incur other indebtedness, or have bonds issued on its behalf by a unit of local government pursuant to subparagraph (g)2., in the absence of a hurricane or other weather-related event, upon a determination by the association subject to approval by the department that such action would enable it to efficiently meet the financial obligations of the association and that such financings are reasonably necessary to effectuate the requirements of this subsection. Any such* ~~The~~ entity may accumulate reserves and retain surpluses as of the end of any association year to provide for the payment of losses incurred by the association during that year or any future year. The *association* ~~plan~~ shall incorporate and continue the plan of operation and articles of agreement in effect on the effective date of chapter 76-96, Laws of Florida, to the extent that it is not inconsistent with chapter 76-96, and as subsequently modified consistent with chapter 76-96. The board of directors and officers currently serving shall continue to serve until their successors are duly qualified as provided under the plan. The assets and obligations of the plan in effect immediately prior to the effective date of chapter 76-96 shall be construed to be the assets and obligations of the successor plan created herein.

c. In recognition of s. 10, Art. I of the State Constitution, prohibiting the impairment of obligations of contracts, it is the intent of the Legislature that no action be taken whose purpose is to impair any bond indenture or financing agreement or any revenue source committed by contract to such bond or other indebtedness issued or incurred by the association or any other entity created under this subsection.

7. On such coverage, an agent's remuneration shall be that amount of money payable to him by the terms of his contract with the company with which the business is placed. However, no commission will be paid on that portion of the premium which is in excess of the standard premium of that company.

8. Subject to approval by the department, the association may establish different eligibility requirements and operational procedures for any line or type of coverage for any specified eligible area or portion of an eligible area if the board determines that such changes to the eligibility requirements and operational procedures are justified due to the voluntary market being sufficiently stable and competitive in such area or for such line or type of coverage and that consumers who, in good faith, are unable to obtain insurance through the voluntary market through ordinary methods would continue to have access to coverage from the association. When coverage is sought in connection with a real property transfer, such requirements and procedures shall not provide for an effective date of coverage later than the date of the closing of the transfer as established by the transferor, the transferee, and, if applicable, the lender.

9. Notwithstanding any other provision of law:

a. The pledge or sale of, the lien upon, and the security interest in any rights, revenues, or other assets of the association created or purported to be created pursuant to any financing documents to secure any bonds or other indebtedness of the association shall be and remain valid and enforceable, notwithstanding the commencement of and during the continuation of, and after, any rehabilitation, insolvency, liquidation, bankruptcy, receivership, conservatorship, reorganization, or similar proceeding against the association under the laws of this state or any other applicable laws.

b. No such proceeding shall relieve the association of its obligation, or otherwise affect its ability to perform its obligation, to continue to collect, or levy and collect, assessments, market equalization or other surcharges, projected recoveries from the Florida Hurricane Catastrophe Fund, reinsurance recoverables, or any other rights, revenues, or other assets of the association pledged.

c. Each such pledge or sale of, lien upon, and security interest in, including the priority of such pledge, lien, or security interest, any such assessments, emergency assessments, market equalization or renewal surcharges, projected recoveries from the Florida Hurricane Catastrophe Fund, reinsurance recoverables, or other rights, revenues, or other assets which are collected, or levied and collected, after the commencement of and during the pendency of or after any such proceeding shall continue unaffected by such proceeding.

d. As used in this subsection, the term "financing documents" means any agreement, instrument, or other document now existing or hereafter created evidencing any bonds or other indebtedness of the association or pursuant to which any such bonds or other indebtedness has been or may be issued and pursuant to which any rights, revenues, or other assets of the association are pledged or sold to secure the repayment of such bonds or indebtedness, together with the payment of interest on such bonds or such indebtedness, or the payment of any other obligation of the association related to such bonds or indebtedness.

e. Any such pledge or sale of assessments, revenues, contract rights or other rights or assets of the association shall constitute a lien and security interest, or sale, as the case may be, that is immediately effective and

attaches to such assessments, revenues, contract, or other rights or assets, whether or not imposed or collected at the time the pledge or sale is made. Any such pledge or sale is effective, valid, binding, and enforceable against the association or other entity making such pledge or sale, and valid and binding against and superior to any competing claims or obligations owed to any other person or entity, including policyholders in this state, asserting rights in any such assessments, revenues, contract, or other rights or assets to the extent set forth in and in accordance with the terms of the pledge or sale contained in the applicable financing documents, whether or not any such person or entity has notice of such pledge or sale and without the need for any physical delivery, recordation, filing, or other action.

f. There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member insurer or its agents or employees, agents or employees of the association, members of the board of directors of the association, or the department or its representatives, for any action taken by them in the performance of their duties or responsibilities under this subsection. Such immunity does not apply to actions for breach of any contract or agreement pertaining to insurance, or any willful tort.

(c) The provisions of paragraph (b) are applicable only with respect to:

1. Those areas that were eligible for coverage under this subsection on April 9, 1993; or

2. Any county or area as to which the department, after public hearing, finds that the following criteria exist:

a. Due to the lack of windstorm insurance coverage in the county or area so affected, economic growth and development is being deterred or otherwise stifled in such county or area, mortgages are in default, and financial institutions are unable to make loans;

b. The county or area so affected has adopted and is enforcing the structural requirements of the State Minimum Building Codes, as defined in s. 553.73, for new construction and has included adequate minimum floor elevation requirements for structures in areas subject to inundation; and

c. Extending windstorm insurance coverage to such county or area is consistent with and will implement and further the policies and objectives set forth in applicable state laws, rules, and regulations governing coastal management, coastal construction, comprehensive planning, beach and shore preservation, barrier island preservation, coastal zone protection, and the Coastal Zone Protection Act of 1985.

Any time after the department has determined that the criteria referred to in this subparagraph do not exist with respect to any county or area of the state, it may, after a subsequent public hearing, declare that such county or area is no longer eligible for windstorm coverage through the plan.

(d) For the purpose of evaluating whether the criteria of paragraph (c) are met, such criteria shall be applied as the situation would exist if policies had not been written by the Florida Residential Property and Casualty Joint Underwriting Association and property insurance for such policyholders was not available.

(e) Notwithstanding the provisions of subparagraph (c)2. or paragraph (d), eligibility shall not be extended to any area that was not eligible on March 1, 1997, except that the department may act with respect to any petition on which a hearing was held prior to the effective date of this act. This paragraph is repealed on October 1, 1998.

(6) RESIDENTIAL PROPERTY AND CASUALTY JOINT UNDERWRITING ASSOCIATION.—

(a) There is created a joint underwriting association for equitable apportionment or sharing among insurers of property and casualty insurance covering residential property, for applicants who are in good faith entitled, but are unable, to procure insurance through the voluntary market. The association shall operate pursuant to a plan of operation approved by order of the department. The plan is subject to continuous review by the department. The department may, by order, withdraw approval of all or part of a plan if the department determines that conditions have changed since approval was granted and that the purposes of the plan require changes in the plan. For the purposes of this subsection, residential coverage includes both personal lines residential coverage, which consists of the type of coverage provided by homeowner's, mobile home owner's, dwelling, tenant's, condominium unit owner's, and similar policies, and commercial lines residential coverage, which consists of the type of coverage provided by condominium association, apartment building, and similar policies.

(b)1. All insurers authorized to write *subject lines of business* ~~such insurance~~ in this state, *other than underwriting associations or other entities created under this section,* must participate in and be members of the Residential Property and Casualty Joint Underwriting Association. *A member's participation shall begin on the first day of the calendar year following the year in which the member was issued a certificate of authority to transact insurance for subject lines of business in this state and shall terminate 1 year after the end of the first calendar year during which the member no longer holds a certificate of authority to transact insurance for subject lines of business in this state.*

2. All revenues, assets, liabilities, losses, and expenses of the association shall be divided into two separate accounts, one of which is for personal lines residential coverages and the other of which is for commercial lines residential coverages. Revenues, assets, liabilities, losses, and expenses not attributable to particular coverages shall be prorated between the accounts.

3. With respect to a deficit in an account:

a. When the deficit incurred in a particular calendar year is not greater than 10 percent of the aggregate statewide direct written premium for the subject lines of business *for the prior calendar year for all member insurers,* the entire deficit shall be recovered through assessments of *member* insurers under paragraph (g).

b. When the deficit incurred in a particular calendar year exceeds 10 percent of the aggregate statewide direct written premium for the subject lines of business *for the prior calendar year for all member insurers,* the association shall levy an assessment on *member* insurers in an amount equal to the greater of 10 percent of the deficit or 10 percent of the aggregate statewide direct written premium for the subject lines of business *for the prior calendar year for all member insurers.* Any remaining deficit shall be recovered through emergency assessments under sub-subparagraph d.

c. Each *member* insurer's share of the total assessment under sub-subparagraph a. or sub-subparagraph b. shall be in the proportion that the *member* insurer's direct written premium for the subject lines of business for the year preceding the assessment bears to the aggregate statewide direct written premium for the subject lines of business for that year *for all member insurers.*

d. Upon a determination by the board of governors that a deficit in an account exceeds the amount that will be recovered through regular assessments *on member* ~~of~~ insurers under sub-subparagraph a. or sub-subparagraph b., the board shall levy, after verification by the department, emergency assessments to be collected by *member* insurers *and by*~~, including joint~~ underwriting associations *created under this section which write subject lines of business*~~,~~ upon issuance or renewal of policies *for subject lines of business, excluding National Flood Insurance policies,* in the year or years following levy of the regular assessments. The amount of the emergency assessment collected in a particular year shall be a uniform percentage of that year's direct written premium for subject lines of business *for all member insurers and underwriting associations, excluding National Flood Insurance Program policy premiums,* as *annually* determined by the board and verified by the department. *The department shall verify the arithmetic calculations involved in the board's determination within 30 days after receipt of the information on which the determination was based. Notwithstanding any other provision of law, each member insurer and each underwriting association created under this section which writes subject lines of business shall collect emergency assessments from its policyholders without such obligation being affected by any credit, limitation, exemption, or deferment.* The emergency assessments so collected shall be transferred directly to the association on a periodic basis as determined by the association. The aggregate amount of emergency assessments levied under this sub-subparagraph in any calendar year may not exceed the greater of 10 percent of the amount needed to cover the original deficit, plus interest, fees, commissions, required reserves, and other costs associated with financing of the original deficit, or 10 percent of the aggregate statewide

direct written premium for subject lines of business *written by member insurers and underwriting associations* for the prior year*, plus interest, fees, commissions, required reserves, and other costs associated with financing the original deficit.*

e. The board may pledge the proceeds of assessments, projected *recoveries* ~~revenues~~ from the Florida Hurricane Catastrophe Fund, other insurance and reinsurance recoverables, *market equalization surcharges and other* surcharges, and other funds available to the association as the source of revenue for and to secure bonds issued under paragraph (g), bonds or other indebtedness issued under subparagraph (c)3., or lines of credit *or* ~~of~~ other financing mechanisms issued or created under *this subsection* ~~subparagraph (c)10.~~*, or* to retire any other debt incurred as a result of *deficits* ~~the deficit~~ or events giving rise to *deficits* ~~the deficit~~, or in any other way that the board determines will efficiently recover *such deficits* ~~the deficit~~. *The purpose of the lines of credit or other financing mechanisms is to provide additional resources to assist the association in covering claims and expenses attributable to a catastrophe.* As used in this subsection, the term "assessments" includes *regular* assessments under sub-subparagraph a., sub-subparagraph b., or subparagraph (g)1. and emergency assessments under ~~this~~ sub-subparagraph *d*. Emergency assessments collected under *sub-subparagraph d.* ~~this sub-paragraph~~ are not part of an insurer's rates, are not premium, and are not subject to premium tax, fees, or commissions; however, failure to pay the emergency assessment shall be treated as failure to pay premium. *The emergency assessments under sub-subparagraph d. shall continue as long as any bonds issued or other indebtedness incurred with respect to a deficit for which the assessment was imposed remain outstanding, unless adequate provision has been made for the payment of such bonds or other indebtedness pursuant to the documents governing such bonds or other indebtedness.*

f.~~e.~~ As used in this *subsection* ~~subparagraph~~, the term "subject lines of business" means, with respect to the personal lines account, any personal lines policy defined in s. 627.4025, and means, with respect to the commercial lines account, all commercial property and commercial fire insurance.

(c) The plan of operation of the association:

1. May provide for one or more designated insurers, able and willing to provide policy and claims service, to act on behalf of the association to provide such service. Each licensed agent shall be entitled to indicate the order of preference regarding who will service the business placed by the agent. The association shall adhere to each agent's preferences unless after consideration of other factors in assigning agents, including, but not limited to, servicing capacity and fee arrangements, the association has reason to believe it is in the best interest of the association to make a different assignment.

2. Must provide for adoption of residential property and casualty insurance policy forms, which forms must be approved by the department prior to use. The association shall adopt the following policy forms:

a. Standard personal lines policy forms including wind coverage, which are multiperil policies providing what is generally considered to be full coverage of a residential property similar to the coverage provided under an HO-2, HO-3, HO-4, or HO-6 policy.

b. Standard personal lines policy forms without wind coverage, which are the same as the policies described in sub-subparagraph a. except that they do not include wind coverage.

c. Basic personal lines policy forms including wind coverage, which are policies similar to an HO-8 policy or a dwelling fire policy that provide coverage meeting the requirements of the secondary mortgage market, but which coverage is more limited than the coverage under a standard policy.

d. Basic personal lines policy forms without wind coverage, which are the same as the policies described in sub-subparagraph c. except that they do not include wind coverage.

e. Commercial lines residential policy forms including wind coverage that are generally similar to the basic perils of full coverage obtainable for commercial residential structures in the admitted voluntary market.

f. Commercial lines residential policy forms without wind coverage, which are the same as the policies described in sub-subparagraph e. except that they do not include wind coverage.

3. May provide that the association may employ or otherwise contract with individuals or other entities to provide administrative or professional services that may be appropriate to effectuate the plan. The association shall have the power to borrow funds, by issuing bonds or by incurring other indebtedness, and shall have other powers reasonably necessary to effectuate the requirements of this subsection. *The association may issue bonds or incur other indebtedness, or have bonds issued on its behalf by a unit of local government pursuant to subparagraph (g)2., in the absence of a hurricane or other weather-related event, upon a determination by the association, subject to approval by the department, that such action would enable it to efficiently meet the financial obligations of the association and that such financings are reasonably necessary to effectuate the requirements of this subsection.* The association is authorized to take all actions needed to facilitate tax-free status for any such bonds or indebtedness, including formation of trusts or other affiliated entities. The association shall have the authority to pledge assessments*, projected recoveries from the Florida Hurricane Catastrophe Fund, other reinsurance recoverables, market equalization and other surcharges,* and other funds available to the association as security for bonds or other indebtedness. In recognition of s. 10, Art. I of the State Constitution, prohibiting the impairment of obligations of contracts, it is the intent of the Legislature that no action be taken whose purpose is to impair any bond indenture or financing agreement or any revenue source committed by contract to such bond or other indebtedness.

4. Must require that the association operate subject to the supervision and approval of a board of governors consisting of 13 individuals, including 1 who is elected as chairman. The board shall consist of:

a. The insurance consumer advocate appointed under s. 627.0613.

b. Five members designated by the insurance industry.

c. Five consumer representatives appointed by the Insurance Commissioner. Two of the consumer representatives must, at the time of appointment, be holders of policies issued by the association, who are selected with consideration given to reflecting the geographic balance of association policyholders. Two of the consumer members must be individuals who are minority persons as defined in s. 288.703(3). One of the consumer members shall have expertise in the field of mortgage lending.

d. Two representatives of the insurance industry appointed by the Insurance Commissioner. Of the two insurance industry representatives appointed by the Insurance Commissioner, at least one must be an individual who is a minority person as defined in s. 288.703(3).

Any board member may be disapproved or removed and replaced by the commissioner at any time for cause. All board members, including the chairman, must be appointed to serve for 3-year terms beginning annually on a date designated by the plan.

5. Must provide a procedure for determining the eligibility of a risk for coverage, as follows:

a. With respect to personal lines residential risks, ~~the procedures shall require that the authorized insurer that last provided coverage of the risk shall first be given an opportunity to insure the risk at its approved rate. Upon rejection by such insurer, the risk shall be submitted to the market assistance plan.~~ if the *risk* ~~market assistance plan~~ is *offered coverage* ~~able to obtain an offer~~ from an authorized insurer ~~to insure the risk~~ at *the insurer's* ~~its~~ approved rate under either a standard policy including wind coverage or*, if consistent with the insurer's underwriting rules as filed with the department,* a basic policy including wind coverage, the risk is not eligible for any policy issued by the association ~~in the event that the risk accepts the offer of coverage, if the producing agent who submitted the application to the plan is not currently appointed by the insurer, the insurer shall either appoint the agent to service the risk or, if the insurer places the coverage through a new agent, require the new agent who then writes the policy to pay not less than 50 percent of his first year's commission to the producing agent who submitted the application to the plan, except that if the new agent is an employee or exclusive agent of the insurer, the new agent shall pay a policy fee of $50 to the producing agent in lieu of splitting the commission.~~ *If the risk accepts an offer of coverage through the market assistance plan or an offer of coverage through a mechanism established by the association before a policy is issued to the risk by the association or during the first 30 days of coverage by the association, and the producing agent who submitted the application to the plan or to the association is not currently appointed by the insurer, the insurer shall either appoint*

the agent to service the risk or, if the insurer places the coverage through a new agent, require the new agent who then writes the policy to pay not less than 50 percent of the first year's commission to the producing agent who submitted the application to the plan or the association, except that if the new agent is an employee or exclusive agent of the insurer, the new agent shall pay a policy fee of $50 to the producing agent in lieu of splitting the commission. If the *risk* ~~market assistance plan~~ is not able to obtain any such offer, the risk is eligible for either a standard policy including wind coverage or a basic policy including wind coverage issued by the association; however, if the risk could not be insured under a standard policy including wind coverage regardless of market conditions, the risk shall be eligible for a basic policy including wind coverage unless rejected under subparagraph 8. The association shall determine the type of policy to be provided on the basis of objective standards specified in the underwriting manual and based on generally accepted underwriting practices.

b. With respect to commercial lines residential risks, ~~the procedures shall require that the authorized insurer that last provided coverage of the risk shall first be given an opportunity to insure the risk at its approved rate. Upon rejection by such insurer, the risk shall be submitted to the market assistance plan.~~ if the *risk* ~~market assistance plan~~ is *offered coverage* ~~able to obtain an offer to insure the risk~~ under a policy including wind coverage from an authorized insurer at its approved rate ~~or from a surplus lines insurer at no more than 25 percent above the association rate~~, the risk is not eligible for any policy issued by the association. *If the risk accepts an offer of coverage through the market assistance plan or an offer of coverage through a mechanism established by the association before a policy is issued to the risk by the association, and the producing agent who submitted the application to the plan or the association is not currently appointed by the insurer, the insurer shall either appoint the agent to service the risk or, if the insurer places the coverage through a new agent, require the new agent who then writes the policy to pay not less than 50 percent of the first year's commission to the producing agent who submitted the application to the plan, except that if the new agent is an employee or exclusive agent of the insurer, the new agent shall pay a policy fee of $50 to the producing agent in lieu of splitting the commission.*~~; however, an offer from a surplus lines insurer does not disqualify a condominium association, cooperative, or homeowners' association from eligibility for coverage by the association in the event that the risk accepts the offer of coverage, if the producing agent who submitted the application to the plan is not currently appointed by the insurer, the insurer shall either appoint the agent to service the risk or, if the insurer places the coverage through a new agent, require the new agent who then writes the policy to pay not less than 50 percent of his first year's commission to the producing agent who submitted the application to the plan, except that if the new agent is an employee or exclusive agent of the insurer, the new agent shall pay a policy fee of $50 to the producing agent in lieu of splitting the commission.~~ If the *risk* ~~market assistance plan~~ is not able to obtain any such offer, the risk is eligible for a policy including wind coverage issued by the association. ~~After December 31, 1996, an offer from a surplus lines insurer does not disqualify an applicant from obtaining coverage from the association.~~

c. This subparagraph does not require the association to provide wind coverage or hurricane coverage in any area in which such coverage is available through the Florida Windstorm Underwriting Association.

6. Must include rules for classifications of risks and rates therefor.

7. Must provide that if premium and investment income attributable to a particular plan year are in excess of projected losses and expenses of the plan attributable to that year, such excess shall be held in surplus. Such surplus shall be available to defray deficits as to future years and shall be used for that purpose prior to assessing member insurers as to any plan year.

8. Must provide objective criteria and procedures to be uniformly applied for all applicants in determining whether an individual risk is so hazardous as to be uninsurable. In making this determination and in establishing the criteria and procedures, the following shall be considered:

a. Whether the likelihood of a loss for the individual risk is substantially higher than for other risks of the same class; and

b. Whether the uncertainty associated with the individual risk is such that an appropriate premium cannot be determined.

The acceptance or rejection of a risk by the association shall be construed as the private placement of insurance, and the provisions of chapter 120 shall not apply.

9. Must provide that the association shall make its best efforts to procure catastrophe reinsurance at reasonable rates, as determined by the board of governors.

10. Must provide that in the event of *regular* deficit assessments under sub-subparagraph (b)3.a. or sub-subparagraph (b)3.b., *or by the Florida Windstorm Underwriting Association under sub-sub-subparagraph (2)(b)2.d.(I) or sub-sub-subparagraph (2)(b)2.d.(II),* the association shall levy upon association policyholders *in its next rate filing, or by a separate rate filing solely for this purpose,* a market equalization surcharge *in a percentage equal to the total amount of such regular assessments divided by the aggregate statewide direct written premium for subject lines of business for member insurers for the prior calendar year* ~~equal to the percentage assessment attributable to such deficit. Such surcharges, together with projected recoveries from the Florida Hurricane Catastrophe Fund, other reinsurance recoverables, assessment proceeds, and any other funds available to the association, may be used to fund lines of credit and other financing mechanisms to the extent available from public or private sources. The purpose of the lines of credit or other financing mechanism is to provide additional resources to assist the association in covering claims and expenses attributable to a catastrophe~~. Market equalization surcharges under this subparagraph are not considered premium and are not subject to commissions, fees, or premium taxes; however, failure to pay a market equalization surcharge shall be treated as failure to pay premium.

11. The policies issued by the association must provide that ~~for personal lines residential risks~~, if the association or the market assistance plan obtains an offer from an authorized insurer to cover the risk at its approved rates under either a standard policy including wind coverage or a basic policy including wind coverage, the risk is no longer eligible for coverage through the association. However, if the risk is located in an area in which Florida Windstorm Underwriting Association coverage is available, such an offer of a standard or basic policy terminates eligibility regardless of whether or not the offer includes wind coverage. Upon termination of eligibility, the association shall provide written notice to the policyholder *and agent of record* stating that the association policy shall be canceled as of *60* ~~30~~ days after the date of the notice because of the offer of coverage from an authorized insurer. Other provisions of the insurance code relating to cancellation and notice of cancellation do not apply to actions under this subparagraph.

12. Association policies and applications must include a notice that the association policy could, under this section or s. 627.3511, be replaced with a policy issued by an admitted insurer that does not provide coverage identical to the coverage provided by the association. The notice shall also specify that acceptance of association coverage creates a conclusive presumption that the applicant or policyholder is aware of this potential.

13. May establish, subject to approval by the department, different eligibility requirements and operational procedures for any line or type of coverage for any specified county or area if the board determines that such changes to the eligibility requirements and operational procedures are justified due to the voluntary market being sufficiently stable and competitive in such area or for such line or type of coverage and that consumers who, in good faith, are unable to obtain insurance through the voluntary market through ordinary methods would continue to have access to coverage from the association. When coverage is sought in connection with a real property transfer, such requirements and procedures shall not provide for an effective date of coverage later than the date of the closing of the transfer as established by the transferor, the transferee, and, if applicable, the lender.

(d)1. It is the intent of the Legislature that the rates for coverage provided by the association be actuarially sound and not competitive with approved rates charged in the admitted voluntary market, so that the association functions as a residual market mechanism to provide insurance only when the insurance cannot be procured in the voluntary market. ~~Beginning with the rate filing taking effect January 1, 1998, to the extent that such data is available, the rates of the plan shall be based on the association's actual loss experience and expenses.~~ Rates shall include an appropriate catastrophe loading factor that reflects the actual catastrophic exposure of the association and recognizes that the association has little or no capital or surplus; and the association shall carefully

review each rate filing to assure that provider compensation is not excessive. ~~As an interim measure, the association shall adopt rating plans that provide,~~

2. For each county, ~~that~~ the average rates of the association for each line of business *for personal lines residential policies shall be no lower than* ~~are the same as~~ the average rates charged by the insurer that had the highest average rate in that county among the 20 insurers with the greatest total direct written premium in the state for that line of business in the preceding year, except that with respect to mobile home coverages, the average rates of the association shall be *no lower than* ~~the same as~~ the average rates charged by the insurer that had the highest average rate in that county among the *5* ~~8~~ insurers with the greatest total written premium for mobile home owner's policies in the state in the preceding year. ~~It is the intent of the Legislature that such interim rating plans be phased in, with average rates reflecting at least half of the difference between the then-current association rate and the full interim rate taking effect with policies issued or renewed on or after January 1, 1996, and with the full interim rates taking effect with policies issued or renewed on or after January 1, 1997.~~

3. Rates for commercial residential coverage shall not be subject to the requirements of subparagraph 2., but shall be subject to all other requirements of this paragraph and s. 627.062. ~~Nothing in this subparagraph requires the association to reduce rates approved under s. 627.062 and in effect on December 31, 1995.~~

4. Nothing in this *paragraph* ~~subparagraph~~ shall require *or allow* the association to adopt a rate that is inadequate under s. 627.062 *or to reduce rates approved under s. 627.062.*

5.~~2.~~ *The association may require arbitration of a filing pursuant to s. 627.062(6).* Rate filings of the association *under this paragraph* shall be made on a use and file basis under s. 627.062(2)(a)2. The association shall make a rate filing ~~under s. 627.062~~ at least once a year, but no more often than quarterly.

(e) Coverage through the association is hereby activated effective upon approval of the plan, and shall remain activated until coverage is deactivated pursuant to paragraph (f). Thereafter, coverage through the association shall be reactivated by order of the department only under one of the following circumstances:

1. If the market assistance plan receives a minimum of 100 applications for coverage within a 3-month period, or 200 applications for coverage within a 1-year period or less for residential coverage, unless the market assistance plan provides a quotation from admitted carriers at their filed rates for at least 90 percent of such applicants. Any market assistance plan application that is rejected because an individual risk is so hazardous as to be uninsurable using the criteria specified in subparagraph (c)8. shall not be included in the minimum percentage calculation provided herein. In the event that there is a legal or administrative challenge to a determination by the department that the conditions of this subparagraph have been met for eligibility for coverage in the association, any eligible risk may obtain coverage during the pendency of such challenge.

2. In response to a state of emergency declared by the Governor under s. 252.36, the department may activate coverage by order for the period of the emergency upon a finding by the department that the emergency significantly affects the availability of residential property insurance.

(f) The activities of the association shall be reviewed at least annually by the board and, upon recommendation by the board or petition of any interested party, coverage shall be deactivated if the department finds that the conditions giving rise to its activation no longer exist.

(g)1. The board shall certify to the department its needs for annual assessments as to a particular calendar year, and any startup or interim assessments that it deems to be necessary to sustain operations as to a particular year pending the receipt of annual assessments. Upon verification, the department shall approve such certification, and the board shall levy such annual, startup, or interim assessments. Such assessments shall be prorated as provided in paragraph (b). The board shall take all reasonable and prudent steps necessary to collect the amount of assessment due from each participating *member* insurer, including, if prudent, filing suit to collect such assessment. If the board is unable to collect an assessment from any *member* insurer, the uncollected assessments shall be levied as an additional assessment against the participating *member* insurers and any participating *member* insurer required to pay an additional assessment as a result of such failure to pay shall have a cause of action against such nonpaying *member* insurer. Assessments shall be included as an appropriate factor in the making of rates.

2. The governing body of any unit of local government, any residents of which are insured by the association, may issue bonds as defined in s. 125.013 or s. 166.101 from time to time to fund an assistance program, in conjunction with the association, for the purpose of defraying deficits of the association. *In order to avoid needless and indiscriminate proliferation, duplication, and fragmentation of such assistance programs, any unit of local government, any residents of which are insured by the association, may provide for the payment of losses, regardless of whether or not the losses occurred within or outside of the territorial jurisdiction of the local government.* Revenue bonds may not be issued until validated pursuant to chapter 75, unless a state of emergency is declared by executive order or proclamation of the Governor pursuant to s. 252.36 making such findings as are necessary to determine that it is in the best interests of, and necessary for, the protection of the public health, safety, and general welfare of residents of this state and the protection and preservation of the economic stability of insurers operating in this state, and declaring it an essential public purpose to permit certain municipalities or counties to issue such bonds as will permit relief to claimants and policyholders of the joint underwriting association and insurers responsible for apportionment of association losses. *Any such* ~~The~~ unit of local government *may* ~~shall~~ enter into such contracts with the association *and with any other entity created pursuant to this subsection* as are necessary to carry out this paragraph. Any bonds issued under this *subparagraph* ~~sub-subparagraph~~ shall be payable from and secured by moneys received by the association from emergency assessments under sub-subparagraph (b)3.d., and assigned and pledged to or on behalf of the unit of local government for the benefit of the holders of such bonds. The funds, credit, property, and taxing power of the state or of the unit of local government shall not be pledged for the payment of such bonds. If any of the bonds remain unsold 60 days after issuance, the department shall require all insurers subject to assessment to purchase the bonds, which shall be treated as admitted assets; each insurer shall be required to purchase that percentage of the unsold portion of the bond issue that equals the insurer's relative share of assessment liability under this subsection. An insurer shall not be required to purchase the bonds to the extent that the department determines that the purchase would endanger or impair the solvency of the insurer.

3.*a.* In addition to any credits, bonuses, or exemptions provided under s. 627.3511, the board shall adopt a program for the reduction of both new and renewal writings in the association. The board may consider any prudent and not unfairly discriminatory approach to reducing association writings, but must adopt at least a credit against assessment liability or other liability that provides an incentive for insurers to take risks out of the association and to keep risks out of the association by maintaining or increasing voluntary writings in counties in which association risks are highly concentrated and a program to provide a formula under which an insurer voluntarily taking risks out of the association by maintaining or increasing voluntary writings will be relieved wholly or partially from assessments under *sub-subparagraphs (b)3.a. and b.* ~~subparagraph (b)3.~~

b. Any credit or exemption from regular assessments adopted under this subparagraph shall last no longer than the 3 years following the cancellation or expiration of the policy by the association. With the approval of the department, the board may extend such credits for an additional year if the insurer guarantees an additional year of renewability for all policies removed from the association, or for two additional years if the insurer guarantees two additional years of renewability for all policies so removed.

c. There shall be no credit, limitation, exemption, or deferment from emergency assessments to be collected from policyholders pursuant to sub-subparagraph (b)3.d.

4. The plan shall provide for the deferment, in whole or in part, of the assessment of *a member* ~~an~~ insurer, *other than an emergency assessment collected from policyholders pursuant to sub-subparagraph (b)3.d.*, if the department finds that payment of the assessment would endanger or impair the solvency of the insurer. In the event an assessment against *a member* ~~an~~ insurer is deferred in whole or in part, the amount by which

such assessment is deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in paragraph (b).

(h) Nothing in this subsection shall be construed to preclude the issuance of residential property insurance coverage pursuant to part VIII of chapter 626.

(i) There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member insurer or its agents or employees, the ~~Residential Property and Casualty Joint Underwriting~~ association or its agents or employees, members of the board of governors *or their respective designees at a board meeting, association committee members*, or the department or its representatives, for any action taken by them in the performance of their duties *or responsibilities* under this subsection. Such immunity does not apply to ~~actions for breach of any contract or agreement pertaining to insurance or to issuance of payment of debt, or any other willful tort~~*:*

1. Any of the foregoing persons or entities for any willful tort;

2. The association or its servicing or producing agents for breach of any contract or agreement pertaining to insurance coverage;

3. The association with respect to issuance or payment of debt; or

4. Any member insurer with respect to any action to enforce a member insurer's obligations to the association under this subsection.

(j) The Residential Property and Casualty Joint Underwriting Association is not a state agency, board, or commission. However, for the purposes of s. 199.183(1), the Residential Property and Casualty Joint Underwriting Association shall be considered a political subdivision of the state and shall be exempt from the corporate income tax.

(k) Upon a determination by the board of governors that the conditions giving rise to the establishment and activation of the association no longer exist, and upon the consent thereto by order of the department, the association is dissolved. Upon dissolution, the assets of the association shall be applied first to pay all debts, liabilities, and obligations of the association, including the establishment of reasonable reserves for any contingent liabilities or obligations, and all remaining assets of the association shall become property of the state and deposited in the Florida Hurricane Catastrophe Fund.

(l) All obligations, rights, assets, and liabilities of the Florida Property and Casualty Joint Underwriting Association created by subsection (5), which obligations, rights, assets, or liabilities relate to the provision of commercial lines residential property insurance coverage as described in this section are hereby transferred to the Residential Property and Casualty Joint Underwriting Association. The Residential Property and Casualty Joint Underwriting Association is not required to issue endorsements or certificates of assumption to insureds during the remaining term of in-force transferred policies.

(m) Notwithstanding any other provision of law:

1. The pledge *or sale* of, the lien upon, and the security interest in any rights, revenues, or other assets of the association created or purported to be created pursuant to any financing documents to secure any bonds or other indebtedness of the association shall be and remain valid and enforceable, notwithstanding the commencement of and during the continuation of, and after, any rehabilitation, insolvency, liquidation, bankruptcy, receivership, conservatorship, reorganization, or similar proceeding against the association under the laws of this state.

2. No such proceeding shall relieve the association of its obligation, or otherwise affect its ability to perform its obligation, to continue to collect, or levy and collect, assessments ~~under sub-subparagraph (b)3.a., sub-subparagraph (b)3.b., or subparagraph (g)1., emergency assessments under sub-subparagraph (b)3.d.~~, market equalization or *other* ~~renewal~~ surcharges under subparagraph *(c)10.* ~~(g)10.~~, or any other rights, revenues, or other assets of the association pledged pursuant to any financing documents.

3. Each such pledge *or sale* of, lien upon, and security interest in, including the priority of such pledge, lien, or security interest, any such assessments, ~~emergency assessments,~~ market equalization or *other* ~~renewal~~ surcharges, or other rights, revenues, or other assets which are collected, or levied and collected, after the commencement of and during the pendency of, or after, any such proceeding shall continue unaffected by such proceeding. As used in this *subsection* ~~paragraph~~, the term "financing documents" means any agreement or agreements, instrument or instruments, or other document or documents now existing or hereafter created evidencing any bonds or other indebtedness of the association or pursuant to which any such bonds or other indebtedness has been or may be issued and pursuant to which any rights, revenues, or other assets of the association are pledged *or sold* to secure the repayment of such bonds or indebtedness, together with the payment of interest on such bonds or such indebtedness, or the payment of any other obligation of the association related to such bonds or indebtedness.

4. Any such pledge or sale of assessments, revenues, contract rights, or other rights or assets of the association shall constitute a lien and security interest, or sale, as the case may be, that is immediately effective and attaches to such assessments, revenues, or contract rights or other rights or assets, whether or not imposed or collected at the time the pledge or sale is made. Any such pledge or sale is effective, valid, binding, and enforceable against the association or other entity making such pledge or sale, and valid and binding against and superior to any competing claims or obligations owed to any other person or entity, including policyholders in this state, asserting rights in any such assessments, revenues, or contract rights or other rights or assets to the extent set forth in and in accordance with the terms of the pledge or sale contained in the applicable financing documents, whether or not any such person or entity has notice of such pledge or sale and without the need for any physical delivery, recordation, filing, or other action.

(n)1. The following records of the Residential Property and Casualty Joint Underwriting Association are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

a. Underwriting files, except that a policyholder or an applicant shall have access to his or her own underwriting files.

b. Claims files, until termination of all litigation and settlement of all claims arising out of the same incident, although portions of the claims files may remain exempt, as otherwise provided by law. Confidential and exempt claims file records may be released to other governmental agencies upon written request and demonstration of need; such records held by the receiving agency remain confidential and exempt as provided for herein.

c. Records obtained or generated by an internal auditor pursuant to a routine audit, until the audit is completed, or if the audit is conducted as part of an investigation, until the investigation is closed or ceases to be active. An investigation is considered "active" while the investigation is being conducted with a reasonable, good faith belief that it could lead to the filing of administrative, civil, or criminal proceedings.

d. Matters reasonably encompassed in privileged attorney-client communications.

e. Proprietary information licensed to the association under contract and the contract provides for the confidentiality of such proprietary information.

f. All information relating to the medical condition or medical status of an association employee which is not relevant to the employee's capacity to perform his or her duties, except as otherwise provided in this paragraph. Information which is exempt shall include, but is not limited to, information relating to workers' compensation, insurance benefits, and retirement or disability benefits.

g. Upon an employee's entrance into the employee assistance program, a program to assist any employee who has a behavioral or medical disorder, substance abuse problem, or emotional difficulty which affects the employee's job performance, all records relative to that participation shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except as otherwise provided in s. 112.0455(11).

h. Information relating to negotiations for financing, reinsurance, depopulation, or contractual services, until the conclusion of the negotiations.

i. Minutes of closed meetings regarding underwriting files, and minutes of closed meetings regarding an open claims file until termination

of all litigation and settlement of all claims with regard to that claim, except that information otherwise confidential or exempt by law will be redacted.

When an authorized insurer is considering underwriting a risk insured by the association, relevant underwriting files and confidential claims files may be released to the insurer provided the insurer agrees in writing, notarized and under oath, to maintain the confidentiality of such files. When a file is transferred to an insurer that file is no longer a public record because it is not held by an agency subject to the provisions of the public records law. Underwriting files and confidential claims files may also be released to staff of and the board of governors of the market assistance plan established pursuant to s. 627.3515, who must retain the confidentiality of such files, except such files may be released to authorized insurers that are considering assuming the risks to which the files apply, provided the insurer agrees in writing, notarized and under oath, to maintain the confidentiality of such files. Finally, the association or the board or staff of the market assistance plan may make the following information obtained from underwriting files and confidential claims files available to licensed general lines insurance agents: name, address, and telephone number of the residential property owner or insured; location of the risk; rating information; loss history; and policy type. The receiving licensed general lines insurance agent must retain the confidentiality of the information received.

2. Portions of meetings of the Residential Property and Casualty Joint Underwriting Association are exempt from the provisions of s. 286.011 and s. 24(b), Art. I of the State Constitution wherein confidential underwriting files or confidential open claims files are discussed. All portions of association meetings which are closed to the public shall be recorded by a court reporter. The court reporter shall record the times of commencement and termination of the meeting, all discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of any closed meeting shall be off the record. Subject to the provisions hereof and s. 119.07(2)(a), the court reporter's notes of any closed meeting shall be retained by the association for a minimum of 5 years. A copy of the transcript, less any exempt matters, of any closed meeting wherein claims are discussed shall become public as to individual claims after settlement of *the* ~~said~~ claim.

Section 6. Section 627.3511, Florida Statutes, 1996 Supplement, is amended to read:

627.3511 Depopulation of Residential Property and Casualty Joint Underwriting Association.—

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds and declares that the Residential Property and Casualty Joint Underwriting Association has written an amount of policies beyond legislative expectations and has become, by virtue of its size, a significant impediment to the restoration of a stable and competitive residential property insurance market in this state; that the public policy of this state requires the maintenance of a residual market for residential property insurance; and that extraordinary measures, beyond implementation of eligibility criteria and noncompetitive rates, are required to reduce the number of policies written by the Residential Property and Casualty Joint Underwriting Association to a reasonable level. It is the intent of the Legislature to provide a variety of financial incentives to encourage the replacement of the highest possible number of *Residential Property and Casualty* Joint Underwriting Association policies with policies written by admitted insurers at approved rates.

(2) TAKE-OUT BONUS.—The Residential Property and Casualty Joint Underwriting Association shall pay the sum of up to $100 to an insurer for each risk that the insurer removes from the association, either by issuance of a policy upon expiration *or cancellation* of the association policy or by assumption of the association's obligations with respect to an in-force policy. Such payment is subject to approval of the association board. In order to qualify for the bonus under this subsection, the take-out plan must include a minimum of 25,000 policies. Within 30 days after approval by the board, the department may reject the insurer's take-out plan and disqualify the insurer from the bonus, based on the following criteria:

(a) The capacity of the insurer to absorb the policies proposed to be taken out of the association and the concentration of risks of those policies.

(b) Whether the geographic and risk characteristics of policies in the proposed take-out plan serve to reduce the exposure of the association sufficient to justify the bonus.

(c) Whether coverage for risks to be taken out otherwise exists in the admitted voluntary market.

(d) The degree to which the take-out bonus is promoting new capital being allocated by the insurer to Florida residential property coverage.

(3) EXEMPTION FROM DEFICIT ASSESSMENTS.—

(a) The calculation of an insurer's assessment liability under s. 627.351(6)(b)3.a. or b. shall, for an insurer that in any calendar year removes 50,000 or more risks from the Residential Property and Casualty Joint Underwriting Association, either by issuance of a policy upon expiration *or cancellation* of the association policy or by assumption of the association's obligations with respect to in-force policies, exclude such removed policies for the succeeding 3 years, as follows:

1. In the first year following removal of the risks, the risks are excluded from the calculation to the extent of 100 percent.

2. In the second year following removal of the risks, the risks are excluded from the calculation to the extent of 75 percent.

3. In the third year following removal of the risks, the risks are excluded from the calculation to the extent of 50 percent.

If the removal of risks is accomplished through assumption of obligations with respect to in-force policies, the association shall pay to the assuming insurer all unearned premium with respect to such policies *less any policy acquisition costs agreed to by the association and assuming insurer. The term "policy acquisition costs" is defined as costs of issuance of the policy by the association which includes agent commissions, servicing company fees, and premium tax.* This paragraph does not apply to an insurer that, at any time within 5 years before removing the risks, had a market share in excess of 0.1 percent of the statewide aggregate gross direct written premium for any line of property insurance, or to an affiliate of such an insurer. This paragraph does not apply unless either at least 40 percent of the risks removed from the association are located in Dade, Broward, and Palm Beach Counties, or at least 30 percent of the risks removed from the association are located in such counties and an additional 50 percent of the risks removed from the association are located in other coastal counties.

(b) An insurer that first wrote personal lines residential property coverage in this state on or after July 1, 1994, is exempt from *regular* deficit assessments *imposed pursuant to s. 627.351(6)(b)3.a. and b., but not emergency assessments collected from policyholders pursuant to s. 627.351(6)(b)3.d.,* of the Residential Property and Casualty Joint Underwriting Association until the earlier of the following:

1. The end of the calendar year in which it first wrote 0.5 percent or more of the statewide aggregate direct written premium for any line of residential property coverage; or

2. December 31, 1997, or December 31 of the third year in which it wrote such coverage in this state, whichever is later.

(c) Other than an insurer that is exempt under paragraph (b), an insurer that in any calendar year increases its total structure exposure subject to wind coverage by 25 percent or more over its exposure for the preceding calendar year is, with respect to that year, exempt from deficit assessments *imposed pursuant to s. 627.351(6)(b)3.a. and b., but not emergency assessments collected from policyholders pursuant to s. 627.351(6)(b)3.d.,* of the Residential Property and Casualty Joint Underwriting Association attributable to such increase in exposure.

(d) Any exemption or credit from regular assessments authorized by this section shall last no longer than 3 years following the cancellation or expiration of the policy by the association. With the approval of the department, the board may extend such credits for an additional year if the insurer guarantees an additional year of renewability for all policies removed from the association, or for 2 additional years if the insurer guarantees 2 additional years of renewability for all policies so removed.

(4) AGENT BONUS.—When the Residential Property and Casualty Joint Underwriting Association enters into a contractual agreement for a take-out plan that provides a bonus to the insurer, the producing agent

of record of the association policy is entitled to retain any unearned commission on such policy, and the insurer shall either:

(a) Pay to the producing agent of record of the association policy an amount equal to the insurer's usual and customary commission for the type of policy written if the term of the association policy was in excess of 6 months, or one-half of such usual and customary commission if the term of the association policy was 6 months or less; or

(b)

Offer to allow the producing agent of record of the association policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the insurer's usual and customary commission for the type of policy written.

The insurer need not take any further action if the offer is rejected. This subsection does not apply to any reciprocal interinsurance exchange, nonprofit federation, or any subsidiary or affiliate of such organization. This subsection does not apply if the agent is also the agent of record on the new coverage. *The requirement of this subsection that the producing agent of record is entitled to retain the unearned commission on an association policy does not apply to a policy for which coverage has been provided in the association for 30 days or less or for which a cancellation notice has been issued pursuant to s. 627.351(6)(c)11. during the first 30 days of coverage.*

(5) APPLICABILITY.—

(a) The take-out bonus provided by subsection (2) and the exemption from assessment provided by paragraph (3)(a) apply only if the ~~Residential Property and Casualty Joint Underwriting~~ association policy is replaced by either a standard policy including wind coverage or, *if consistent with the insurer's underwriting rules as filed with the department,* a basic policy including wind coverage; however, with respect to risks located in areas where coverage through the Florida Windstorm Underwriting Association is available, the replacement policy need not provide wind coverage. The insurer must renew the replacement policy at approved rates on substantially similar terms for two additional 1-year terms, unless canceled by the insurer for a lawful reason other than reduction of hurricane exposure. *If an insurer assumes the association's obligations for a policy, it must issue a replacement policy for a 1-year term upon expiration of the association policy and must renew the replacement policy at approved rates on substantially similar terms for two additional 1-year terms, unless canceled by the insurer for a lawful reason other than reduction of hurricane exposure.* For each replacement policy canceled or nonrenewed by the insurer for any reason during the 3-year coverage period required by this paragraph, the insurer must remove from the association one additional policy covering a risk similar to the risk covered by the canceled or nonrenewed policy. In addition to these requirements, the association must place the bonus moneys in escrow for a period of 3 years; such moneys may be released from escrow only to pay claims. *A take-out bonus provided by subsection (2) or subsection (6) shall not be considered premium income for purposes of taxes and assessments under the Florida Insurance Code and shall remain the property of the Residential Property and Casualty Joint Underwriting Association, subject to the prior security interest of the insurer under the escrow agreement until it is released from escrow, and after it is released from escrow it shall be considered an asset of the insurer and credited to the insurer's capital and surplus.*

(b) An insurer or agent may not qualify for a bonus or exemption from assessment under this section after the number of risks covered by the Residential Property and Casualty Joint Underwriting Association is less than 250,000.

(c) It is the intent of the Legislature that an insurer eligible for the exemption under paragraph (3)(a) establish a preference in appointment of agents for those agents who lose a substantial amount of business as a result of risks being removed from the association.

(6) *COMMERCIAL RESIDENTIAL* ~~CONDOMINIUM ASSOCIATION~~ TAKE-OUT PLANS.—

(a) The Residential Property and Casualty Joint Underwriting Association shall pay a bonus to an insurer for each *commercial residential* ~~condominium association~~ policy that the insurer removes from the association pursuant to an approved take-out plan, either by issuance of a new policy upon expiration of the association policy or by assumption of the association's obligations with respect to an in-force policy. The association board shall determine the amount of the bonus based on such factors as the coverage provided, relative hurricane risk, the length of time that the property has been covered by the association, and the criteria specified in paragraphs (b) and (c). The amount of the bonus with respect to a particular policy may not exceed 25 percent of the association's 1-year premium for the policy. Such payment is subject to approval of the association board. In order to qualify for the bonus under this subsection, the take-out plan must include policies reflecting at least $100 million in structure exposure.

(b) In order for a plan to qualify for approval:

1. At least 40 percent of the policies removed from the association under the plan must be located in Dade, Broward, and Palm Beach Counties, or at least 30 percent of the policies removed from the association under the plan must be located in such counties and an additional 50 percent of the policies removed from the association must be located in other coastal counties.

2. The insurer must renew the replacement policy at approved rates on substantially similar terms for two additional 1-year terms, unless canceled or nonrenewed by the insurer for a lawful reason other than reduction of hurricane exposure. *If an insurer assumes the association's obligations for a policy, it must issue a replacement policy for a 1-year term upon expiration of the association policy and must renew the replacement policy at approved rates on substantially similar terms for two additional 1-year terms, unless canceled by the insurer for a lawful reason other than reduction of hurricane exposure.* For each replacement policy canceled or nonrenewed by the insurer for any reason during the 3-year coverage period required by this subparagraph, the insurer must remove from the association one additional policy covering a risk similar to the risk covered by the canceled or nonrenewed policy.

(c) A take-out plan is deemed approved unless the department, within 120 days after the board votes to recommend the plan, disapproves the plan based on:

1. The capacity of the insurer to absorb the policies proposed to be taken out of the association and the concentration of risks of those policies.

2. Whether the geographic and risk characteristics of policies in the proposed take-out plan serve to reduce the exposure of the association sufficiently to justify the bonus.

3. Whether coverage for risks to be taken out otherwise exists in the admitted voluntary market.

4. The degree to which the take-out bonus is promoting new capital being allocated by the insurer to residential property coverage in this state.

(d) The calculation of an insurer's *regular* assessment liability under *s. 627.351(b)3.a. and b., but not emergency assessments collected from policyholders pursuant to s. 627.351(6)(b)3.d.,* ~~s. 627.351~~ shall, with respect to *commercial residential* ~~condominium association~~ policies removed from the association under an approved take-out plan, exclude such removed policies for the succeeding 3 years, as follows:

1. In the first year following removal of the policies, the policies are excluded from the calculation to the extent of 100 percent.

2. In the second year following removal of the policies, the policies are excluded from the calculation to the extent of 75 percent.

3. In the third year following removal of the policies, the policies are excluded from the calculation to the extent of 50 percent.

(e) An insurer that first wrote *commercial residential* ~~condominium association~~ property coverage in this state on or after June 1, 1996, is exempt from *regular* assessments under *s. 627.351(6)(b)3.a. and b., but not emergency assessments collected from policyholders pursuant to s. 627.351(6)(b)3.d.,* ~~s. 627.351~~ with respect to *commercial residential* ~~condominium association~~ policies until the earlier of:

1. The end of the calendar year in which such insurer first wrote 0.5 percent or more of the statewide aggregate direct written premium for *commercial residential* ~~condominium association~~ property coverage; or

2. December 31 of the third year in which such insurer wrote *commercial residential* ~~condominium association~~ property coverage in this state.

(f) An insurer that is not otherwise exempt from *regular* assessments under *s. 627.351(6)(b)3.a. and b.* ~~s. 627.351~~ with respect to *commercial residential* ~~condominium association~~ policies is, for any calendar year in which such insurer increased its total *commercial residential* ~~condominium association~~ hurricane exposure by 25 percent or more over its exposure for the preceding calendar year, exempt from *regular* assessments under *s. 627.351(6)(b)3.a. and b., but not emergency assessments collected from policyholders pursuant to s. 627.351(6)(b)3.d.,* ~~s. 627.351~~ attributable to such increased exposure.

(7) A minority business, which is at least 51 percent owned by minority persons as described in s. 288.703(3), desiring to operate or become licensed as a property and casualty insurer may *exempt* ~~apply~~ up to $50 of the *escrow requirements of the* take-out bonus, as described in this section~~, toward the minimum capital requirements as set forth in s. 624.407(1)(a)~~. Such minority business, which has applied for a certificate of authority to engage in business as a property and casualty insurer, may simultaneously file the business' proposed take-out plan, as described in this section, to the Residential Property and Casualty Joint Underwriting Association. ~~The Insurance Commissioner may request that the association approve such take-out plan subject to the granting of a certificate of authority by the department.~~

Section 7. Section 627.3512, Florida Statutes, is amended to read:

627.3512 Recoupment of residual market deficit assessments.—

(1) An insurer or insurer group ~~A rate filing under s. 627.062, s. 627.0651, or s. 627.072~~ may ~~include amounts sufficient to~~ recoup any assessments that have been paid *during or after 1995* by the insurer *or insurer group* to defray deficits of *an insurance risk apportionment plan* ~~a joint underwriting association~~ or assigned risk plan under ss. 627.311 and 627.351, net of any earnings returned to the insurer *or insurer group* by the association or plan *for any year after 1993. The recoupment shall be made by applying a separate assessment factor on policies of the same line or type as were considered by the residual markets in determining the assessment liability of the insurer or insurer group. An insurer or insurer group shall calculate a separate assessment factor for personal lines and commercial lines.* The ~~rate filing shall include a~~ separate assessment factor *shall provide* ~~which provides~~ for full recoupment of the assessments over a period of 1 year, unless the insurer *or insurer group,* at its option, elects to recoup the assessments over a longer period. The assessment factor ~~in the filing~~ expires upon collection of the full amount allowed to be recouped. Amounts recouped under this section are not subject to premium taxes, fees, or commissions.

(2) The assessment factor must not be more than 3 percentage points above the ratio of the deficit assessment to the Florida direct written premium for policies for the lines or types of business as to which the assessment was calculated, as written in the year the deficit assessment was paid. If an insurer or insurer group fails to collect the full amount of the deficit assessment, the insurer or insurer group must carry forward the amount of the deficit and adjust the deficit assessment to be recouped in a subsequent year by that amount.

(3) The insurer or insurer group shall file with the department a statement setting forth the amount of the assessment factor and an explanation of how the factor will be applied, at least 15 days prior to the factor being applied to any policies. The statement shall include documentation of the assessment paid by the insurer or insurer group and the arithmetic calculations supporting the assessment factor. The department shall complete its review within 15 days after receipt of the filing and shall limit its review to verification of the arithmetic calculations. The insurer or insurer group may use the assessment factor at any time after the expiration of the 15-day period unless the department has notified the insurer or insurer group in writing that the arithmetic calculations are incorrect.

(4) The department may adopt rules to implement this section.

Section 8. Section 627.3513, Florida Statutes, is created to read:

627.3513 Standards for sale of bonds by underwriting associations.—

(1)(a) The purpose of this section is to provide standards for the sale of bonds pursuant to s. 627.351(2) and (6).

(b) "Association" or "associations," for purposes of this section, means the Florida Windstorm Underwriting Association and the Residential Property and Casualty Joint Underwriting Association as established pursuant to s. 627.351(2) and (6), and any corporation or other entity established pursuant to those subsections.

(2) The plan of operation of each association shall provide for the selection of financial services providers and underwriters. Such provisions shall include the method for publicizing or otherwise providing reasonable notice to potential financial services providers, underwriters, and other interested parties, which may include expedited procedures and methods for emergency situations. The associations shall not engage the services of any person or firm as a securities broker or bond underwriter that is not eligible to be engaged by the state under the provisions of s. 215.684. The associations shall make all selections of financial service providers and managing underwriters at a noticed public meeting.

(3) The plan of operation of each association shall provide for any managing underwriter or financial advisor to provide to the association a disclosure statement containing at least the following information:

(a) An itemized list setting forth the nature and estimated amounts of expenses to be incurred by the managing underwriter in connection with the issuance of such bonds. Notwithstanding the foregoing, any such list may include an item for miscellaneous expenses, provided such item includes only minor items of expense which cannot be easily categorized elsewhere in the statement.

(b) The names, addresses, and estimated amounts of compensation of any finders connected with the issuance of the bonds.

(c) The amount of underwriting spread expected to be realized and the amount of fees and expenses expected to be paid to the financial adviser.

(d) Any management fee charged by the managing underwriter.

(e) Any other fee, bonus, or compensation estimated to be paid by the managing underwriter in connection with the bond issue to any person not regularly employed or retained by it.

(f) The name and address of each financial advisor or managing underwriter, if any, connected with the bond issue.

(g) Any other disclosure which the association may require.

(4)(a) No underwriter, commercial bank, investment banker, or financial consultant or adviser shall pay any finder any bonus, fee, or gratuity in connection with the sale of bonds issued by the association unless full disclosure is made in writing to the association prior to or concurrently with the submission of a purchase proposal for bonds by the underwriter, commercial bank, investment banker, or financial consultant or adviser, providing the name and address of any finder and the amount of bonus, fee, or gratuity paid to such finder. A violation of this subsection shall not affect the validity of the bond issue.

(b) As used in this subsection, the term "finder" means a person who is neither regularly employed by, nor a partner or officer of, an underwriter, bank, banker, or financial consultant or adviser and who enters into an understanding with either the issuer or the managing underwriter, or both, for any paid or promised compensation or valuable consideration, directly or indirectly, expressed or implied, to act solely as an intermediary between such issuer and managing underwriter for the purpose of influencing any transaction in the purpose of such bonds.

(5) This section is not intended to restrict or prohibit the employment of professional services relating to bonds issued under s. 627.351(2) or (6) or the issuance of bonds by the associations.

(6) The failure of the association to comply with one or more provisions of this section shall not affect the validity of the bond issue, however, the failure of either association to comply in good faith both with this section and with the plan as amended shall be a violation of its plan of operation and a violation of the Insurance Code.

Section 9. Section 627.3516, Florida Statutes, is created to read:

627.3516 Residential property insurance market coordinating council.—The Florida Windstorm Underwriting Association and the Residential Property and Casualty Joint Underwriting Association shall create a residual property insurance market coordinating council to assure that each association is informed of the activities and plans of the other. The coordinating council shall consist of the Insurance Consumer Advocate, who shall chair the council, the executive director of each of the associations, and the chair of the governing board of each of the associations. The coordinating council may, from time to time, recommend to the presiding officers of the Legislature proposals to improve coordination between the associations or eliminate unnecessary duplication of efforts; however, any such recommendation must also include an analysis of the impact of the recommendation on the financial arrangements of each association and on the state's efforts to restore the voluntary property insurance market. The coordinating council shall, on March 1 of each year, provide a report of its activities during the preceding year to the presiding officers of the Legislature.

Section 10. Subsection (1) of section 627.4025, Florida Statutes, 1996 Supplement, is amended to read:

627.4025 Residential coverage and hurricane coverage defined.—

(1) Residential coverage includes both personal lines residential coverage, which consists of the type of coverage provided by homeowner's, mobile home owner's, dwelling, tenant's, condominium unit owner's, *cooperative unit owner's,* and similar policies, and commercial lines residential coverage, which consists of the type of coverage provided by condominium association, *cooperative association,* apartment building, and similar policies, *including policies covering the common elements of a homeowners' association*. Residential coverage for personal lines and commercial lines as set forth in this section includes policies that provide coverage for particular perils such as windstorm and hurricane or coverage for insurer insolvency or deductibles.

Section 11. Subsections (3) and (7) of section 627.701, Florida Statutes, 1996 Supplement, are amended, and subsection (8) is added to said section, to read:

627.701 Liability of insureds; coinsurance; deductibles.—

(3)(a) A policy of residential property insurance shall include a deductible amount applicable to hurricane or wind losses no lower than $500 and no higher than 2 percent of the policy dwelling limits with respect to personal lines residential risks, and no higher than 3 percent of the policy limits with respect to commercial lines residential risks; however, if a risk was covered on August 24, 1992, under a policy having a higher deductible than the deductibles allowed by this paragraph, a policy covering such risk may include a deductible no higher than the deductible in effect on August 24, 1992. Notwithstanding the other provisions of this paragraph, a personal lines residential policy covering a risk valued at $50,000 or less may include a deductible amount attributable to hurricane or wind losses no lower than $250, and a personal lines residential policy covering a risk valued at $100,000 or more may include a deductible amount attributable to hurricane or wind losses no higher than 5 percent of the policy limits unless subject to a higher deductible on August 24, 1992; however, no maximum deductible is required with respect to a personal lines residential policy covering a risk valued at more than $500,000. An insurer may require a higher deductible, provided such deductible is the same as or similar to a deductible program lawfully in effect on June 14, 1995. In addition to the deductible amounts authorized by this paragraph, an insurer may also offer policies with a copayment provision under which, after exhaustion of the deductible, the policyholder is responsible for 10 percent of the next $10,000 of insured hurricane or wind losses.

(b)1. Except as otherwise provided in this paragraph, prior to issuing a personal lines residential property insurance policy on or after April 1, 1996, or prior to the first renewal of a residential property insurance policy on or after April 1, 1996, the insurer must offer alternative deductible amounts applicable to hurricane or wind losses equal to $500 and 2 percent of the policy dwelling limits, unless the 2 percent deductible is less than $500. The written notice of the offer shall specify the hurricane or wind deductible to be applied in the event that the applicant or policyholder fails to affirmatively choose a hurricane deductible. The insurer must provide such policyholder with notice of the availability of the deductible amounts specified in this paragraph in a form specified by the department in conjunction with each renewal of the policy. The failure to provide such notice constitutes a violation of this code but does not affect the coverage provided under the policy.

2. This paragraph does not apply with respect to a deductible program lawfully in effect on June 14, 1995, or to any similar deductible program, if the deductible program requires a minimum deductible amount of no less than 2 percent of the policy limits.

3. With respect to a policy covering a risk with dwelling limits of at least $100,000, but less than $250,000, the insurer may, in lieu of offering a policy with a $500 hurricane or wind deductible as required by subparagraph 1., offer a policy that the insurer guarantees it will not nonrenew for reasons of reducing hurricane loss for one renewal period and that contains *up to a* ~~the~~ 2 percent hurricane or wind deductible as required by subparagraph 1.

4. With respect to a policy covering a risk with dwelling limits of $250,000 or more, the insurer need not offer the $500 hurricane or wind deductible as required by subparagraph 1., but must, except as otherwise provided in this subsection, offer the 2 percent hurricane or wind deductible as required by subparagraph 1.

(c) In order to provide for the transition from wind deductibles to hurricane deductibles as required by this subsection, an insurer is required to provide wind deductibles meeting the requirements of this subsection until the effective date of the insurer's first rate filing made after January 1, 1997, and is thereafter required to provide hurricane deductibles meeting the requirements of this subsection.

(7)(a) The Legislature finds that property insurance coverage has become unaffordable for a significant number of mobile home owners, as evidenced by reports that up to 100,000 mobile home owners have terminated their insurance coverage because they cannot afford to pay approved rates charged in the voluntary or residual markets. The Legislature further finds that additional flexibility in available coverages will enable mobile home owners to obtain affordable insurance and increase capacity.

(b) Notwithstanding the provisions of subsection (3), with respect to mobile home policies:

1. The deductible for hurricane coverage may not exceed 10 percent of the property value if the property is not subject to any liens and may not exceed 5 percent of the property value if the property is subject to any liens.

2. The insurer need not make the offers required by paragraph *(3)(b)* ~~(3)(a)~~.

(8) Notwithstanding the other provisions of this section or of other law, but only as to hurricane coverage as defined in s. 627.4025 for commercial lines residential coverages, an insurer may offer a deductible in an amount not exceeding 5 percent of the insured value with respect to a condominium association or cooperative association policy, or in an amount not exceeding 10 percent of the insured value with respect to any other commercial lines residential policy, if, at the time of such offer and at each renewal, the insurer also offers to the policyholder a deductible in the amount of 3 percent of the insured value. Nothing in this subsection prohibits any deductible otherwise authorized by this section. All forms by which the offers authorized in this subsection are made or required to be made shall be on forms that are adopted or approved by the department.

Section 12. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 2, through page 5, line 2, remove from the title of the bill all of said lines and insert in lieu thereof: An act relating to property insurance; amending s. 624.4071, F.S.; providing that policyholders of special purpose homeowner insurance companies are subject to emergency assessments; amending s. 626.752, F.S.; deleting the role of the market assistance plan in the removal of policies from the Residential Property and Casualty Joint Underwriting Association; amending s. 627.0628, F.S.; providing for a rebuttable presumption of correctness of certain findings and facts; amending s. 627.0629, F.S.; authorizing insurers to implement certain discounts or differentials under certain circumstances; establishing a program to be administered by the Florida Windstorm Underwriting Association for the purpose of providing

grants to certain homeowners for certain purposes; requiring the Department of Community Affairs to establish certain standards for certain purposes; providing requirements; requiring the Florida Windstorm Underwriting Association to identify areas of the state for certain purposes; providing for calculation of catastrophe loads; amending s. 627.351, F.S.; providing standards for membership in the Florida Windstorm Underwriting Association; providing exclusions from membership; providing definitions; requiring retention of profits; providing for participation in regular assessments by member insurers; prohibiting credits, exemptions, limitations, deferment, or other relief from participation in emergency assessments collected from policyholders; conforming references; creating a limitation upon an assessment; providing for participation in emergency assessments; providing for the financing of bond or other indebtedness; providing for a market equalization surcharge; authorizing local governments to issue bonds and pay for fund reimbursement; authorizing limited apportionment for companies writing a specified percentage of the total countrywide property insurance premiums in this state; providing for rates of the association; limiting liability of association members under certain circumstances; requiring underwriting criteria; providing standards for eligibility of new and covered risks; providing for establishment of operational procedures; providing for a notice to be placed in the association policy; authorizing the establishment of a partnership, a trust, and a limited liability company; providing for certain powers; providing legislative intent; providing for the protection of creditors; providing for membership in the Residential Property and Casualty Joint Underwriting Association; providing definitions; providing for the payment of regular assessments; requiring participation in emergency assessments collected from policyholders without credit, limitation, deferment, or exemption; creating a limitation upon an assessment; providing technical corrections; providing for agent commissions; providing for a market equalization surcharge; providing for rates; authorizing local governments to issue bonds; limiting credits, limitations, exemptions, or deferments from regular assessments to period of time; authorizing the sale of revenue bonds; amending s. 627.3511, F.S.; providing for the cancellation of policies; providing terms for the payment for the removal of policies; providing definitions; providing for exemptions and credits from regular assessments but not emergency assessments for a limited period of time; providing terms for replacement of policies; making technical corrections; providing for release of moneys from escrow accounts; expanding the condominium association take-out plan to all commercial residential policies; providing terms for the assumption of policies; providing for the calculation of regular and emergency assessments for certain insurers; amending s. 627.3512, F.S.; providing for recoupment of residual market deficit assessments under certain circumstances; creating s. 627.3513, F.S.; providing standards and procedures for underwriting associations to issue bonds; creating s. 627.3516, F.S.; providing for a residual property insurance market coordinating council; providing for duties and membership; amending s. 627.4025, F.S.; revising a definition of residential coverage; amending s. 627.701, F.S.; providing for certain offers up to a specified deductible; authorizing alternative deductibles for certain property; conforming cross references; providing an effective date.

On motion by Senator Diaz-Balart, the Senate concurred in the House amendment.

CS for SB 794 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment(s), and concurred in same as amended, and passed HB 1925 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

HB 1925—A bill to be entitled An act relating to regulation of health care practitioners; creating part II of chapter 455, F.S., to provide regulatory provisions applicable to the Department of Health that are separate from those applicable to the Department of Business and Professional Regulation; creating ss. 455.401, 455.402, 455.403, 455.404, 455.405, 455.406, 455.407, 455.408, 455.409, 455.411, 455.412, 455.414, 455.415, 455.416, 455.417, 455.418, 455.419, 455.421, 455.422, 455.424, 455.427, 455.428, 455.429, 455.431, 455.432, 455.433, 455.436, 455.438, 455.439, 455.441, 455.442, 455.443, 455.444, 455.445, 455.446, 455.447, 455.448, 455.449, 455.451, 455.452, 455.453, 455.457, 455.458, 455.461, 455.465, 455.466, 455.467, 455.468, and 455.469, F.S., to conform; providing intent; providing for a procedure for updating boards on major public health policy; providing for appointment of a task force to develop uniform procedures to standardize the validation of health care practitioner credentials; providing requirements with respect to examinations, including requirements for national, contracted, and shared examinations and translations of examinations; restricting board meetings to those determined to be in the public interest; providing for appointment of nonboard members to board committees under certain circumstances; requiring applicants for initial licensure to submit a full set of fingerprints; providing additional grounds for disciplinary action relating to keeping legible records, payments on federally or state guaranteed educational loans or service-conditional scholarships, providing proper identification to patients, and reporting of disciplinary actions of another jurisdiction; revising provisions relating to ownership and control of patient records; transferring s. 455.247, F.S., to conform; transferring and amending ss. 455.2055, 455.2141, 455.2142, 455.2173, 455.222, 455.2224, 455.241, 455.2415, 455.2416, 455.244, 455.2455, and 455.2456, F.S., to conform; amending ss. 455.01, 455.017, 455.10, 455.203, 455.205, 455.207, 455.208, 455.209, 455.211, 455.213, 455.214, 455.217, 455.2175, 455.218, 455.219, 455.221, 455.2228, 455.225, 455.227, 455.2273, 455.2275, 455.228, 455.2285, 455.229, 455.232, 455.26, 455.261, and 455.273, F.S., to conform; transferring and amending s. 455.2205, F.S., relating to the Health Care Trust Fund, to conform; amending ss. 215.20, 391.208, 391.217, 400.5575, and 408.20, F.S.; correcting cross references, to conform; transferring and amending ss. 455.24, 455.242, 455.243, and 455.245, F.S., relating to veterinary medical practice, to conform; amending s. 455.25, F.S., relating to disclosure of financial interest; requiring physicians or other health care providers to disclose their financial interest in certain entities; eliminating entity disclosure of financial interest; repealing s. 455.220, F.S., relating to fees required by the boards to cover the costs of regulation, to conform; repealing s. 455.2226, F.S., relating to instruction on human immunodeficiency virus and acquired immune deficiency syndrome; creating part I of the remaining provisions of chapter 455, F.S., as amended, to conform; amending ss. 120.80, 212.08, 215.37, 240.215, 310.102, 337.162, 381.0039, 383.32, 395.0193, 395.0197, 395.3025, 400.491, 408.061, 408.704, 415.1055, 415.5055, 415.51, 440.13, 457.103, 458.307, 458.3115, 458.331, 458.343, 458.347, 459.004, 459.015, 459.019, 459.022, 460.404, 460.4061, 461.004, 461.013, 463.003, 463.016, 464.004, 465.004, 465.006, 466.004, 466.007, 466.018, 466.022, 466.028, 468.1135, 468.1145, 468.1185, 468.1295, 468.1665, 468.1755, 468.1756, 468.205, 468.219, 468.364, 468.365, 468.402, 468.4315, 468.453, 468.456, 468.4571, 468.506, 468.507, 468.513, 468.523, 468.526, 468.532, 468.535, 468.703, 468.707, 468.711, 468.719, 469.009, 470.003, 470.036, 471.008, 471.015, 471.033, 472.015, 473.3035, 473.308, 473.311, 473.323, 474.204, 474.214, 474.2145, 475.021, 475.181, 475.25, 475.624, 476.204, 477.029, 480.044, 481.2055, 481.213, 481.225, 481.2251, 481.306, 481.311, 481.325, 483.805, 483.807, 483.901, 484.014, 484.042, 484.056, 486.023, 486.115, 486.172, 489.129, 489.533, 490.004, 490.009, 490.015, 491.004, 491.009, 491.015, 492.103, 492.113, 627.668, 627.912, 636.039, 641.27, 641.55, 766.106, 766.305, 766.308, 766.314, and 937.031, F.S.; correcting cross references and terminology, to conform; amending ss. 20.43, 381.81, 400.211, 402.48, 457.102, 458.305, 459.003, 460.403, 461.003, 462.01, 463.002, 465.003, 466.003, 467.003, 468.1125, 468.1655, 468.352, 468.518, 468.701, 478.42, 480.033, 483.803, 484.002, 484.003, 484.041, 484.042, 484.051, 486.021, 490.003, and 491.003, F.S.; correcting cross references and definitions, to conform; providing an effective date.

House Amendment 1 (with title amendment) to Senate Amendment 1—On page 1, line 17, through page 212, line 17, remove from the amendment all of said lines and insert in lieu thereof:

Section 1. Section 11 of chapter 96-403, Laws of Florida, is amended to read:

Section 11. Effective July 1, 1997, the regulation of nursing assistants, as provided under s. 400.211, Florida Statutes; health care services pools, as provided under s. 402.48, Florida Statutes; the Board of Acupuncture, created under chapter 457, Florida Statutes; the Board of Medicine, created under chapter 458, Florida Statutes; the Board of Osteopathic Medicine, created under chapter 459, Florida Statutes; the Board of Chiropractic, created under chapter 460, Florida Statutes; the Board of Podiatric Medicine, created under chapter 461, Florida Statutes; naturopathy, as provided under chapter 462, Florida Statutes; the Board of Optometry, created under chapter 463, Florida Statutes; the Board of Nursing, created under chapter 464, Florida Statutes; the Board of Pharmacy, created under chapter 465, Florida Statutes; the Board of Dentistry, created under chapter 466, Florida Statutes; midwifery, as provided under chapter 467, Florida Statutes; the Board of Speech-Language Pathology and Audiology, created under part I of chapter 468, Florida Statutes; the Board of Nursing Home Administrators, created under part II of chapter 468, Florida Statutes; occupational therapy, as provided under part III of chapter 468, Florida Statutes; respiratory therapy, as provided under part V of chapter 468, Florida Statutes; dietetics and nutrition practice, as provided under part X of chapter 468, Florida Statutes; electrolysis, as provided under chapter 478, Florida Statutes; the Board of Clinical Laboratory Personnel, created under part IV of chapter 483, Florida Statutes; medical physicists, as provided under part V of chapter 483, Florida Statutes; the Board of Opticianry, created under part I of chapter 484, Florida Statutes; the Board of Physical Therapy Practice, created under chapter 486, Florida Statutes; the Board of Psychology, created under chapter 490, Florida Statutes; and the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491, Florida Statutes, under the Division of Health Quality Assurance of the Agency for Health Care Administration, or under the agency, within the Department of Business and Professional Regulation, *but not including personnel, property, and unexpended balances of appropriations related to consumer complaints, investigative and prosecutorial services,* ~~including all licensing, examination, publication, administrative, and management information services, but not consumer complaint, investigative, or prosecutorial services, provided by the Agency for Health Care Administration,~~ is transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, and assigned to the Division of Medical Quality Assurance within the Department of Health, as created by this act.

Section 2. Section 20.43, Florida Statutes, 1996 Supplement, is amended to read:

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

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

(a) Prevent to the fullest extent possible, the occurrence and progression of communicable and noncommunicable diseases and disabilities.

(b) Maintain a constant surveillance of disease occurrence and accumulate health statistics necessary to establish disease trends and to design health programs.

(c) Conduct special studies of the causes of diseases and formulate preventive strategies.

(d) Promote the maintenance and improvement of the environment as it affects public health.

(e) Promote the maintenance and improvement of health in the residents of the state.

(f) Provide leadership, in cooperation with the public and private sectors, in establishing statewide and community public health delivery systems.

(g) Provide health care and early intervention services to infants, toddlers, children, adolescents, and high-risk perinatal patients who are at risk for disabling conditions or have chronic illnesses.

(h) Develop working associations with all agencies and organizations involved and interested in health and health care delivery.

(i) Analyze trends in the evolution of health systems, and identify and promote the use of innovative, cost-effective health delivery systems.

(j) Serve as the statewide repository of all aggregate data accumulated by state agencies related to health care; analyze that data and issue periodic reports and policy statements, as appropriate; require that all aggregated data be kept in a manner that promotes easy utilization by the public, state agencies, and all other interested parties; provide technical assistance as required; and work cooperatively with the state's higher education programs to promote further study and analysis of health care systems and health care outcomes.

(k) Biennially publish, and annually update, a state health plan that assesses current health programs, systems, and costs; makes projections of future problems and opportunities; and recommends changes needed in the health care system to improve the public health.

(l) Regulate health practitioners, to the extent authorized by the Legislature, as necessary for the preservation of the health, safety, and welfare of the public.

(2) The head of the Department of Health is the Secretary of Health and State Health Officer. The secretary must be a physician licensed under chapter 458 or chapter 459 who has advanced training or extensive experience in public health administration. The secretary is appointed by the Governor subject to confirmation by the Senate. The secretary serves at the pleasure of the Governor.

(3) The following divisions of the Department of Health are established:

(a) Division of Administration.
(b) Division of Environmental Health.
(c) Division of Disease Control.
(d) Division of Family Services.
(e) Division of Children's Medical Services.
(f) ~~Effective July 1, 1997,~~ Division of Medical Quality Assurance, which is responsible for the following boards and professions established within the division:

1. Nursing assistants, as provided under s. 400.211.

2. Health care services pools, as provided under s. 402.48.

3. The Board of Acupuncture, created under chapter 457.

4. The Board of Medicine, created under chapter 458.

5. The Board of Osteopathic Medicine, created under chapter 459.

6. The Board of Chiropractic, created under chapter 460.

7. The Board of Podiatric Medicine, created under chapter 461.

8. Naturopathy, as provided under chapter 462.

9. The Board of Optometry, created under chapter 463.

10. The Board of Nursing, created under chapter 464.

11. The Board of Pharmacy, created under chapter 465.

12. The Board of Dentistry, created under chapter 466.

13. Midwifery, as provided under chapter 467.

14. The Board of Speech-Language Pathology and Audiology, created under part I of chapter 468.

15. The Board of Nursing Home Administrators, created under part II of chapter 468.

16. Occupational therapy, as provided under part III of chapter 468.

17. Respiratory therapy, as provided under part V of chapter 468.

18. Dietetics and nutrition practice, as provided under part X of chapter 468.

19. Athletic trainers, as provided under part XIV of chapter 468.

20. Electrolysis, as provided under chapter 478.

21. The Board of Massage, created under chapter 480.

22. The Board of Clinical Laboratory Personnel, created under part IV of chapter 483.

23. Medical physicists, as provided under part V of chapter 483.

24. The Board of Opticianry, created under part I of chapter 484.

25. The Board of Hearing Aid Specialists, created under part II of chapter 484.

26. The Board of Physical Therapy Practice, created under chapter 486.

27. The Board of Psychology, created under chapter 490.

28. The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491.

The department *may* ~~shall~~ contract with the Agency for Health Care Administration who shall provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

(4)(a) The members of each board within the department shall be appointed by the Governor, subject to confirmation by the Senate. Consumer members on the board shall be appointed pursuant to paragraph (b). Members shall be appointed for 4-year terms, and such terms shall expire on October 31. However, a term of less than 4 years may be used to ensure that:

1. No more than two members' terms expire during the same calendar year for boards consisting of seven or eight members.

2. No more than three members' terms expire during the same calendar year for boards consisting of 9 to 12 members.

3. No more than five members' terms expire during the same calendar year for boards consisting of 13 or more members.

A member whose term has expired shall continue to serve on the board until such time as a replacement is appointed. A vacancy on the board shall be filled for the unexpired portion of the term in the same manner as the original appointment. No member may serve for more than the remaining portion of a previous member's unexpired term, plus two consecutive 4-year terms of the member's own appointment thereafter.

(b) Each board with five or more members shall have at least two consumer members who are not, and have never been, members or practitioners of the profession regulated by such board or of any closely related profession. Each board with fewer than five members shall have at least one consumer member who is not, and has never been, a member or practitioner of the profession regulated by such board or of any closely related profession.

(c) Notwithstanding any other provision of law, the department is authorized to establish uniform application forms and certificates of licensure for use by the boards within the department. Nothing in this paragraph authorizes the department to vary any substantive requirements, duties, or eligibilities for licensure or certification as provided by law.

(5)~~(4)~~ The department shall plan and administer its public health programs through its county health departments and may, for administrative purposes and efficient service delivery, establish up to 15 service areas to carry out such duties as may be prescribed by the secretary. The boundaries of the service areas shall be the same as, or combinations of, the districts of the health and human services boards established in s. 20.19 and, to the extent practicable, shall take into consideration the boundaries of the jobs and education regional boards.

(6)~~(5)~~ The secretary and division directors are authorized to appoint ad hoc advisory committees as necessary. The issue or problem that the ad hoc committee shall address, and the timeframe within which the committee is to complete its work, shall be specified at the time the committee is appointed. Ad hoc advisory committees shall include representatives of groups or entities affected by the issue or problem that the committee is asked to examine. Members of ad hoc advisory committees shall receive no compensation, but may, within existing departmental resources, receive reimbursement for travel expenses as provided in s. 112.061.

Section 3. Section 455.01, Florida Statutes, 1996 Supplement, is amended to read:

455.01 Definitions.—As used in this *part* ~~chapter~~, the term:

(1) "Board" means any board or commission, or other statutorily created entity to the extent such entity is authorized to exercise regulatory or rulemaking functions, within the department, including the Florida Real Estate Commission; except that, for ss. 455.201-455.261, "board" means only a board, or other statutorily created entity to the extent such entity is authorized to exercise regulatory or rulemaking functions, within the Division of Certified Public Accounting, ~~the Division of Medical Quality Assurance,~~ the Division of Professions, or the Division of Real Estate.

(2) "Consumer member" means a person appointed to serve on a specific board or who has served on a specific board, who is not, and never has been, a member or practitioner of the profession, or of any closely related profession, regulated by such board.

(3) "Department" means the Department of Business and Professional Regulation.

~~(4) "Health care practitioner" means any person licensed under chapter 457; chapter 458; chapter 459; chapter 460; chapter 461; chapter 462; chapter 463; chapter 464; chapter 465; chapter 466; part I, part III, part V, or part X of chapter 468; chapter 474; chapter 484; chapter 486; chapter 490; or chapter 491.~~

(4)~~(5)~~ "License" means any permit, registration, certificate, or license issued by the department.

(5)~~(6)~~ "Licensee" means any person issued a permit, registration, certificate, or license by the department.

(6)~~(7)~~ "Profession" means any activity, occupation, profession, or vocation regulated by the department in the Divisions of Certified Public Accounting, ~~Medical Quality Assurance,~~ Professions, Real Estate, and Regulation.

Section 4. Section 455.203, Florida Statutes, 1996 Supplement, is amended to read:

455.203 Department; ~~Agency for Health Care Administration;~~ powers and duties.—The department ~~and the Agency for Health Care Administration~~, for the boards under *its jurisdiction* ~~their respective jurisdictions~~, shall:

(1) Adopt rules establishing a procedure for the biennial renewal of licenses; ~~provided,~~ however, the department ~~or the Agency for Health Care Administration~~ may issue up to a 4-year license to selected licensees notwithstanding any other provisions of law to the contrary. Fees for such renewal shall not exceed the fee caps for individual professions on an annualized basis as authorized by law.

(2) Appoint the executive director of each board, subject to the approval of the board.

(3) Submit an annual budget to the Legislature at a time and in the manner provided by law.

(4) Develop a training program for persons newly appointed to membership on any board. The program shall familiarize such persons with the substantive and procedural laws and rules and fiscal information relating to the regulation of the appropriate profession and with the

structure of the department ~~or the Agency for Health Care Administration~~.

(5) Adopt all rules necessary to administer this *part* ~~chapter~~.

(6) Establish by *rule* ~~rules~~ procedures by which the department ~~and the Agency for Health Care Administration~~ shall use the expert or technical advice of the appropriate board for the purposes of investigation, inspection, evaluation of applications, other duties of the department, or any other areas the department may deem appropriate.

(7) Require all proceedings of any board or panel thereof and all formal or informal proceedings conducted by the department, ~~the Agency for Health Care Administration,~~ an administrative law judge, or a hearing officer with respect to licensing or discipline to be electronically recorded in a manner sufficient to assure the accurate transcription of all matters so recorded.

(8) Select only those investigators, or consultants who undertake investigations, who meet criteria established with the advice of the respective boards.

(9) Allow applicants for new or renewal licenses and current licensees to be screened by the Title IV-D child support agency pursuant to s. 409.2598 to assure compliance with a support obligation. The purpose of this subsection is to promote the public policy of this state as established in s. 409.2551. The department shall, when directed by the court, suspend or deny the license of any licensee found to have a delinquent support obligation. The department shall issue or reinstate the license without additional charge to the licensee when notified by the court that the licensee has complied with the terms of the court order. The department shall not be held liable for any license denial or suspension resulting from the discharge of its duties under this subsection.

Section 5. Section 455.205, Florida Statutes, is amended to read:

455.205 Contacting boards through department ~~or agency~~.—Each board under the jurisdiction of the department may be contacted through the headquarters of the department in the City of Tallahassee or at any regional office of the department. ~~Each board under the jurisdiction of the Agency for Health Care Administration may be contacted through the headquarters of the Agency for Health Care Administration in the City of Tallahassee.~~

Section 6. Subsections (1) and (3) of section 455.207, Florida Statutes, are amended to read:

455.207 Boards; organization; meetings; compensation and travel expenses.—

(1) Each board within the department ~~and each board within the Agency for Health Care Administration~~ shall comply with the provisions of this section.

(3) The board shall meet at least once annually and may meet as often as is necessary. The chairperson or a quorum of the board shall have the authority to call other meetings. A quorum shall be necessary for the conduct of official business by the board or any committee thereof. Unless otherwise provided by law, 51 percent or more of the appointed members of the board or any committee, when applicable, shall constitute a quorum. The membership of committees of the board, except as otherwise authorized pursuant to this *part* ~~chapter~~ or the applicable practice act, shall be composed of currently appointed members of the board. The vote of a majority of the members of the quorum shall be necessary for any official action by the board or committee. Three consecutive unexcused absences or absences constituting 50 percent or more of the board's meetings within any 12-month period shall cause the board membership of the member in question to become void, and the position shall be considered vacant. The board, or the department when there is no board, shall, by rule, define unexcused absences.

Section 7. Section 455.208, Florida Statutes, is amended to read:

455.208 Publication of information.—The department~~, the Agency for Health Care Administration,~~ and the boards shall have the authority to advise licensees periodically, through the publication of a newsletter, about information that the department~~, the Agency for Health Care Administration,~~ or the board determines is of interest to the industry. Unless otherwise prohibited by law, the department and the boards shall publish a summary of final orders resulting in fines, suspensions, or revocations, and any other information the department or the board determines is of interest to the public.

Section 8. Subsection (2) of section 455.209, Florida Statutes, is amended to read:

455.209 Accountability and liability of board members.—

(2) Each board member and each former board member serving on a probable cause panel shall be exempt from civil liability for any act or omission when acting in the member's official capacity, and the department ~~or the Agency for Health Care Administration, as appropriate~~, or the Department of Legal Affairs shall defend any such member in any action against any board or member of a board arising from any such act or omission. In addition, the department or the Department of Legal Affairs may defend the member's company or business in any action against the company or business if the department or the Department of Legal Affairs determines that the actions from which the suit arises are actions taken by the member in the member's official capacity and were not beyond the member's statutory authority. In providing such defense, the department, the agency, or the Department of Legal Affairs may employ or utilize the legal services of outside counsel.

Section 9. Subsections (1) and (2) of section 455.211, Florida Statutes, 1996 Supplement, are amended to read:

455.211 Board rules; final agency action; challenges.—

(1) The secretary of the department shall have standing to challenge any rule or proposed rule of a board under its jurisdiction pursuant to s. 120.56. ~~The Director of Health Care Administration shall have standing to challenge any rule or proposed rule of any board under its jurisdiction, pursuant to s. 120.56.~~ In addition to challenges for any invalid exercise of delegated legislative authority, the administrative law judge, upon such a challenge by the secretary ~~or the Director of Health Care Administration~~, may declare all or part of a rule or proposed rule invalid if it:

(a) Does not protect the public from any significant and discernible harm or damages;

(b) Unreasonably restricts competition or the availability of professional services in the state or in a significant part of the state; or

(c) Unnecessarily increases the cost of professional services without a corresponding or equivalent public benefit.

However, there shall not be created a presumption of the existence of any of the conditions cited in this subsection in the event that the rule or proposed rule is challenged.

(2) In addition, either the secretary~~, the Director of Health Care Administration,~~ or the board shall be a substantially interested party for purposes of s. 120.54(7). The board may, as an adversely affected party, initiate and maintain an action pursuant to s. 120.68 challenging the final agency action.

Section 10. Subsections (3), (7), and (8) of section 455.213, Florida Statutes, 1996 Supplement, are amended to read:

455.213 General licensing provisions.—

(3) The board, or the department when there is no board, may refuse to issue an initial license to any applicant who is under investigation or prosecution in any jurisdiction for an action that would constitute a violation of this *part* ~~chapter~~ or the professional practice acts administered by the department and the boards, until such time as the investigation or prosecution is complete.

(7) Notwithstanding anything to the contrary, any elected official who is licensed pursuant to any practice act within the purview of this *part* ~~chapter~~ may hold employment for compensation with any public agency concurrent with such public service. Such dual service shall be disclosed according to any disclosure required by applicable law.

(8) In any instance in which a licensee or applicant to the department ~~or the Agency for Health Care Administration~~ is required to be in compliance with a particular provision by, on, or before a certain date, and if that date occurs on a Saturday, Sunday, or a legal holiday, then

the licensee or applicant is deemed to be in compliance with the specific date requirement if the required action occurs on the first succeeding day which is not a Saturday, Sunday, or legal holiday.

Section 11. Subsections (3) and (6) of section 455.214, Florida Statutes, are amended to read:

455.214 Limited licenses.—

(3) The board, or the department when there is no board, may deny limited licensure to an applicant who has committed, or is under investigation or prosecution for, any act which would constitute the basis for discipline pursuant to the provisions of this *part* ~~chapter~~ or the applicable practice act.

(6) Each applicant granted a limited license is subject to all the provisions of this *part* ~~chapter~~ and the respective practice act under which the limited license is issued which are not in conflict with this section.

Section 12. Paragraph (e) of subsection (1) of section 455.217, Florida Statutes, 1996 Supplement, is amended to read:

455.217 Examinations.—

(1) The Division of Technology, Licensure, and Testing of the Department of Business and Professional Regulation shall provide services for the preparation and administration of all examinations.

(e) If the professional board with jurisdiction over an examination concurs, the department may, for a fee, share with any other state's licensing authority an examination developed by or for the department unless prohibited by a contract entered into by the department for development or purchase of the examination. The department, with the concurrence of the appropriate board, shall establish guidelines that ensure security of a shared exam and shall require that any other state's licensing authority comply with those guidelines. Those guidelines shall be approved by the appropriate professional board. All fees paid by the user shall be applied to the department's examination and development program for professions regulated by this *part* ~~chapter~~. All fees paid by the user for professions not regulated by this *part* ~~chapter~~ shall be applied to offset the fees for the development and administration of that profession's examination.

Section 13. Section 455.2175, Florida Statutes, is amended to read:

455.2175 Penalty for theft or reproduction of an examination.—In addition to, or in lieu of, any other discipline imposed pursuant to s. 455.227, the theft of an examination in whole or in part or the act of reproducing or copying any examination administered by the department ~~or the Agency for Health Care Administration~~, whether *such* ~~said~~ examination is reproduced or copied in part or in whole and by any means, *constitutes* ~~shall constitute~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 14. Section 455.218, Florida Statutes, is amended to read:

455.218 Foreign-trained professionals; special examination and license provisions.—

(1) When not otherwise provided by law, ~~within their respective jurisdictions, the Agency for Health Care Administration and~~ the department shall by rule provide procedures under which exiled professionals may be examined within each practice act. A person shall be eligible for such examination if the person:

(a) Immigrated to the United States after leaving the person's home country because of political reasons, provided such country is located in the Western Hemisphere and lacks diplomatic relations with the United States;

(b) Applies to the department ~~or the Agency for Health Care Administration, as appropriate,~~ and submits a fee;

(c) Was a Florida resident immediately preceding the person's application;

(d) Demonstrates to the department ~~or the Agency for Health Care Administration~~, through submission of documentation verified by the applicant's respective professional association in exile, that the applicant was graduated with an appropriate professional or occupational degree from a college or university; however, the department ~~or the Agency for Health Care Administration~~ may not require receipt of any documentation from the Republic of Cuba as a condition of eligibility under this section;

(e) Lawfully practiced the profession for at least 3 years;

(f) Prior to 1980, successfully completed an approved course of study pursuant to chapters 74-105 and 75-177, Laws of Florida; and

(g) Presents a certificate demonstrating the successful completion of a continuing education program which offers a course of study that will prepare the applicant for the examination offered under subsection (2). The department ~~and the Agency for Health Care Administration~~ shall develop rules for the approval of such programs for *its* ~~their respective~~ boards.

(2) Upon request of a person who meets the requirements of subsection (1) and submits an examination fee, the department ~~or the Agency for Health Care Administration~~, for *its* ~~their respective~~ boards, shall provide a written practical examination *that* ~~which~~ tests the person's current ability to practice the profession competently in accordance with the actual practice of the profession. Evidence of meeting the requirements of subsection (1) shall be treated by the department ~~or the Agency for Health Care Administration~~ as evidence of the applicant's preparation in the academic and preprofessional fundamentals necessary for successful professional practice, and the applicant shall not be examined by the department ~~or the Agency for Health Care Administration~~ on such fundamentals.

(3) The fees charged for the examinations offered under subsection (2) shall be established by the department ~~and the Agency for Health Care Administration~~, for *its* ~~their respective~~ boards, by rule and shall be sufficient to develop or to contract for the development of the examination and its administration, grading, and grade reviews.

(4) The department ~~and the Agency for Health Care Administration~~ shall examine any applicant who meets the requirements of subsections (1) and (2). Upon passing the examination and the issuance of the license, a licensee is subject to the administrative requirements of this *part* ~~chapter~~ and the respective practice act under which the license is issued. Each applicant so licensed is subject to all provisions of this *part* ~~chapter~~ and the respective practice act under which the license was issued.

(5) Upon a request by an applicant otherwise qualified under this section, the examinations offered under subsection (2) may be given in the applicant's native language, provided that any translation costs are borne by the applicant.

(6) The department ~~and the Agency for Health Care Administration~~, for *its* ~~their respective~~ boards, shall not issue an initial license to, or renew a license of, any applicant or licensee who is under investigation or prosecution in any jurisdiction for an action which would constitute a violation of this *part* ~~chapter~~ or the professional practice acts administered by the department or agency and the boards until such time as the investigation or prosecution is complete, at which time the provisions of the professional practice acts shall apply.

Section 15. Section 455.2185, Florida Statutes, is amended to read:

455.2185 Exemption for certain out-of-state or foreign professionals; limited practice permitted.—

(1) A professional of any other state or of any territory or other jurisdiction of the United States or of any other nation or foreign jurisdiction is exempt from the requirements of licensure under this *part* ~~chapter~~ and the applicable professional practice act under the agency with regulatory jurisdiction over the profession if that profession is regulated in this state under the agency with regulatory jurisdiction over the profession and if that person:

(a) Holds, if so required in the jurisdiction in which that person practices, an active license to practice that profession.

(b) Engages in the active practice of that profession outside the state.

(c) Is employed or designated in that professional capacity by a sports entity visiting the state for a specific sporting event.

(2) A professional's practice under this section is limited to the members, coaches, and staff of the team for which that professional is employed or designated and to any animals used if the sporting event for which that professional is employed or designated involves animals. A professional practicing under authority of this section shall not have practice privileges in any licensed ~~health care facility or~~ veterinary facility without the approval of that facility.

Section 16. Subsections (1) and (2) of section 455.221, Florida Statutes, are amended to read:

455.221 Legal and investigative services.—

(1) A board shall retain, through the department's contract procedures, board counsel from the Department of Legal Affairs. The Department of Legal Affairs shall provide legal services to each board within the Department of Business and Professional Regulation ~~or the Agency for Health Care Administration~~, but the primary responsibility of the Department of Legal Affairs shall be to represent the interests of the citizens of the state by vigorously counseling the boards with respect to their obligations under the laws of the state. A board shall provide for the periodic review and evaluation of the services provided by its board counsel. Subject to the prior approval of the Attorney General, any board may retain, through the department's contract procedures, independent legal counsel to provide legal advice to the board on a specific matter. Fees and costs of such counsel by the Department of Legal Affairs or independent legal counsel approved by the Attorney General shall be paid from the Professional Regulation Trust Fund ~~or the Health Care Trust Fund, as appropriate~~. All contracts for independent counsel shall provide for periodic review and evaluation by the board and the department of services provided.

(2) The Department of Business and Professional Regulation ~~or the Agency for Health Care Administration~~ may employ or utilize the legal services of outside counsel and the investigative services of outside personnel. However, no attorney employed or *used* ~~utilized~~ by the department ~~or the Agency for Health Care Administration~~ shall prosecute a matter and provide legal services to the board with respect to the same matter.

Section 17. Subsection (1) of section 455.2226, Florida Statutes, is amended to read:

455.2226 Requirement for instruction on human immunodeficiency virus and acquired immune deficiency syndrome.—

(1) ~~As of July 1, 1991,~~ The ~~appropriate~~ Board *of Funeral Directors and Embalmers* shall require each person licensed or certified under ~~chapter 457; chapter 458; chapter 459; chapter 460; chapter 461; chapter 463; chapter 464; chapter 465; chapter 466; part II, part III, or part V of chapter 468;~~ chapter 470~~; or chapter 486~~ to complete a continuing educational course, approved by the board, on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure or recertification. The course shall consist of education on the modes of transmission, infection control procedures, clinical management, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome. Such course shall include information on current Florida law on acquired immune deficiency syndrome and its impact on testing, confidentiality of test results, and treatment of patients.

Section 18. Subsection (1) of section 455.2228, Florida Statutes, is amended to read:

455.2228 Requirement for instruction on human immunodeficiency virus and acquired immune deficiency syndrome.—

(1) The board, or the department where there is no board, shall require each person licensed or certified under chapter 476 *or* ~~,~~ chapter 477~~, chapter 480, or part XIV of chapter 468~~ to complete a continuing educational course approved by the board, or the department where there is no board, on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure or recertification. The course shall consist of education on modes of transmission, infection control procedures, clinical management, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome, with an emphasis on appropriate behavior and attitude change.

Section 19. Section 455.223, Florida Statutes, 1996 Supplement, is amended to read:

455.223 Power to administer oaths, take depositions, and issue subpoenas.—For the purpose of any investigation or proceeding conducted by the department ~~or the Agency for Health Care Administration~~, the department ~~or the agency~~ shall have the power to administer oaths, take depositions, make inspections when authorized by statute, issue subpoenas which shall be supported by affidavit, serve subpoenas and other process, and compel the attendance of witnesses and the production of books, papers, documents, and other evidence. The department ~~or the Agency for Health Care Administration~~ shall exercise this power on its own initiative or whenever requested by a board or the probable cause panel of any board. Challenges to, and enforcement of, the subpoenas and orders shall be handled as provided in s. 120.569.

Section 20. Subsections (1), (2), (3), and (6) of section 455.224, Florida Statutes, are amended to read:

455.224 Authority to issue citations.—

(1) Notwithstanding s. 455.225, the board, or the department ~~or the Agency for Health Care Administration~~ when there is no board, shall adopt rules to permit the issuance of citations. The citation shall be issued to the subject and shall contain the subject's name and address, the subject's license number if applicable, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the subject disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the subject does not dispute the matter in the citation with the department ~~or the agency, whichever has jurisdiction,~~ within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. The penalty shall be a fine or other conditions as established by rule.

(2) The board, or the department ~~or the agency~~ when there is no board, shall adopt rules designating violations for which a citation may be issued. Such rules shall designate as citation violations those violations for which there is no substantial threat to the public health, safety, and welfare.

(3) The department ~~or the Agency for Health Care Administration~~ shall be entitled to recover the costs of investigation, in addition to any penalty provided according to board *or*~~,~~ department~~, or agency~~ rule, as part of the penalty levied pursuant to the citation.

(6) Within *its jurisdiction* ~~their respective jurisdictions~~, the department *has* ~~and the Agency for Health Care Administration have~~ exclusive authority to, and shall adopt rules to, designate those violations for which the licensee is subject to the issuance of a citation and designate the penalties for those violations if any board fails to incorporate this section into rules by January 1, 1992. A board created on or after January 1, 1992, has 6 months in which to enact rules designating violations and penalties appropriate for citation offenses. Failure to enact such rules gives the department ~~or the agency~~ exclusive authority to adopt rules as required for implementing this section. A board has continuous authority to amend its rules adopted pursuant to this section.

Section 21. Section 455.225, Florida Statutes, 1996 Supplement, is amended to read:

455.225 Disciplinary proceedings.—Disciplinary proceedings for each board shall be within the jurisdiction of the department ~~or the Agency for Health Care Administration, as appropriate~~.

(1) The department ~~or the Agency for Health Care Administration~~, for the boards under *its jurisdiction* ~~their respective jurisdictions~~, shall cause to be investigated any complaint that is filed before it if the complaint is in writing, signed by the complainant, and legally sufficient. A complaint is legally sufficient if it contains ultimate facts that show that a violation of this *part* ~~chapter~~, of any of the practice acts relating to the professions regulated by the department ~~or the agency~~, or of any rule adopted by the department~~, the agency,~~ or a regulatory board in the department ~~or the agency~~ has occurred. In order to determine legal

sufficiency, the department ~~or the agency~~ may require supporting information or documentation. The department ~~or the agency~~ may investigate, and the department~~, the agency,~~ or the appropriate board may take appropriate final action on, a complaint even though the original complainant withdraws it or otherwise indicates a desire not to cause the complaint to be investigated or prosecuted to completion. The department ~~or the agency~~ may investigate an anonymous complaint if the complaint is in writing and is legally sufficient, if the alleged violation of law or rules is substantial, and if the department ~~or the agency~~ has reason to believe, after preliminary inquiry, that the ~~alleged~~ violations *alleged* in the complaint are true. The department ~~or the agency~~ may investigate a complaint made by a confidential informant if the complaint is legally sufficient, if the alleged violation of law or rule is substantial, and if the department ~~or the agency~~ has reason to believe, after preliminary inquiry, that the allegations of the complainant are true. The department ~~or the agency~~ may initiate an investigation if it has reasonable cause to believe that a licensee or a group of licensees has violated a Florida statute, a rule of the department, ~~a rule of the agency,~~ or a rule of a board. ~~Except as provided in ss. 458.331(9), 459.015(9), 460.413(5), and 461.013(6),~~ When an investigation of any subject is undertaken, the department ~~or the agency~~ shall promptly furnish to the subject or the subject's attorney a copy of the complaint or document that resulted in the initiation of the investigation. The subject may submit a written response to the information contained in such complaint or document within 20 days after service to the subject of the complaint or document. The subject's written response shall be considered by the probable cause panel. The right to respond does not prohibit the issuance of a summary emergency order if necessary to protect the public. However, if the secretary, or the secretary's designee, and the chairman of the respective board or the chairman of its probable cause panel agree in writing that such notification would be detrimental to the investigation, the department ~~or the agency~~ may withhold notification. The department ~~or the agency~~ may conduct an investigation without notification to any subject if the act under investigation is a criminal offense.

(2) The department ~~and the Agency for Health Care Administration~~ shall allocate sufficient and adequately trained staff to expeditiously and thoroughly determine legal sufficiency and investigate all legally sufficient complaints. When its investigation is complete and legally sufficient, the department ~~or the agency~~ shall prepare and submit to the probable cause panel of the appropriate regulatory board the investigative report of the department ~~or the agency~~. The report shall contain the investigative findings and the recommendations of the department ~~or the agency~~ concerning the existence of probable cause. At any time after legal sufficiency is found, the department ~~or the agency~~ may dismiss any case, or any part thereof, if the department ~~or the agency~~ determines that there is insufficient evidence to support the prosecution of allegations contained therein. The department ~~or the agency~~ shall provide a detailed report to the appropriate probable cause panel prior to dismissal of any case or part thereof, and to the subject of the complaint after dismissal of any case or part thereof, under this section. For cases dismissed prior to a finding of probable cause, such report is confidential and exempt from s. 119.07(1). The probable cause panel shall have access, upon request, to the investigative files pertaining to a case prior to dismissal of such case. If the department ~~or the agency~~ dismisses a case, the probable cause panel may retain independent legal counsel, employ investigators, and continue the investigation and prosecution of the case as it deems necessary.

(3) As an alternative to the provisions of subsections (1) and (2), when a complaint is received, the department ~~or the agency~~ may provide a licensee with a notice of noncompliance for an initial offense of a minor violation. Each board, or the department ~~or the agency~~ if there is no board, shall establish by rule those minor violations under this provision which do not endanger the public health, safety, and welfare and which do not demonstrate a serious inability to practice the profession. Failure of a licensee to take action in correcting the violation within 15 days after notice may result in the institution of regular disciplinary proceedings.

(4) The determination as to whether probable cause exists shall be made by majority vote of a probable cause panel of the board, ~~or by the department or the Agency for Health Care Administration~~, as appropriate. Each regulatory board shall provide by rule that the determination of probable cause shall be made by a panel of its members or by the department ~~or the agency~~. Each board may provide by rule for multiple probable cause panels composed of at least two members. Each board may provide by rule that one or more members of the panel or panels may be a former board member. The length of term or repetition of service of any such former board member on a probable cause panel may vary according to the direction of the board when authorized by board rule. Any probable cause panel must include one of the board's former or present consumer members, if one is available, willing to serve, and is authorized to do so by the board chairman. Any probable cause panel must include a present board member. Any probable cause panel must include a former or present professional board member. However, any former professional board member serving on the probable cause panel must hold an active valid license for that profession. All proceedings of the panel are exempt from s. 286.011 until 10 days after probable cause has been found to exist by the panel or until the subject of the investigation waives his privilege of confidentiality. The probable cause panel may make a reasonable request, and upon such request the department ~~or the agency~~ shall provide such additional investigative information as is necessary to the determination of probable cause. A request for additional investigative information shall be made within 15 days from the date of receipt by the probable cause panel of the investigative report of the department ~~or the agency~~. The probable cause panel or the department ~~or the agency~~, as may be appropriate, shall make its determination of probable cause within 30 days after receipt by it of the final investigative report of the department ~~or the agency~~. The secretary may grant extensions of the 15-day and the 30-day time limits. If the probable cause panel does not find probable cause within the 30-day time limit, as may be extended, or if the probable cause panel finds no probable cause, the department ~~or the agency~~ may determine, within 10 days after the panel fails to determine probable cause or 10 days after the time limit has elapsed, that probable cause exists. In lieu of a finding of probable cause, the probable cause panel, or the department ~~or the agency~~ when there is no board, may issue a letter of guidance to the subject. If the probable cause panel finds that probable cause exists, it shall direct the department ~~or the agency~~ to file a formal complaint against the licensee. The department ~~or the agency~~ shall follow the directions of the probable cause panel regarding the filing of a formal complaint. If directed to do so, the department ~~or the agency~~ shall file a formal complaint against the subject of the investigation and prosecute that complaint pursuant to chapter 120. However, the department ~~or the agency~~ may decide not to prosecute the complaint if it finds that probable cause had been improvidently found by the panel. In such cases, the department ~~or the agency~~ shall refer the matter to the board. The board may then file a formal complaint and prosecute the complaint pursuant to chapter 120. The department ~~or the agency~~ shall also refer to the board any investigation or disciplinary proceeding not before the Division of Administrative Hearings pursuant to chapter 120 or otherwise completed by the department ~~or the agency~~ within 1 year after the filing of a complaint. A probable cause panel or a board may retain independent legal counsel, employ investigators, and continue the investigation as it deems necessary; all costs thereof shall be paid from the ~~Health Care Trust Fund or the~~ Professional Regulation Trust Fund~~, as appropriate~~. All proceedings of the probable cause panel are exempt from s. 120.525.

(5) A formal hearing before an administrative law judge from the Division of Administrative Hearings shall be held pursuant to chapter 120 if there are any disputed issues of material fact. The administrative law judge shall issue a recommended order pursuant to chapter 120. If any party raises an issue of disputed fact during an informal hearing, the hearing shall be terminated and a formal hearing pursuant to chapter 120 shall be held.

(6) The appropriate board, with those members of the panel, if any, who reviewed the investigation pursuant to subsection (4) being excused, or the department when there is no board, shall determine and issue the final order in each disciplinary case. Such order shall constitute final agency action. Any consent order or agreed settlement shall be subject to the approval of the department ~~or the agency~~.

(7) The department ~~or the Agency for Health Care Administration, as appropriate,~~ shall have standing to seek judicial review of any final order of the board, pursuant to s. 120.68.

(8) Any proceeding for the purpose of summary suspension of a license, or for the restriction of the license, of a licensee pursuant to s. 120.60(6) shall be conducted by the Secretary of Business and Professional Regulation or his designee ~~or the Director of Health Care Administration or his designee, as appropriate~~, who shall issue the final summary order.

(9) The department ~~or the Agency for Health Care Administration, as appropriate,~~ shall periodically notify the person who filed the complaint of the status of the investigation, whether probable cause has

been found, and the status of any civil action or administrative proceeding or appeal.

(10) The complaint and all information obtained pursuant to the investigation by the department ~~or the Agency for Health Care Administration~~ are confidential and exempt from s. 119.07(1) until 10 days after probable cause has been found to exist by the probable cause panel or by the department ~~or the agency~~, or until the regulated professional or subject of the investigation waives his privilege of confidentiality, whichever occurs first. Upon completion of the investigation and pursuant to a written request by the subject, the department ~~or the agency~~ shall provide the subject an opportunity to inspect the investigative file or, at the subject's expense, forward to the subject a copy of the investigative file. ~~Notwithstanding s. 455.241, the subject may inspect or receive a copy of any expert witness report or patient record connected with the investigation, if the subject agrees in writing to maintain the confidentiality of any information received under this subsection until 10 days after probable cause is found and to maintain the confidentiality of patient records pursuant to s. 455.241.~~ The subject may file a written response to the information contained in the investigative file. Such response must be filed within 20 days, unless an extension of time has been granted by the department ~~or the agency~~. This subsection does not prohibit the department ~~or the Agency for Health Care Administration~~ from providing such information to any law enforcement agency or to any other regulatory agency.

(11) A privilege against civil liability is hereby granted to any complainant or any witness with regard to information furnished with respect to any investigation or proceeding pursuant to this section, unless the complainant or witness acted in bad faith or with malice in providing such information.

~~(12)(a) No person who reports in any capacity, whether or not required by law, information to the department or the Division of Health Quality Assurance of the Agency for Health Care Administration with regard to the incompetence, impairment, or unprofessional conduct of any health care provider licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 465, or chapter 466 shall be held liable in any civil action for reporting against such health care provider if such person acts without intentional fraud or malice.~~

~~(b) No facility licensed under chapter 395, health maintenance organization certificated under part I of chapter 641, physician licensed under chapter 458, or osteopathic physician licensed under chapter 459 shall discharge, threaten to discharge, intimidate, or coerce any employee or staff member by reason of such employee's or staff member's report to the agency about a physician licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466 who may be guilty of incompetence, impairment, or unprofessional conduct so long as such report is given without intentional fraud or malice.~~

~~(c) In any civil suit brought outside the protections of paragraphs (a) and (b), where intentional fraud or malice is alleged, the person alleging intentional fraud or malice shall be liable for all court costs and for the other party's reasonable attorney's fees if intentional fraud or malice is not proved.~~

Section 22. Paragraphs (b), (d), (g), (i), (j), and (q) of subsection (1) and subsection (4) of section 455.227, Florida Statutes, are amended to read:

455.227 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(b) Intentionally violating any rule adopted by the board *or*~~,~~ the department, ~~or the Agency for Health Care Administration,~~ as appropriate.

(d) Using a Class III or a Class IV laser device or product, as defined by federal regulations, without having complied with the rules adopted pursuant to s. 501.122(2) governing the registration of such devices ~~with the Department of Health and Rehabilitative Services~~.

(g) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department ~~or the agency~~ against another licensee.

(i) ~~Except as provided in s. 465.016,~~ Failing to report to the department any person who the licensee knows is in violation of this *part* ~~chapter~~, the chapter regulating the alleged violator, or the rules of the department or the board.

(j) Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this *part* ~~chapter~~, the chapter regulating the profession, or the rules of the department or the board.

(q) Violating any provision of this *part* ~~chapter~~, the applicable professional practice act, a rule of the department or the board, or a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department.

(4) In addition to, or in lieu of, any other remedy or criminal prosecution, the department ~~or the Agency for Health Care Administration, as appropriate,~~ may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any of the provisions of this *part* ~~chapter~~, or any provision of law with respect to professions regulated by the department ~~or the agency~~, or any board therein, or the rules adopted pursuant thereto.

Section 23. Section 455.2273, Florida Statutes, 1996 Supplement, is amended to read:

455.2273 Disciplinary guidelines.—

(1) Each board, or the department when there is no board, shall adopt, by rule, and periodically review the disciplinary guidelines applicable to each ground for disciplinary action which may be imposed by the board, or the department when there is no board, pursuant to this *part* ~~chapter~~, the respective practice acts, and any rule of the board or department.

(2) The disciplinary guidelines shall specify a meaningful range of designated penalties based upon the severity and repetition of specific offenses, it being the legislative intent that minor violations be distinguished from those which endanger the public health, safety, or welfare; that such guidelines provide reasonable and meaningful notice to the public of likely penalties which may be imposed for proscribed conduct; and that such penalties be consistently applied by the board.

(3) A specific finding of mitigating or aggravating circumstances shall allow the board to impose a penalty other than that provided for in such guidelines. If applicable, the board, or the department when there is no board, shall adopt by rule disciplinary guidelines to designate possible mitigating and aggravating circumstances and the variation and range of penalties permitted for such circumstances.

(4) The department ~~or the Agency for Health Care Administration, as appropriate,~~ must review such disciplinary guidelines for compliance with the legislative intent as set forth herein to determine whether the guidelines establish a meaningful range of penalties and may also challenge such rules pursuant to s. 120.56.

~~(5) The rules provided for in this section shall be promulgated no later than January 1, 1993.~~

(5)~~(6)~~ The administrative law judge, in recommending penalties in any recommended order, must follow the penalty guidelines established by the board or department and must state in writing the mitigating or aggravating circumstances upon which the recommended penalty is based.

Section 24. Section 455.2275, Florida Statutes, is amended to read:

455.2275 Penalty for giving false information.—In addition to, or in lieu of, any other discipline imposed pursuant to s. 455.227, the act of knowingly giving false information in the course of applying for or obtaining a license from the department ~~or the Agency for Health Care Administration~~, or any board thereunder, with intent to mislead a public servant in the performance of his official duties, or the act of attempting to obtain or obtaining a license from either the department ~~or the agency~~, or any board thereunder, to practice a profession by knowingly misleading statements or knowing misrepresentations constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 25. Subsections (1), (2), and (5) of section 455.228, Florida Statutes, 1996 Supplement, are amended to read:

455.228 Unlicensed practice of a profession; cease and desist notice; civil penalty; enforcement; citations; allocation of moneys collected.—

(1) When the department ~~or the Agency for Health Care Administration~~ has probable cause to believe that any person not licensed by the department ~~or the agency~~, or the appropriate regulatory board within the department ~~or the agency~~, has violated any provision of this *part* ~~chapter~~ or any statute that relates to the practice of a profession regulated by the department ~~or the agency~~, or any rule adopted pursuant thereto, the department ~~or the agency~~ may issue and deliver to such person a notice to cease and desist from such violation. In addition, the department ~~or the agency~~ may issue and deliver a notice to cease and desist to any person who aids and abets the unlicensed practice of a profession by employing such unlicensed person. The issuance of a notice to cease and desist shall not constitute agency action for which a hearing under ss. 120.569 and 120.57 may be sought. For the purpose of enforcing a cease and desist order, the department ~~or the agency~~ may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any provisions of such order. In addition to the foregoing remedies, the department ~~or the agency~~ may impose an administrative penalty not to exceed $5,000 per incident pursuant to the provisions of chapter 120 or may issue a citation pursuant to the provisions of subsection (3). If the department ~~or the agency~~ is required to seek enforcement of the ~~agency~~ order for a penalty pursuant to s. 120.569, it shall be entitled to collect its attorney's fees and costs, together with any cost of collection.

(2) In addition to or in lieu of any remedy provided in subsection (1), the department ~~or the agency~~ may seek the imposition of a civil penalty through the circuit court for any violation for which the department ~~or the agency~~ may issue a notice to cease and desist under subsection (1). The civil penalty shall be no less than $500 and no more than $5,000 for each offense. The court may also award to the prevailing party court costs and reasonable attorney fees and, in the event the department ~~or the agency~~ prevails, may also award reasonable costs of investigation.

(5) The provisions of this section apply only to the provisions of s. 455.217 and the professional practice acts administered by the department ~~or the Agency for Health Care Administration~~.

Section 26. Section 455.2285, Florida Statutes, is amended to read:

455.2285 Annual report concerning finances, administrative complaints, disciplinary actions, and recommendations.—The department *is* ~~and the Agency for Health Care Administration are each~~ directed to prepare and submit a report to the President of the Senate and Speaker of the House of Representatives by November 1 of each year. In addition to finances and any other information the Legislature may require, the report shall include statistics and relevant information, profession by profession, detailing:

(1) The revenues, expenditures, and cash balances for the prior year, and a review of the adequacy of existing fees.
(2) The number of complaints received and investigated.
(3) The number of findings of probable cause made.
(4) The number of findings of no probable cause made.
(5) The number of administrative complaints filed.
(6) The disposition of all administrative complaints.
(7) A description of disciplinary actions taken.
(8) The status of the development and implementation of rules providing for disciplinary guidelines pursuant to s. 455.2273.
(9) Such recommendations for administrative and statutory changes necessary to facilitate efficient and cost-effective operation of the department and the various boards.

Section 27. Section 455.229, Florida Statutes, 1996 Supplement, is amended to read:

455.229 Public inspection of information required from applicants; exceptions; examination hearing.—

(1) All information required by the department ~~or the Agency for Health Care Administration~~ of any applicant shall be a public record and shall be open to public inspection pursuant to s. 119.07, except financial information, medical information, school transcripts, examination questions, answers, papers, grades, and grading keys, which are confidential and exempt from s. 119.07(1) and shall not be discussed with or made accessible to anyone except members of the board, the department ~~or the Agency for Health Care Administration~~, and staff thereof, who have a bona fide need to know such information. Any information supplied to the department ~~or the Agency for Health Care Administration~~ by any other agency which is exempt from the provisions of chapter 119 or is confidential shall remain exempt or confidential pursuant to applicable law while in the custody of the department ~~or the agency~~.

(2) The department ~~or the Agency for Health Care Administration~~ shall establish by rule the procedure by which an applicant, and the applicant's attorney, may review examination questions and answers. Examination questions and answers are not subject to discovery but may be introduced into evidence and considered only in camera in any administrative proceeding under chapter 120. If an administrative hearing is held, the department ~~or the agency~~ shall provide challenged examination questions and answers to the administrative law judge. The examination questions and answers provided at the hearing are confidential and exempt from s. 119.07(1), unless invalidated by the administrative law judge.

(3) Unless an applicant notifies the department ~~or the agency~~ at least 5 days prior to an examination hearing of the applicant's inability to attend, or unless an applicant can demonstrate an extreme emergency for failing to attend, the department ~~or the agency~~ may require an applicant who fails to attend to pay reasonable attorney's fees, costs, and court costs of the department ~~or the agency~~ for the examination hearing.

Section 28. Subsection (1) of section 455.232, Florida Statutes, is amended to read:

455.232 Disclosure of confidential information.—

(1) No officer, employee, or person under contract with the department ~~or the Agency for Health Care Administration~~, or any board therein, or any subject of an investigation shall convey knowledge or information to any person who is not lawfully entitled to such knowledge or information about any public meeting or public record, which at the time such knowledge or information is conveyed is exempt from the provisions of s. 119.01, s. 119.07(1), or s. 286.011.

Section 29. Section 455.24, Florida Statutes, is amended to read:

455.24 Advertisement by a *veterinarian* ~~health care provider~~ of free or discounted services; required statement.—In any advertisement for a free, discounted fee, or reduced fee service, examination, or treatment by a *person* ~~health care provider~~ licensed under ~~chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 466,~~ chapter 474, ~~or chapter 486,~~ the following statement shall appear in capital letters clearly distinguishable from the rest of the text: THE ~~PATIENT AND ANY OTHER~~ PERSON RESPONSIBLE FOR PAYMENT HAS A RIGHT TO REFUSE TO PAY, CANCEL PAYMENT, OR BE REIMBURSED FOR PAYMENT FOR ANY OTHER SERVICE, EXAMINATION, OR TREATMENT *THAT* ~~WHICH~~ IS PERFORMED AS A RESULT OF AND WITHIN 72 HOURS OF RESPONDING TO THE ADVERTISEMENT FOR THE FREE, DISCOUNTED FEE, OR REDUCED FEE SERVICE, EXAMINATION, OR TREATMENT. However, the required statement shall not be necessary as an accompaniment to an advertisement of a licensed health care provider defined by this section if the advertisement appears in a classified directory the primary purpose of which is to provide products and services at free, reduced, or discounted prices to consumers and in which the statement prominently appears in at least one place.

Section 30. Section 455.242, Florida Statutes, is amended to read:

455.242 Disposition of records of deceased practitioners or practitioners relocating or terminating practice.—Each board created under the provisions of ~~chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 463, chapter 464, chapter 465, chapter 466,~~ chapter 474~~, part I of chapter 484, chapter 486, chapter 490, or chapter 491, and the department under the provisions of chapter 462,~~ shall provide by rule for the disposition, under *that* ~~said~~ chapter, of the ~~medical~~ records *that* ~~or records of a psychological nature of practitioners which~~ are in existence at the time the practitioner dies, terminates practice, or relocates and is no longer available ~~to patients~~ and which records pertain to the practitioner's patients. The rules shall provide that the records be

retained for at least 2 years after the practitioner's death, termination of practice, or relocation. In the case of the death of the practitioner, the rules shall provide for the disposition of such records by the estate of the practitioner.

Section 31. Section 455.243, Florida Statutes, is amended to read:

455.243 Authority to inspect.~~—In addition to the authority specified in s. 465.017,~~ Duly authorized agents and employees of the department ~~and the Agency for Health Care Administration~~ shall have the power to inspect in a lawful manner at all reasonable hours~~:~~

~~(1) Any pharmacy; or~~

~~(2)~~ —any establishment at which the services of a licensee authorized to prescribe controlled substances specified in chapter 893 are offered, for the purpose of determining if any of the provisions of this *part* ~~chapter~~ or any practice act of a profession or any rule *adopted* ~~promulgated~~ thereunder is being violated; or for the purpose of securing such other evidence as may be needed for prosecution.

Section 32. Section 455.245, Florida Statutes, is amended to read:

455.245 Certain ~~health care~~ practitioners; immediate suspension of license.—

~~(1)~~ The department ~~or the Agency for Health Care Administration~~ shall issue an emergency order suspending the license of any person licensed under ~~chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 465, chapter 466,~~ chapter 474~~, or chapter 484~~ who pleads guilty to, is convicted or found guilty of, or who enters a plea of nolo contendere to, regardless of adjudication, a felony under chapter 409 or chapter 893 or under 21 U.S.C. ss. 801-970 or under 42 U.S.C. ss. 1395-1396.

~~(2) If the board has previously found any physician or osteopathic physician in violation of the provisions of s. 458.331(1)(t) or s. 459.015(1)(x), in regard to his treatment of three or more patients, and the probable cause panel of the board finds probable cause of an additional violation of that section, then the Director of Health Care Administration shall review the matter to determine if an emergency suspension or restriction order is warranted. Nothing in this section shall be construed so as to limit the authority of the secretary of the department or the Director of Health Care Administration to issue an emergency order.~~

Section 33. Section 455.501, Florida Statutes, is created to read:

455.501 Definitions.—As used in this part, the term:

(1) "Board" means any board or commission, or other statutorily created entity to the extent such entity is authorized to exercise regulatory or rulemaking functions, within the department, except that, for ss. 455.517-455.707, "board" means only a board, or other statutorily created entity to the extent such entity is authorized to exercise regulatory or rulemaking functions, within the Division of Medical Quality Assurance.

(2) "Consumer member" means a person appointed to serve on a specific board or who has served on a specific board, who is not, and never has been, a member or practitioner of the profession, or of any closely related profession, regulated by such board.

(3) "Department" means the Department of Health.

(4) "Health care practitioner" means any person licensed under chapter 457; chapter 458; chapter 459; chapter 460; chapter 461; chapter 462; chapter 463; chapter 464; chapter 465; chapter 466; part I, part III, part V, or part X of chapter 468; chapter 480; chapter 484; chapter 486; chapter 490; or chapter 491.

(5) "License" means any permit, registration, certificate, or license issued by the department.

(6) "Licensee" means any person issued a permit, registration, certificate, or license by the department.

(7) "Profession" means any activity, occupation, profession, or vocation regulated by the department in the Division of Medical Quality Assurance.

Section 34. Section 455.504, Florida Statutes, is created to read:

455.504 Applicability of part.—This part applies only to the regulation by the department of professions.

Section 35. Section 455.507, Florida Statutes, is created to read:

455.507 Members of Armed Forces in good standing with administrative boards.—

(1) Any member of the Armed Forces of the United States now or hereafter on active duty who, at the time of his becoming such a member, was in good standing with any administrative board of the state and was entitled to practice or engage in his profession or vocation in the state shall be kept in good standing by such administrative board, without registering, paying dues or fees, or performing any other act on his part to be performed, as long as he is a member of the Armed Forces of the United States on active duty and for a period of 6 months after his discharge from active duty as a member of the Armed Forces of the United States, provided he is not engaged in his licensed profession or vocation in the private sector for profit.

(2) The boards listed in ss. 20.165 and 20.43 shall adopt rules exempting the spouses of members of the Armed Forces of the United States from licensure renewal provisions, but only in cases of absence from the state because of their spouses' duties with the Armed Forces.

Section 36. Section 455.511, Florida Statutes, is created to read:

455.511 Restriction on requirement of citizenship.—A person is not disqualified from practicing an occupation or profession regulated by the state solely because he is not a United States citizen.

Section 37. Section 455.514, Florida Statutes, is created to read:

455.514 Qualification of immigrants for examination to practice a licensed profession or occupation.—

(1) It is the declared purpose of this section to encourage the use of foreign-speaking Florida residents duly qualified to become actively qualified in their professions so that all people of this state may receive better services.

(2) Any person who has successfully completed, or is currently enrolled in, an approved course of study created pursuant to chapters 74-105 and 75-177, Laws of Florida, shall be deemed qualified for examination and reexaminations for a professional or occupational license which shall be administered in the English language unless 15 or more such applicants request that the reexamination be administered in their native language. In the event that such reexamination is administered in a foreign language, the full cost to the board of preparing and administering it shall be borne by the applicants.

(3) Each board within the department shall adopt and implement programs designed to qualify for examination all persons who were resident nationals of the Republic of Cuba and who, on July 1, 1977, were residents of this state.

Section 38. Section 455.517, Florida Statutes, is created to read:

455.517 Professions and occupations regulated by department; legislative intent; requirements.—

(1) It is the intent of the Legislature that persons desiring to engage in any lawful profession regulated by the department shall be entitled to do so as a matter of right if otherwise qualified.

(2) The Legislature further believes that such professions shall be regulated only for the preservation of the health, safety, and welfare of the public under the police powers of the state. Such professions shall be regulated when:

(a) Their unregulated practice can harm or endanger the health, safety, and welfare of the public, and when the potential for such harm is recognizable and clearly outweighs any anticompetitive impact which may result from regulation.

(b) The public is not effectively protected by other means, including, but not limited to, other state statutes, local ordinances, or federal legislation.

(c) Less restrictive means of regulation are not available.

(3) It is further legislative intent that the use of the term "profession" with respect to those activities licensed and regulated by the department shall not be deemed to mean that such activities are not occupations for other purposes in state or federal law.

(4) No board, nor the department, shall create unreasonably restrictive and extraordinary standards that deter qualified persons from entering the various professions. No board, nor the department, shall take any action which tends to create or maintain an economic condition that unreasonably restricts competition, except as specifically provided by law.

(5) Policies adopted by the department shall ensure that all expenditures are made in the most cost-effective manner to maximize competition, minimize licensure costs, and maximize public access to meetings conducted for the purpose of professional regulation. The long-range planning function of the department shall be implemented to facilitate effective operations and to eliminate inefficiencies.

Section 39. Section 455.521, Florida Statutes, is created to read:

455.521 Department; powers and duties.—The department, for the boards under its jurisdiction, shall:

(1) Adopt rules establishing a procedure for the biennial renewal of licenses; however, the department may issue up to a 4-year license to selected licensees notwithstanding any other provisions of law to the contrary. Fees for such renewal shall not exceed the fee caps for individual professions on an annualized basis as authorized by law.

(2) Appoint the executive director of each board, subject to the approval of the board.

(3) Submit an annual budget to the Legislature at a time and in the manner provided by law.

(4) Develop a training program for persons newly appointed to membership on any board. The program shall familiarize such persons with the substantive and procedural laws and rules and fiscal information relating to the regulation of the appropriate profession and with the structure of the department.

(5) Adopt all rules necessary to administer this part.

(6) Establish by rules procedures by which the department shall use the expert or technical advice of the appropriate board for the purposes of investigation, inspection, evaluation of applications, other duties of the department, or any other areas the department may deem appropriate.

(7) Require all proceedings of any board or panel thereof and all formal or informal proceedings conducted by the department, an administrative law judge, or a hearing officer with respect to licensing or discipline to be electronically recorded in a manner sufficient to assure the accurate transcription of all matters so recorded.

(8) Select only those investigators, or consultants who undertake investigations, who meet criteria established with the advice of the respective boards.

(9) Allow applicants for new or renewal licenses and current licensees to be screened by the Title IV-D child support agency pursuant to s. 409.2598 to assure compliance with a support obligation. The purpose of this subsection is to promote the public policy of this state as established in s. 409.2551. The department shall, when directed by the court, suspend or deny the license of any licensee found to have a delinquent support obligation. The department shall issue or reinstate the license without additional charge to the licensee when notified by the court that the licensee has complied with the terms of the court order. The department shall not be held liable for any license denial or suspension resulting from the discharge of its duties under this subsection.

Section 40. Section 455.524, Florida Statutes, is created to read:

455.524 Long-range policy planning; plans, reports, and recommendations.—To facilitate efficient and cost-effective regulation, the department and the board, where appropriate, shall develop and implement a long-range policy planning and monitoring process to include recommendations specific to each profession. Such process shall include estimates of revenues, expenditures, cash balances, and performance statistics for each profession. The period covered shall not be less than 5 years. The department, with input from the boards, shall develop the long-range plan and must obtain the approval of the secretary. The department shall monitor compliance with the approved long-range plan and, with input from the boards, shall annually update the plans for approval by the secretary. The department shall provide concise management reports to the boards quarterly. As part of the review process, the department shall evaluate:

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

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

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

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

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

(6) Whether unlicensed activity is adequately enforced.

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

Section 41. Section 455.527, Florida Statutes, is created to read:

455.527 Contacting boards through department.—Each board under the jurisdiction of the department may be contacted through the headquarters of the department in the City of Tallahassee.

Section 42. Section 455.206, Florida Statutes, is transferred and renumbered as section 455.531, Florida Statutes.

Section 43. Section 455.534, Florida Statutes, is created to read:

455.534 Boards; organization; meetings; compensation and travel expenses.—

(1) Each board within the department shall comply with the provisions of this section.

(2) The board shall annually elect from among its number a chairperson and vice chairperson.

(3) The board shall meet at least once annually and may meet as often as is necessary. The chairperson or a quorum of the board shall have the authority to call other meetings. A quorum shall be necessary for the conduct of official business by the board or any committee thereof. Unless otherwise provided by law, 51 percent or more of the appointed members of the board or any committee, when applicable, shall constitute a quorum. The membership of committees of the board, except as otherwise authorized pursuant to this part or the applicable practice act, shall be composed of currently appointed members of the board. The vote of a majority of the members of the quorum shall be necessary for any official action by the board or committee. Three consecutive unexcused absences or absences constituting 50 percent or more of the board's meetings within any 12-month period shall cause the board membership of the member in question to become void, and the position shall be considered vacant. The board, or the department when there is no board, shall, by rule, define unexcused absences.

(4) Unless otherwise provided by law, a board member or former board member serving on a probable cause panel shall be compensated $50 for each day in attendance at an official meeting of the board and for each day of participation in any other business involving the board. Each board shall adopt rules defining the phrase "other business involving the board," but the phrase may not routinely be defined to include telephone conference calls. A board member also shall be entitled to reimbursement for expenses pursuant to s. 112.061. Travel out of state shall require the prior approval of the secretary.

(5) When two or more boards have differences between them, the boards may elect to, or the secretary may request that the boards, establish a special committee to settle those differences. The special committee shall consist of three members designated by each board, who may be members of the designating board or other experts designated by the board, and of one additional person designated and agreed to by the members of the special committee. In the event the special committee

cannot agree on the additional designee, upon request of the special committee, the secretary may select the designee. The committee shall recommend rules necessary to resolve the differences. If a rule adopted pursuant to this provision is challenged, the participating boards shall share the costs associated with defending the rule or rules. The department shall provide legal representation for any special committee established pursuant to this section.

Section 44. Section 455.537, Florida Statutes, is created to read:

455.537 Publication of information.—The department and the boards shall have the authority to advise licensees periodically, through the publication of a newsletter, about information that the department or the board determines is of interest to the industry. Unless otherwise prohibited by law, the department and the boards shall publish a summary of final orders resulting in fines, suspensions, or revocations, and any other information the department or the board determines is of interest to the public.

Section 45. Section 455.541, Florida Statutes, is created to read:

455.541 Accountability and liability of board members.—

(1) Each board member shall be accountable to the Governor for the proper performance of duties as a member of the board. The Governor shall investigate any legally sufficient complaint or unfavorable written report received by the Governor or by the department or a board concerning the actions of the board or its individual members. The Governor may suspend from office any board member for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform his official duties, or commission of a felony.

(2) Each board member and each former board member serving on a probable cause panel shall be exempt from civil liability for any act or omission when acting in the member's official capacity, and the department or the Department of Legal Affairs shall defend any such member in any action against any board or member of a board arising from any such act or omission. In addition, the department or the Department of Legal Affairs may defend the member's company or business in any action against the company or business if the department or the Department of Legal Affairs determines that the actions from which the suit arises are actions taken by the member in the member's official capacity and were not beyond the member's statutory authority. In providing such defense, the department or the Department of Legal Affairs may employ or utilize the legal services of outside counsel.

Section 46. Section 455.544, Florida Statutes, is created to read:

455.544 Board rules; final agency action; challenges.—

(1) The secretary of the department shall have standing to challenge any rule or proposed rule of a board under its jurisdiction pursuant to s. 120.56. In addition to challenges for any invalid exercise of delegated legislative authority, the administrative law judge, upon such a challenge by the secretary, may declare all or part of a rule or proposed rule invalid if it:

(a) Does not protect the public from any significant and discernible harm or damages;

(b) Unreasonably restricts competition or the availability of professional services in the state or in a significant part of the state; or

(c) Unnecessarily increases the cost of professional services without a corresponding or equivalent public benefit.

However, there shall not be created a presumption of the existence of any of the conditions cited in this subsection in the event that the rule or proposed rule is challenged.

(2) In addition, either the secretary or the board shall be a substantially interested party for purposes of s. 120.54(7). The board may, as an adversely affected party, initiate and maintain an action pursuant to s. 120.68 challenging the final agency action.

(3) No board created within the department shall have standing to challenge a rule or proposed rule of another board. However, if there is a dispute between boards concerning a rule or proposed rule, the boards may avail themselves of the provisions of s. 455.534(5).

Section 47. Section 455.547, Florida Statutes, is created to read:

455.547 Education; substituting demonstration of competency for clock-hour requirements.—Any board, or the department when there is no board, that requires student completion of a specific number of clock hours of classroom instruction for initial licensure purposes shall establish the minimal competencies that such students must demonstrate in order to be licensed. The demonstration of such competencies may be substituted for specific classroom clock-hour requirements established in statute or rule which are related to instructional programs for licensure purposes. Student demonstration of the established minimum competencies shall be certified by the educational institution. The provisions of this section shall not apply to boards for which federal licensure standards are more restrictive or stringent than the standards prescribed in statute.

Section 48. Section 455.551, Florida Statutes, is created to read:

455.551 Education; accreditation.—Notwithstanding any other provision of law, educational programs and institutions which are required by statute to be accredited, but which were accredited by an agency that has since ceased to perform an accrediting function, shall be recognized until such programs and institutions are accredited by a qualified successor to the original accrediting agency, an accrediting agency recognized by the United States Department of Education, or an accrediting agency recognized by the board, or the department when there is no board.

Section 49. Section 455.554, Florida Statutes, is created to read:

455.554 Consultation with postsecondary education boards prior to adoption of changes to training requirements.—Any state agency or board that has jurisdiction over the regulation of a profession or occupation shall consult with the State Board of Independent Colleges and Universities; the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools; the Board of Regents; and the State Board of Community Colleges prior to adopting any changes to training requirements relating to entry into the profession or occupation. This consultation must allow the educational board to provide advice regarding the impact of the proposed changes in terms of the length of time necessary to complete the training program and the fiscal impact of the changes. The educational board must be consulted only when an institution offering the training program falls under its jurisdiction.

Section 50. Section 455.561, Florida Statutes, is created to read:

455.561 Limited licenses.—

(1) It is the intent of the Legislature that, absent a threat to the health, safety, and welfare of the public, the use of retired professionals in good standing to serve the indigent, underserved, or critical need populations of this state should be encouraged. To that end, the board, or the department when there is no board, may adopt rules to permit practice by retired professionals as limited licensees under this section.

(2) Any person desiring to obtain a limited license, when permitted by rule, shall submit to the board, or the department when there is no board, an application and fee, not to exceed $300, and an affidavit stating that the applicant has been licensed to practice in any jurisdiction in the United States for at least 10 years in the profession for which the applicant seeks a limited license. The affidavit shall also state that the applicant has retired or intends to retire from the practice of that profession and intends to practice only pursuant to the restrictions of the limited license granted pursuant to this section. If the applicant for a limited license submits a notarized statement from the employer stating that the applicant will not receive monetary compensation for any service involving the practice of his profession, the application and all licensure fees shall be waived.

(3) The board, or the department when there is no board, may deny limited licensure to an applicant who has committed, or is under investigation or prosecution for, any act which would constitute the basis for discipline pursuant to the provisions of this part or the applicable practice act.

(4) The recipient of a limited license may practice only in the employ of public agencies or institutions or nonprofit agencies or institutions which meet the requirements of s. 501(c)(3) of the Internal Revenue Code, and which provide professional liability coverage for acts or omissions of the limited licensee. A limited licensee may provide services only to the indigent, underserved, or critical need populations within the state. The

standard for determining indigency shall be that recognized by the Federal Poverty Income Guidelines produced by the United States Department of Health and Human Services. The board, or the department when there is no board, may adopt rules to define underserved and critical need areas and to ensure implementation of this section.

(5) A board, or the department when there is no board, may provide by rule for supervision of limited licensees to protect the health, safety, and welfare of the public.

(6) Each applicant granted a limited license is subject to all the provisions of this part and the respective practice act under which the limited license is issued which are not in conflict with this section.

(7) This section does not apply to chapter 458 or chapter 459.

Section 51. Section 455.2141, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 455.564, Florida Statutes, and amended to read:

455.564 ~~455.2141~~ *Department* ~~Agency for Health Care Administration~~; general licensing provisions.—

(1) Any person desiring to be licensed in a profession within the jurisdiction of the *department* ~~Agency for Health Care Administration~~ shall apply to the *department* ~~agency~~ in writing to take the licensure examination. The application shall be made on a form prepared and furnished by the *department* ~~agency~~ and shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the *department* ~~agency~~.

(2) Before the issuance of any license, the *department* ~~Agency for Health Care Administration~~ may charge an initial license fee as determined by rule of the applicable board or, if no such board exists, by rule of the *department* ~~agency~~. Upon receipt of the appropriate license fee, the *department* ~~agency~~ shall issue a license to any person certified by the appropriate board, or its designee, as having met the licensure requirements imposed by law or rule.

(3) When any administrative law judge conducts a hearing pursuant to the provisions of chapter 120 with respect to the issuance of a license by the *department* ~~Agency for Health Care Administration~~, the administrative law judge shall submit his recommended order to the appropriate board, which shall thereupon issue a final order. The applicant for licensure may appeal the final order of the board in accordance with the provisions of chapter 120.

(4) A privilege against civil liability is hereby granted to any witness for any information furnished by the witness in any proceeding pursuant to this section, unless the witness acted in bad faith or with malice in providing such information.

(5) As a condition of renewal of a license, the Board of Medicine, the Board of Osteopathic Medicine, the Board of Chiropractic, and the Board of Podiatric Medicine shall each require licensees which they respectively regulate to periodically demonstrate their professional competency by completing at least 40 hours of continuing education every 2 years, which may include up to 1 hour of risk management or cost containment and up to 2 hours of other topics related to the applicable medical specialty, if required by board rule. Each of such boards shall determine whether any specific course requirements not otherwise mandated by law shall be mandated and shall approve criteria for, and the content of, any course mandated by such board.

(6) The respective boards within the jurisdiction of the *department* ~~Agency for Health Care Administration~~ may adopt rules to provide for the use of approved videocassette courses, not to exceed 5 hours per subject, to fulfill the continuing education requirements of the professions they regulate. Such rules shall provide for prior board approval of the criteria for and content of such courses and shall provide for a videocassette course validation form to be signed by the vendor and the licensee and submitted to the *department* ~~Agency for Health Care Administration~~, along with the license renewal application, for continuing education credit.

(7) Any board that currently requires continuing education for renewal of a license shall adopt rules to establish the criteria for continuing education courses. The rules may provide that up to a maximum of 25 percent of the required continuing education hours can be fulfilled by the performance of pro bono services to the indigent or to underserved populations or in areas of critical need within the state where the licensee practices. The board, or the department if there is no board, must require that any pro bono services be approved in advance in order to receive credit for continuing education under this subsection. The standard for determining indigency shall be that recognized by the Federal Poverty Income Guidelines produced by the United States Department of Health and Human Services. The rules may provide for approval by the board, or the department if there is no board, that a part of the continuing education hours can be fulfilled by performing research in critical-need areas or for training leading to advanced professional certification. The board, or the department if there is no board, may make rules to define underserved and critical-need areas. The department shall adopt rules for administering continuing education requirements adopted by the boards or the department if there is no board.

(8) Notwithstanding any law to the contrary, an elected official who is licensed under a practice act administered by the Division of Health Quality Assurance may hold employment for compensation with any public agency concurrent with such public service. Such dual service must be disclosed according to any disclosure required by applicable law.

(9) In any instance in which a licensee or applicant to the department is required to be in compliance with a particular provision by, on, or before a certain date, and if that date occurs on a Saturday, Sunday, or a legal holiday, then the licensee or applicant is deemed to be in compliance with the specific date requirement if the required action occurs on the first succeeding day which is not a Saturday, Sunday, or legal holiday.

Section 52. Section 455.2142, Florida Statutes, is transferred, renumbered as section 455.567, Florida Statutes, and amended to read:

455.567 ~~455.2142~~ Sexual misconduct; disqualification for license, certificate, or registration.—Each board within the jurisdiction of the *department* ~~Agency for Health Care Administration~~, or the *department* ~~agency~~ if there is no board, shall refuse to admit a candidate to any examination and refuse to issue a license, certificate, or registration to any applicant if the candidate or applicant has:

(1) Had any license, certificate, or registration to practice any profession or occupation revoked or surrendered based on a violation of sexual misconduct in the practice of that profession under the laws of any other state or any territory or possession of the United States and has not had that license, certificate, or registration reinstated by the licensing authority of the jurisdiction that revoked the license, certificate, or registration; or

(2) Committed any act in any other state or any territory or possession of the United States which if committed in this state would constitute sexual misconduct.

A licensing authority's acceptance of a candidate's relinquishment of a license which is offered in response to or in anticipation of the filing of administrative charges against the candidate's license constitutes the surrender of the license.

Section 53. Section 455.571, Florida Statutes, is created to read:

455.571 Use of professional testing services.—Notwithstanding any other provision of law to the contrary, the department may use a professional testing service to prepare, administer, grade, and evaluate any computerized examination, when that service is available and approved by the board, or the department if there is no board.

Section 54. Section 455.2173, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 455.574, Florida Statutes, and amended to read:

455.574 ~~455.2173~~ *Department of Health* ~~Agency for Health Care Administration~~; examinations.—

(1)(a) The *department* ~~Agency for Health Care Administration~~ shall provide, *contract, or approve* services for the *development,* preparation, ~~and~~ administration, *scoring, score reporting, and evaluation* of all examinations, *in consultation with the appropriate board.* The *department* ~~agency~~ shall *certify* ~~ensure~~ that ~~the~~ examinations *developed and ap-*

proved by the department adequately and reliably measure an applicant's ability to practice the profession regulated by the *department* ~~agency and shall seek the advice of the appropriate board in the preparation and administration of the examinations~~. After an examination *developed or approved by the department* has been administered, the board, *or the department when there is no board,* may reject any question which does not reliably measure the general areas of competency specified in the rules of the board. The *department may contract for the preparation, administration, scoring, score reporting, and evaluation of* ~~agency shall use professional testing services to prepare, administer, grade, and evaluate the~~ examinations, when such services are available and approved by the board.

(b) *For each examination developed by the department or contracted vendor,* to the extent not otherwise specified by statute, the board, or *the department*~~,~~ when there is no board, ~~the Agency for Health Care Administration,~~ shall by rule specify the general areas of competency to be covered by each examination, the relative weight to be assigned in grading each area tested, and the score necessary to achieve a passing grade, *and fees, where applicable, to cover the actual cost for any purchase, development, and administration of required examinations. This subsection does not apply to national examinations approved and administered pursuant to paragraph (c).* If a practical examination is deemed to be necessary, the rules shall specify the criteria by which examiners are to be selected, the grading criteria to be used by the examiner, the relative weight to be assigned in grading each criterion, and the score necessary to achieve a passing grade. When a mandatory standardization exercise for a practical examination is required by law, the board, *or the department when there is no board,* may conduct such exercise. Therefore, board members, *or employees of the department when there is no board,* may serve as examiners at a practical examination with the consent of the board *or department, as appropriate.*

(c) The *board, or the department when there is no board, may approve by rule the use of any national examination which the department has certified as meeting requirements of national examinations and generally accepted testing standards pursuant to department rules. Providers of examinations seeking certification by the department shall pay the actual costs incurred by the department in making a determination regarding the certification* ~~Agency for Health Care Administration shall use any national examination which is available and which is approved by the board~~. The name and number of a candidate may be provided to a national contractor for the limited purpose of preparing the grade tape and information to be returned to the board or *department; or, to the extent otherwise specified by rule, the candidate may apply directly to the vendor of the national examination and supply test score information to the department* ~~agency~~. The *department* ~~agency~~ may delegate to the board the duty to provide and administer the examination. *Any national examination approved by a board, or the department when there is no board, prior to October 1, 1997, is deemed certified under this paragraph.*

(d) Each board, or *the department*~~,~~ when there is no board, ~~the Agency for Health Care Administration~~ shall adopt rules regarding the security and monitoring of examinations. The *department* ~~agency~~ shall implement those rules adopted by the respective boards. *In order to maintain the security of examinations, the department may employ the procedures set forth in s. 455.637 to seek fines and injunctive relief against an examinee who violates the provisions of s. 455.577 or the rules adopted pursuant to this paragraph. The department, or any agent thereof, may, for the purposes of investigation, confiscate any written, photographic, or recording material or device in the possession of the examinee at the examination site which the department deems necessary to enforce such provisions or rules.*

(e) If the professional board with jurisdiction over an examination concurs, the department may, for a fee, share with any other state's licensing authority an examination developed by or for the department unless prohibited by a contract entered into by the department for development or purchase of the examination. The department, with the concurrence of the appropriate board, shall establish guidelines that ensure security of a shared exam and shall require that any other state's licensing authority comply with those guidelines. Those guidelines shall be approved by the appropriate professional board. All fees paid by the user shall be applied to the department's examination and development program for professions regulated by this part.

(2) *For each examination developed by the department or a contracted vendor,* the board, or *the department*~~,~~ when there is no board, ~~the Agency for Health Care Administration~~ shall adopt rules providing for reexamination of any applicants who ~~have~~ failed *an* ~~the~~ examination *developed by the department or a contracted vendor.* If both a written and a practical examination are given, an applicant shall be required to retake only the portion of the examination on which *the applicant* ~~he~~ failed to achieve a passing grade, if *the applicant* ~~he~~ successfully passes that portion within a reasonable time, *as determined by rule of the board, or the department when there is no board,* of ~~his~~ passing the other portion. *Except for national examinations approved and administered pursuant to this section, the department shall provide procedures for applicants who fail an examination developed by the department or a contracted vendor to review their examination questions, answers, papers, grades, and grading key. Applicants shall bear the actual cost for the department to provide examination review pursuant to this subsection.* ~~The board or, when there is no board, the agency shall make available an examination review procedure for applicants and charge an examination review fee not to exceed $75 per review. Unless prohibited or limited by rules implementing security or access guidelines of national examinations, the applicant is entitled to review his examination questions, answers, papers, grades, and grading key.~~ An applicant may waive in writing the confidentiality of *the applicant's* ~~his~~ examination grades.

(3) *For each examination developed or administered by the department or a contracted vendor,* ~~The Agency for Health Care Administration shall make~~ an accurate record of each applicant's examination questions, answers, papers, grades, and grading key~~. The agency~~ shall *be kept* ~~keep such record~~ for a period of not less than 2 years immediately following the examination, and such record shall thereafter be maintained or destroyed as provided in chapters 119 and *257* ~~267~~. *This subsection does not apply to national examinations approved and administered pursuant to this section.*

(4) Meetings of any member of the *department* ~~Agency for Health Care Administration~~ or of any board within the *department* ~~agency~~ held for the exclusive purpose of creating or reviewing licensure examination questions or proposed examination questions are exempt from the provisions of s. 286.011 and s. 24(b), Art. I of the State Constitution. Any public records, such as tape recordings, minutes, or notes, generated during or as a result of such meetings are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, these exemptions shall not affect the right of any person to review an examination as provided in subsection (2).

(5) For examinations developed by the department or a contracted vendor, each board, or the department when there is no board, may provide licensure examinations in an applicant's native language. Applicants for examination or reexamination pursuant to this subsection shall bear the full cost for the department's development, preparation, administration, grading, and evaluation of any examination in a language other than English. Requests for translated examinations must be on file in the board office at least 6 months prior to the scheduled examination. When determining whether it is in the public interest to allow the examination to be translated into a language other than English, the board shall consider the percentage of the population who speak the applicant's native language. Applicants must apply for translation to the applicable board at least 6 months prior to the scheduled examination.

(6) In addition to meeting any other requirements for licensure by examination or by endorsement, an applicant may be required by a board, or the department when there is no board, to certify competency in state laws and rules relating to the applicable practice act.

Section 55. Section 455.577, Florida Statutes, is created to read:

455.577 Penalty for theft or reproduction of an examination.—In addition to, or in lieu of, any other discipline imposed pursuant to s. 455.624, the theft of an examination in whole or in part or the act of reproducing or copying any examination administered by the department, whether such examination is reproduced or copied in part or in whole and by any means, constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 56. Section 455.581, Florida Statutes, is created to read:

455.581 Foreign-trained professionals; special examination and license provisions.—

(1) When not otherwise provided by law, within its jurisdiction, the department shall by rule provide procedures under which exiled profes-

sionals may be examined within each practice act. A person shall be eligible for such examination if the person:

(a) Immigrated to the United States after leaving the person's home country because of political reasons, provided such country is located in the Western Hemisphere and lacks diplomatic relations with the United States;

(b) Applies to the department and submits a fee;

(c) Was a Florida resident immediately preceding the person's application;

(d) Demonstrates to the department, through submission of documentation verified by the applicant's respective professional association in exile, that the applicant was graduated with an appropriate professional or occupational degree from a college or university; however, the department may not require receipt of any documentation from the Republic of Cuba as a condition of eligibility under this section;

(e) Lawfully practiced the profession for at least 3 years;

(f) Prior to 1980, successfully completed an approved course of study pursuant to chapters 74-105 and 75-177, Laws of Florida; and

(g) Presents a certificate demonstrating the successful completion of a continuing education program which offers a course of study that will prepare the applicant for the examination offered under subsection (2). The department shall develop rules for the approval of such programs for its boards.

(2) Upon request of a person who meets the requirements of subsection (1) and submits an examination fee, the department, for its boards, shall provide a written practical examination which tests the person's current ability to practice the profession competently in accordance with the actual practice of the profession. Evidence of meeting the requirements of subsection (1) shall be treated by the department as evidence of the applicant's preparation in the academic and preprofessional fundamentals necessary for successful professional practice, and the applicant shall not be examined by the department on such fundamentals.

(3) The fees charged for the examinations offered under subsection (2) shall be established by the department, for its boards, by rule and shall be sufficient to develop or to contract for the development of the examination and its administration, grading, and grade reviews.

(4) The department shall examine any applicant who meets the requirements of subsections (1) and (2). Upon passing the examination and the issuance of the license, a licensee is subject to the administrative requirements of this part and the respective practice act under which the license is issued. Each applicant so licensed is subject to all provisions of this part and the respective practice act under which the license was issued.

(5) Upon a request by an applicant otherwise qualified under this section, the examinations offered under subsection (2) may be given in the applicant's native language, provided that any translation costs are borne by the applicant.

(6) The department, for its boards, shall not issue an initial license to, or renew a license of, any applicant or licensee who is under investigation or prosecution in any jurisdiction for an action which would constitute a violation of this part or the professional practice acts administered by the department and the boards until such time as the investigation or prosecution is complete, at which time the provisions of the professional practice acts shall apply.

Section 57. Section 455.584, Florida Statutes, is created to read:

455.584 Exemption for certain out-of-state or foreign professionals; limited practice permitted.—

(1) A professional of any other state or of any territory or other jurisdiction of the United States or of any other nation or foreign jurisdiction is exempt from the requirements of licensure under this part and the applicable professional practice act under the agency with regulatory jurisdiction over the profession if that profession is regulated in this state under the agency with regulatory jurisdiction over the profession and if that person:

(a) Holds, if so required in the jurisdiction in which that person practices, an active license to practice that profession.

(b) Engages in the active practice of that profession outside the state.

(c) Is employed or designated in that professional capacity by a sports entity visiting the state for a specific sporting event.

(2) A professional's practice under this section is limited to the members, coaches, and staff of the team for which that professional is employed or designated and to any animals used if the sporting event for which that professional is employed or designated involves animals. A professional practicing under authority of this section shall not have practice privileges in any licensed health care facility or veterinary facility without the approval of that facility.

Section 58. Section 455.220, Florida Statutes, is transferred, renumbered as section 455.587, Florida Statutes, and amended to read:

455.587 ~~455.220~~ Fees; receipts; disposition for boards within the *department* ~~Agency for Health Care Administration.—~~

(1) Each board within the jurisdiction of the *department* ~~Agency for Health Care Administration~~ shall determine by rule the amount of *license* ~~licensing~~ fees for its profession, based upon *long-range* estimates *prepared* by the *department* ~~agency~~ of the revenue required to implement *laws relating* ~~this part and the provisions of law with respect~~ to the regulation of professions by the *department* ~~agency~~ and *the* ~~any~~ board ~~within the agency~~. *Each board, or the department if there is no board, shall ensure that license fees are adequate to cover all anticipated costs and to maintain a reasonable cash balance, as determined by rule of the agency, with advice of the applicable board. If sufficient action is not taken by a board within 1 year after notification by the department that license fees are projected to be inadequate, the department shall set license fees on behalf of the applicable board to cover anticipated costs and to maintain the required cash balance. The department shall include recommended fee cap increases in its annual report to the Legislature. Further, it is the legislative intent that no regulated profession operate with a negative cash balance. The department may provide by rule for advancing sufficient funds to any profession operating with a negative cash balance. The advancement may be for a period not to exceed 2 consecutive years, and the regulated profession must pay interest. Interest shall be calculated at the current rate earned on investments of a trust fund used by the department to implement this part. Interest earned shall be allocated to the various funds in accordance with the allocation of investment earnings during the period of the advance.*

(2) Each board, or the department if there is no board, may, by rule, assess and collect a one-time fee from each active and each voluntary inactive licensee in an amount necessary to eliminate a cash deficit or, if there is not a cash deficit, in an amount sufficient to maintain the financial integrity of the professions as required in this section. Not more than one such assessment may be made in any 4-year period without specific legislative authorization.

(3) Each board authorized to approve continuing education providers, or the department if there is no board, may establish, by rule, a fee not to exceed $250 for anyone seeking approval to provide continuing education courses and may establish by rule a biennial renewal fee not to exceed $250 for the renewal of providership of such courses. This subsection does not apply to continuing education courses or providers approved by the board under chapter 465.

(4)~~(2)~~ All moneys collected by the *department* ~~Agency for Health Care Administration~~ from fees or fines or from costs awarded to the agency by a court shall be paid into *a trust fund used by the department to implement this part* ~~the Health Care Trust Fund~~. The Legislature shall appropriate funds from this trust fund sufficient to carry out ~~the provisions of~~ this part and the provisions of law with respect to professions regulated by *the Division of Medical Quality Assurance within* the *department* ~~Agency for Health Care Administration~~ and *the boards* ~~any board within the agency~~. *The department may contract with public and private entities to receive and deposit revenue pursuant to this section. The department shall maintain separate accounts in the trust fund used by the department to implement this part for every profession within the department. To the maximum extent possible, the department shall directly charge all expenses to the account of each regulated profession. For the purpose of this subsection, direct charge expenses include, but are not limited to, costs for investigations, examinations, and legal services. For*

expenses that cannot be charged directly, the department shall provide for the proportionate allocation among the accounts of expenses incurred by the department in the performance of its duties with respect to each regulated profession. The department may not expend funds from the account of a profession to pay for the expenses incurred on behalf of another profession. The department shall maintain adequate records to support its allocation of agency expenses. The department shall provide any board with reasonable access to these records upon request. The department shall provide each board an annual report of revenue and direct and allocated expenses related to the operation of that profession. The board shall use these reports and the department's adopted long-range plan to determine the amount of license fees. A condensed version of this information, with the department's recommendations, shall be included in the annual report to the Legislature prepared under s. 455.644.

(5) The department shall provide a condensed management report of budgets, finances, performance statistics, and recommendations to each board at least once a quarter. The department shall identify and include in such presentations any changes, or projected changes, made to the board's budget since the last presentation.

(6) If a duplicate license is required or requested by the licensee, the board or, if there is no board, the department may charge a fee as determined by rule not to exceed $25 before issuance of the duplicate license.

(7) The department or the appropriate board shall charge a fee not to exceed $25 for the certification of a public record. The fee shall be determined by rule of the department. The department or the appropriate board shall assess a fee for duplicating a public record as provided in s. 119.07(1)(a) and (b).

Section 59. Section 455.2205, Florida Statutes, 1996 Supplement, is transferred and renumbered as section 408.16, Florida Statutes, and amended to read:

408.16 ~~455.2205~~ Health Care Trust Fund; moneys to be deposited therein.—

(1) There is ~~hereby~~ created in the State Treasury a special fund to be designated as the Health Care Trust Fund, which shall be used in the operation of the Agency for Health Care Administration in the performance of the various functions and duties required of it by law.

(2) All fees, license fees, and other charges collected by the agency shall be deposited in the State Treasury to the credit of the Health Care Trust Fund, to be used in the operation of the agency as authorized by the Legislature. However, penalties and interest assessed and collected by the agency shall not be deposited in the trust fund but shall be deposited in the General Revenue Fund. The Health Care Trust Fund shall be subject to the service charge imposed pursuant to chapter 215.

(3) The agency shall maintain separate revenue and expenditure accounts in the Health Care Trust Fund for every ~~profession regulated and~~ provider licensed by the agency.

~~(4) The agency shall, to the extent practicable, provide for the proportionate allocation among the accounts of expenses incurred by the agency in the performance of its duties with respect to each regulated profession. The agency shall provide each board with an annual report of revenue expenditures and allocated expenses related to the regulation of that profession, and these reports shall be used by the board to determine the amount of licensing fees for each profession regulated by the agency.~~

(4)~~(5)~~ All other moneys in the Health Care Trust Fund shall be for the use of the agency in the performance of its functions and duties as provided by law, subject to the fiscal and budgetary provisions of general law and the General Appropriations Act.

Section 60. Section 455.594, Florida Statutes, is created to read:

455.594 Legal and investigative services.—

(1) A board shall retain, through the department's contract procedures, board counsel from the Department of Legal Affairs. The Department of Legal Affairs shall provide legal services to each board within the Department of Health, but the primary responsibility of the Department of Legal Affairs shall be to represent the interests of the citizens of the state by vigorously counseling the boards with respect to their obligations under the laws of the state. A board shall provide for the periodic review and evaluation of the services provided by its board counsel. Subject to the prior approval of the Attorney General, any board may retain, through the department's contract procedures, independent legal counsel to provide legal advice to the board on a specific matter. Fees and costs of such counsel by the Department of Legal Affairs or independent legal counsel approved by the Attorney General shall be paid from a trust fund used by the department to implement this part. All contracts for independent counsel shall provide for periodic review and evaluation by the board and the department of services provided.

(2) The department may employ or use the legal services of outside counsel and the investigative services of outside personnel. However, no attorney employed or utilized by the department shall prosecute a matter and provide legal services to the board with respect to the same matter.

(3) Any person retained by the department under contract to review materials, make site visits, or provide expert testimony regarding any complaint or application filed with the department relating to a profession under the jurisdiction of the department shall be considered an agent of the department in determining the state insurance coverage and sovereign immunity protection applicability of ss. 284.31 and 768.28.

Section 61. Section 455.222, Florida Statutes, is transferred, renumbered as section 455.597, Florida Statutes, and amended to read:

455.597 ~~455.222~~ Requirement for instruction on domestic violence.—

(1)(a) ~~As of July 1, 1995,~~ The appropriate board shall require each person licensed or certified under chapter 458, chapter 459, chapter 464, chapter 466, chapter 467, chapter 490, or chapter 491 to complete a 1-hour continuing education course, approved by the board, on domestic violence, as defined in *s. 741.28* ~~s. 741.30~~, as part of biennial relicensure or recertification. The course shall consist of information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services.

(b) Each such licensee or certificateholder shall submit confirmation of having completed such course, on a form provided by the board, when submitting fees for each biennial renewal.

(c) The board may approve additional equivalent courses that may be used to satisfy the requirements of paragraph (a). Each licensing board that requires a licensee to complete an educational course pursuant to this subsection may include the hour required for completion of the course in the total hours of continuing education required by law for such profession unless the continuing education requirements for such profession consist of fewer than 30 hours biennially.

(d) Any person holding two or more licenses subject to the provisions of this subsection shall be permitted to show proof of having taken one board-approved course on domestic violence, for purposes of relicensure or recertification for additional licenses.

(e) Failure to comply with the requirements of this subsection shall constitute grounds for disciplinary action under each respective practice act and under *s. 455.624(1)(k)* ~~s. 455.227(1)(g)~~. In addition to discipline by the board, the licensee shall be required to complete such course.

(2) The board shall also require, as a condition of granting a license under any chapter specified in paragraph (1)(a), that each applicant for initial licensure under the appropriate chapter complete an educational course acceptable to the board on domestic violence which is substantially equivalent to the course required in subsection (1). An applicant who has not taken such course at the time of licensure shall, upon submission of an affidavit showing good cause, be allowed 6 months to complete such requirement.

(3) Each board may adopt rules to carry out the provisions of this section.

(4) Each board shall report to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the appropriate substantive committees of the Legislature by March 1 of each year as to the implementation of and compliance with the requirements of this section.

Section 62. Section 455.2224, Florida Statutes, is transferred and renumbered as section 455.601, Florida Statutes.

Section 63. Section 455.604, Florida Statutes, is created to read:

455.604 Requirement for instruction on human immunodeficiency virus and acquired immune deficiency syndrome.—

(1) The appropriate board shall require each person licensed or certified under chapter 457; chapter 458; chapter 459; chapter 460; chapter 461; chapter 463; chapter 464; chapter 465; chapter 466; part II, part III, or part V of chapter 468; or chapter 486 to complete a continuing educational course, approved by the board, on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure or recertification. The course shall consist of education on the modes of transmission, infection control procedures, clinical management, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome. Such course shall include information on current Florida law on acquired immune deficiency syndrome and its impact on testing, confidentiality of test results, and treatment of patients.

(2) Each such licensee or certificateholder shall submit confirmation of having completed said course, on a form as provided by the board, when submitting fees for each biennial renewal.

(3) The board shall have the authority to approve additional equivalent courses that may be used to satisfy the requirements in subsection (1). Each licensing board that requires a licensee to complete an educational course pursuant to this section may count the hours required for completion of the course included in the total continuing educational requirements as required by law.

(4) Any person holding two or more licenses subject to the provisions of this section shall be permitted to show proof of having taken one board-approved course on human immunodeficiency virus and acquired immune deficiency syndrome, for purposes of relicensure or recertification for additional licenses.

(5) Failure to comply with the above requirements shall constitute grounds for disciplinary action under each respective licensing chapter and s. 455.624(1)(e). In addition to discipline by the board, the licensee shall be required to complete the course.

(6) The board shall require as a condition of granting a license under the chapters specified in subsection (1) that an applicant making initial application for licensure complete an educational course acceptable to the board on human immunodeficiency virus and acquired immune deficiency syndrome. An applicant who has not taken a course at the time of licensure shall, upon an affidavit showing good cause, be allowed 6 months to complete this requirement.

(7) The board shall have the authority to adopt rules to carry out the provisions of this section.

(8) The board shall report to the Legislature by March 1 of each year as to the implementation and compliance with the requirements of this section.

Section 64. Section 455.607, Florida Statutes, is created to read:

455.607 Requirement for instruction on human immunodeficiency virus and acquired immune deficiency syndrome.—

(1) The board, or the department where there is no board, shall require each person licensed or certified under chapter 480 or part XIV of chapter 468 to complete a continuing educational course approved by the board, or the department where there is no board, on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure or recertification. The course shall consist of education on modes of transmission, infection control procedures, clinical management, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome, with an emphasis on appropriate behavior and attitude change.

(2) When filing fees for each biennial renewal, each licensee shall submit confirmation of having completed the course, on a form provided by the board or by the department if there is no board. At the time of the subsequent biennial renewal when coursework is to be completed, if the licensee has not submitted confirmation which has been received and recorded by the board, or department if there is no board, the department shall not renew the license.

(3) The board, or the department where there is no board, shall have the authority to approve additional equivalent courses that may be used to satisfy the requirements in subsection (1).

(4) The board, or the department where there is no board, shall require, as a condition of granting a license under any of the chapters or parts thereof specified in subsection (1), that an applicant making initial application for licensure complete an educational course acceptable to the board, or the department where there is no board, on human immunodeficiency virus and acquired immune deficiency syndrome. An applicant who has not taken a course at the time of licensure shall, upon an affidavit showing good cause, be allowed 6 months to complete this requirement.

(5) The board, or the department where there is no board, shall have the authority to adopt rules to carry out the provisions of this section.

(6) The board, or the department where there is no board, shall report to the Legislature by March 1 of each year as to the implementation and compliance with the requirements of this section.

(7) Any professional holding two or more licenses subject to the provisions of this section shall be permitted to show proof of having taken one board-approved course, or one department-approved course where there is no board, on human immunodeficiency virus and acquired immune deficiency syndrome, for purposes of relicensure or recertification for additional licenses.

Section 65. Section 455.611, Florida Statutes, is created to read:

455.611 Power to administer oaths, take depositions, and issue subpoenas.—For the purpose of any investigation or proceeding conducted by the department, the department shall have the power to administer oaths, take depositions, make inspections when authorized by statute, issue subpoenas which shall be supported by affidavit, serve subpoenas and other process, and compel the attendance of witnesses and the production of books, papers, documents, and other evidence. The department shall exercise this power on its own initiative or whenever requested by a board or the probable cause panel of any board. Challenges to, and enforcement of, the subpoenas and orders shall be handled as provided in s. 120.569.

Section 66. Section 455.614, Florida Statutes, is created to read:

455.614 Mediation.—

(1) Notwithstanding the provisions of s. 455.621, the board, or the department when there is no board, shall adopt rules to designate which violations of the applicable professional practice act are appropriate for mediation. The board, or the department when there is no board, may designate as mediation offenses those complaints where harm caused by the licensee is economic in nature or can be remedied by the licensee.

(2) After the department determines a complaint is legally sufficient and the alleged violations are defined as mediation offenses, the department or any agent of the department may conduct informal mediation to resolve the complaint. If the complainant and the subject of the complaint agree to a resolution of a complaint within 14 days after contact by the mediator, the mediator shall notify the department of the terms of the resolution. The department or board shall take no further action unless the complainant and the subject each fail to record with the department an acknowledgment of satisfaction of the terms of mediation within 60 days of the mediator's notification to the department. In the event the complainant and subject fail to reach settlement terms or to record the required acknowledgment, the department shall process the complaint according to the provisions of s. 455.621.

(3) Conduct or statements made during mediation are inadmissible in any proceeding pursuant to s. 455.621. Further, any information relating to the mediation of a case shall be subject to the confidentiality provisions of s. 455.621.

(4) No licensee shall go through the mediation process more than three times without approval of the department. The department may consider the subject and dates of the earlier complaints in rendering its decision. Such decision shall not be considered a final agency action for purposes of chapter 120.

(5) Any board created on or after January 1, 1995, shall have 6 months to adopt rules designating which violations are appropriate for mediation, after which time the department shall have exclusive authority to adopt rules pursuant to this section. A board shall have continuing authority to amend its rules adopted pursuant to this section.

Section 67. Section 455.617, Florida Statutes, is created to read:

455.617 Authority to issue citations.—

(1) Notwithstanding s. 455.621, the board, or the department if there is no board, shall adopt rules to permit the issuance of citations. The citation shall be issued to the subject and shall contain the subject's name and address, the subject's license number if applicable, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure under s. 455.621. If the subject disputes the matter in the citation, the procedures set forth in s. 455.621 must be followed. However, if the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. The penalty shall be a fine or other conditions as established by rule.

(2) The board, or the department if there is no board, shall adopt rules designating violations for which a citation may be issued. Such rules shall designate as citation violations those violations for which there is no substantial threat to the public health, safety, and welfare.

(3) The department shall be entitled to recover the costs of investigation, in addition to any penalty provided according to board or department rule, as part of the penalty levied pursuant to the citation.

(4) A citation must be issued within 6 months after the filing of the complaint that is the basis for the citation.

(5) Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the subject's last known address.

(6) A board created on or after January 1, 1992, has 6 months in which to enact rules designating violations and penalties appropriate for citation offenses. Failure to enact such rules gives the department exclusive authority to adopt rules as required for implementing this section. A board has continuous authority to amend its rules adopted pursuant to this section.

Section 68. Section 455.621, Florida Statutes, is created to read:

455.621 Disciplinary proceedings.—Disciplinary proceedings for each board shall be within the jurisdiction of the department.

(1) The department, for the boards under its jurisdiction, shall cause to be investigated any complaint that is filed before it if the complaint is in writing, signed by the complainant, and legally sufficient. A complaint is legally sufficient if it contains ultimate facts that show that a violation of this part, of any of the practice acts relating to the professions regulated by the department, or of any rule adopted by the department or a regulatory board in the department has occurred. In order to determine legal sufficiency, the department may require supporting information or documentation. The department may investigate, and the department or the appropriate board may take appropriate final action on, a complaint even though the original complainant withdraws it or otherwise indicates a desire not to cause the complaint to be investigated or prosecuted to completion. The department may investigate an anonymous complaint if the complaint is in writing and is legally sufficient, if the alleged violation of law or rules is substantial, and if the department has reason to believe, after preliminary inquiry, that the violations alleged in the complaint are true. The department may investigate a complaint made by a confidential informant if the complaint is legally sufficient, if the alleged violation of law or rule is substantial, and if the department has reason to believe, after preliminary inquiry, that the allegations of the complainant are true. The department may initiate an investigation if it has reasonable cause to believe that a licensee or a group of licensees has violated a Florida statute, a rule of the department, or a rule of a board. Except as provided in ss. 458.331(9), 459.015(9), 460.413(5), and 461.013(6), when an investigation of any subject is undertaken, the department shall promptly furnish to the subject or the subject's attorney a copy of the complaint or document that resulted in the initiation of the investigation. The subject may submit a written response to the information contained in such complaint or document within 20 days after service to the subject of the complaint or document. The subject's written response shall be considered by the probable cause panel. The right to respond does not prohibit the issuance of a summary emergency order if necessary to protect the public. However, if the secretary, or the secretary's designee, and the chairman of the respective board or the chairman of its probable cause panel agree in writing that such notification would be detrimental to the investigation, the department may withhold notification. The department may conduct an investigation without notification to any subject if the act under investigation is a criminal offense.

(2) The department shall allocate sufficient and adequately trained staff to expeditiously and thoroughly determine legal sufficiency and investigate all legally sufficient complaints. For purposes of this section, it is the intent of the Legislature that the term "expeditiously" means that the department complete the report of its initial investigative findings and recommendations concerning the existence of probable cause within 6 months after its receipt of the complaint. The failure of the department, for disciplinary cases under its jurisdiction, to comply with the time limits of this section while investigating a complaint against a licensee constitutes harmless error in any subsequent disciplinary action unless a court finds that either the fairness of the proceeding or the correctness of the action may have been impaired by a material error in procedure or a failure to follow prescribed procedure. When its investigation is complete and legally sufficient, the department shall prepare and submit to the probable cause panel of the appropriate regulatory board the investigative report of the department. The report shall contain the investigative findings and the recommendations of the department concerning the existence of probable cause. At any time after legal sufficiency is found, the department may dismiss any case, or any part thereof, if the department determines that there is insufficient evidence to support the prosecution of allegations contained therein. The department shall provide a detailed report to the appropriate probable cause panel prior to dismissal of any case or part thereof, and to the subject of the complaint after dismissal of any case or part thereof, under this section. For cases dismissed prior to a finding of probable cause, such report is confidential and exempt from s. 119.07(1). The probable cause panel shall have access, upon request, to the investigative files pertaining to a case prior to dismissal of such case. If the department dismisses a case, the probable cause panel may retain independent legal counsel, employ investigators, and continue the investigation and prosecution of the case as it deems necessary.

(3) As an alternative to the provisions of subsections (1) and (2), when a complaint is received, the department may provide a licensee with a notice of noncompliance for an initial offense of a minor violation. Each board, or the department if there is no board, shall establish by rule those minor violations under this provision which do not endanger the public health, safety, and welfare and which do not demonstrate a serious inability to practice the profession. Failure of a licensee to take action in correcting the violation within 15 days after notice may result in the institution of regular disciplinary proceedings.

(4) The determination as to whether probable cause exists shall be made by majority vote of a probable cause panel of the board, or by the department, as appropriate. Each regulatory board shall provide by rule that the determination of probable cause shall be made by a panel of its members or by the department. Each board may provide by rule for multiple probable cause panels composed of at least two members. Each board may provide by rule that one or more members of the panel or panels may be a former board member. The length of term or repetition of service of any such former board member on a probable cause panel may vary according to the direction of the board when authorized by board rule. Any probable cause panel must include one of the board's former or present consumer members, if one is available, is willing to serve, and is authorized to do so by the board chairman. Any probable cause panel must include a present board member. Any probable cause panel must include a former or present professional board member. However, any former professional board member serving on the probable cause panel must hold an active valid license for that profession. All proceedings of the panel are exempt from s. 286.011 until 10 days after

probable cause has been found to exist by the panel or until the subject of the investigation waives his privilege of confidentiality. The probable cause panel may make a reasonable request, and upon such request the department shall provide such additional investigative information as is necessary to the determination of probable cause. A request for additional investigative information shall be made within 15 days from the date of receipt by the probable cause panel of the investigative report of the department or the agency. The probable cause panel or the department, as may be appropriate, shall make its determination of probable cause within 30 days after receipt by it of the final investigative report of the department. The secretary may grant extensions of the 15-day and the 30-day time limits. In lieu of a finding of probable cause, the probable cause panel, or the department if there is no board, may issue a letter of guidance to the subject. If, within the 30-day time limit, as may be extended, the probable cause panel does not make a determination regarding the existence of probable cause or does not issue a letter of guidance in lieu of a finding of probable cause, the department must make a determination regarding the existence of probable cause within 10 days after the expiration of the time limit. If the probable cause panel finds that probable cause exists, it shall direct the department to file a formal complaint against the licensee. The department shall follow the directions of the probable cause panel regarding the filing of a formal complaint. If directed to do so, the department shall file a formal complaint against the subject of the investigation and prosecute that complaint pursuant to chapter 120. However, the department may decide not to prosecute the complaint if it finds that probable cause has been improvidently found by the panel. In such cases, the department shall refer the matter to the board. The board may then file a formal complaint and prosecute the complaint pursuant to chapter 120. The department shall also refer to the board any investigation or disciplinary proceeding not before the Division of Administrative Hearings pursuant to chapter 120 or otherwise completed by the department within 1 year after the filing of a complaint. The department, for disciplinary cases under its jurisdiction, must establish a uniform reporting system to quarterly refer to each board the status of any investigation or disciplinary proceeding that is not before the Division of Administrative Hearings or otherwise completed by the department within 1 year after the filing of the complaint. Annually, the department if there is no board, or each board must establish a plan to reduce or otherwise close any investigation or disciplinary proceeding that is not before the Division of Administrative Hearings or otherwise completed by the department within 1 year after the filing of the complaint. A probable cause panel or a board may retain independent legal counsel, employ investigators, and continue the investigation as it deems necessary; all costs thereof shall be paid from a trust fund used by the department to implement this part. All proceedings of the probable cause panel are exempt from s. 120.525.

(5) A formal hearing before an administrative law judge from the Division of Administrative Hearings shall be held pursuant to chapter 120 if there are any disputed issues of material fact. The administrative law judge shall issue a recommended order pursuant to chapter 120. If any party raises an issue of disputed fact during an informal hearing, the hearing shall be terminated and a formal hearing pursuant to chapter 120 shall be held.

(6) The appropriate board, with those members of the panel, if any, who reviewed the investigation pursuant to subsection (5) being excused, or the department when there is no board, shall determine and issue the final order in each disciplinary case. Such order shall constitute final agency action. Any consent order or agreed-upon settlement shall be subject to the approval of the department.

(7) The department shall have standing to seek judicial review of any final order of the board, pursuant to s. 120.68.

(8) Any proceeding for the purpose of summary suspension of a license, or for the restriction of the license, of a licensee pursuant to s. 120.60(6) shall be conducted by the Secretary of the Department of Health or his or her designee, as appropriate, who shall issue the final summary order.

(9)(a) The department shall periodically notify the person who filed the complaint of the status of the investigation, indicating whether probable cause has been found and the status of any civil action or administrative proceeding or appeal.

(b) In any disciplinary case for which probable cause has been found, the department shall provide to the person who filed the complaint a copy of the administrative complaint and:

1. A written explanation of how an administrative complaint is resolved by the disciplinary process.

2. A written explanation of how and when the person may participate in the disciplinary process.

3. A written notice of any hearing before the Division of Administrative Hearings or the regulatory board at which final agency action may be taken.

(c) In any disciplinary case for which probable cause is not found, the department shall so inform the person who filed the complaint and notify that person that he or she may, within 60 days, provide any additional information to the probable cause panel which may be relevant to the decision. In any administrative proceeding under s. 120.57, the person who filed the disciplinary complaint shall have the right to present oral or written communication relating to the alleged disciplinary violations or to the appropriate penalty.

(10) The complaint and all information obtained pursuant to the investigation by the department are confidential and exempt from s. 119.07(1) until 10 days after probable cause has been found to exist by the probable cause panel or by the department, or until the regulated professional or subject of the investigation waives his privilege of confidentiality, whichever occurs first. Upon completion of the investigation and pursuant to a written request by the subject, the department shall provide the subject an opportunity to inspect the investigative file or, at the subject's expense, forward to the subject a copy of the investigative file. Notwithstanding s. 455.667, the subject may inspect or receive a copy of any expert witness report or patient record connected with the investigation if the subject agrees in writing to maintain the confidentiality of any information received under this subsection until 10 days after probable cause is found and to maintain the confidentiality of patient records pursuant to s. 455.667. The subject may file a written response to the information contained in the investigative file. Such response must be filed within 20 days, unless an extension of time has been granted by the department. This subsection does not prohibit the department from providing such information to any law enforcement agency or to any other regulatory agency.

(11) A privilege against civil liability is hereby granted to any complainant or any witness with regard to information furnished with respect to any investigation or proceeding pursuant to this section, unless the complainant or witness acted in bad faith or with malice in providing such information.

(12)(a) No person who reports in any capacity, whether or not required by law, information to the department with regard to the incompetence, impairment, or unprofessional conduct of any health care provider licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 465, or chapter 466 shall be held liable in any civil action for reporting against such health care provider if such person acts without intentional fraud or malice.

(b) No facility licensed under chapter 395, health maintenance organization certificated under part I of chapter 641, physician licensed under chapter 458, or osteopathic physician licensed under chapter 459 shall discharge, threaten to discharge, intimidate, or coerce any employee or staff member by reason of such employee's or staff member's report to the department about a physician licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466 who may be guilty of incompetence, impairment, or unprofessional conduct so long as such report is given without intentional fraud or malice.

(c) In any civil suit brought outside the protections of paragraphs (a) and (b) in which intentional fraud or malice is alleged, the person alleging intentional fraud or malice shall be liable for all court costs and for the other party's reasonable attorney's fees if intentional fraud or malice is not proved.

Section 69. Section 455.624, Florida Statutes, is created to read:

455.624 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(a) Making misleading, deceptive, or fraudulent representations in or related to the practice of the licensee's profession.

(b) Intentionally violating any rule adopted by the board or the department, as appropriate.

(c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.

(d) Using a Class III or a Class IV laser device or product, as defined by federal regulations, without having complied with the rules adopted pursuant to s. 501.122(2) governing the registration of such devices.

(e) Failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome.

(f) Having a license or the authority to practice the regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law. The licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license.

(g) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee.

(h) Attempting to obtain, obtaining, or renewing a license to practice a profession by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

(i) Except as provided in s. 465.016, failing to report to the department any person who the licensee knows is in violation of this part, the chapter regulating the alleged violator, or the rules of the department or the board.

(j) Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this part, the chapter regulating the profession, or the rules of the department or the board.

(k) Failing to perform any statutory or legal obligation placed upon a licensee.

(l) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing another person to do so. Such reports or records shall include only those that are signed in the capacity of a licensee.

(m) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.

(n) Exercising influence on the patient or client for the purpose of financial gain of the licensee or a third party.

(o) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.

(p) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them.

(q) Violating any provision of this part, the applicable professional practice act, a rule of the department or the board, or a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department.

(r) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.

(s) Failing to comply with the educational course requirements for domestic violence.

(2) When the board, or the department when there is no board, finds any person guilty of the grounds set forth in subsection (1) or of any grounds set forth in the applicable practice act, including conduct constituting a substantial violation of subsection (1) or a violation of the applicable practice act which occurred prior to obtaining a license, it may enter an order imposing one or more of the following penalties:

(a) Refusal to certify, or to certify with restrictions, an application for a license.

(b) Suspension or permanent revocation of a license.

(c) Restriction of practice.

(d) Imposition of an administrative fine not to exceed $5,000 for each count or separate offense.

(e) Issuance of a reprimand.

(f) Placement of the licensee on probation for a period of time and subject to such conditions as the board, or the department when there is no board, may specify. Those conditions may include, but are not limited to, requiring the licensee to undergo treatment, attend continuing education courses, submit to be reexamined, work under the supervision of another licensee, or satisfy any terms which are reasonably tailored to the violations found.

(g) Corrective action.

(3) In addition to any other discipline imposed pursuant to this section or discipline imposed for a violation of any practice act, the board, or the department when there is no board, may assess costs related to the investigation and prosecution of the case excluding costs associated with an attorney's time. In any case where the board or the department imposes a fine or assessment and the fine or assessment is not paid within a reasonable time, such reasonable time to be prescribed in the rules of the board, or the department when there is no board, or in the order assessing such fines or costs, the department or the Department of Legal Affairs may contract for the collection of, or bring a civil action to recover, the fine or assessment.

(4) In addition to, or in lieu of, any other remedy or criminal prosecution, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any of the provisions of this part, or any provision of law with respect to professions regulated by the department, or any board therein, or the rules adopted pursuant thereto.

(5) In the event the board, or the department when there is no board, determines that revocation of a license is the appropriate penalty, the revocation shall be permanent. However, the board may establish by rule requirements for reapplication by applicants whose licenses have been permanently revoked. Such requirements may include, but shall not be limited to, satisfying current requirements for an initial license.

Section 70. Section 455.627, Florida Statutes, is created to read:

455.627 Disciplinary guidelines.—

(1) Each board, or the department if there is no board, shall adopt by rule and periodically review the disciplinary guidelines applicable to each ground for disciplinary action which may be imposed by the board, or the department if there is no board, pursuant to this part, the respective practice acts, and any rule of the board or department.

(2) The disciplinary guidelines shall specify a meaningful range of designated penalties based upon the severity and repetition of specific offenses, it being the legislative intent that minor violations be distinguished from those which endanger the public health, safety, or welfare; that such guidelines provide reasonable and meaningful notice to the public of likely penalties which may be imposed for proscribed conduct; and that such penalties be consistently applied by the board.

(3) A specific finding of mitigating or aggravating circumstances shall allow the board to impose a penalty other than that provided for in such guidelines. If applicable, the board, or the department if there is no board, shall adopt by rule disciplinary guidelines to designate possible mitigating and aggravating circumstances and the variation and range of penalties permitted for such circumstances.

(4) The department must review such disciplinary guidelines for compliance with the legislative intent as set forth herein to determine whether the guidelines establish a meaningful range of penalties and may also challenge such rules pursuant to s. 120.56.

(5) The administrative law judge, in recommending penalties in any recommended order, must follow the penalty guidelines established by

the board or department and must state in writing the mitigating or aggravating circumstances upon which the recommended penalty is based.

Section 71. Section 455.631, Florida Statutes, is created to read:

455.631 Penalty for giving false information.—In addition to, or in lieu of, any other discipline imposed pursuant to s. 455.624, the act of knowingly giving false information in the course of applying for or obtaining a license from the department, or any board thereunder, with intent to mislead a public servant in the performance of his official duties, or the act of attempting to obtain or obtaining a license from the department, or any board thereunder, to practice a profession by knowingly misleading statements or knowing misrepresentations constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 72. Section 455.634, Florida Statutes, is created to read:

455.634 Prosecution of criminal violations.—The department or the appropriate board shall report any criminal violation of any statute relating to the practice of a profession regulated by the department or appropriate board to the proper prosecuting authority for prompt prosecution.

Section 73. Section 455.637, Florida Statutes, is created to read:

455.637 Unlicensed practice of a profession; cease and desist notice; civil penalty; enforcement; citations; allocation of moneys collected.—

(1) When the department has probable cause to believe that any person not licensed by the department, or the appropriate regulatory board within the department, has violated any provision of this part or any statute that relates to the practice of a profession regulated by the department, or any rule adopted pursuant thereto, the department may issue and deliver to such person a notice to cease and desist from such violation. In addition, the department may issue and deliver a notice to cease and desist to any person who aids and abets the unlicensed practice of a profession by employing such unlicensed person. The issuance of a notice to cease and desist shall not constitute agency action for which a hearing under ss. 120.569 and 120.57 may be sought. For the purpose of enforcing a cease and desist order, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any provisions of such order. In addition to the foregoing remedies, the department may impose an administrative penalty not to exceed $5,000 per incident pursuant to the provisions of chapter 120 or may issue a citation pursuant to the provisions of subsection (3). If the department is required to seek enforcement of the agency order for a penalty pursuant to s. 120.569, it shall be entitled to collect its attorney's fees and costs, together with any cost of collection.

(2) In addition to or in lieu of any remedy provided in subsection (1), the department may seek the imposition of a civil penalty through the circuit court for any violation for which the department may issue a notice to cease and desist under subsection (1). The civil penalty shall be no less than $500 and no more than $5,000 for each offense. The court may also award to the prevailing party court costs and reasonable attorney fees and, in the event the department prevails, may also award reasonable costs of investigation.

(3)(a) Notwithstanding the provisions of s. 455.621, the department shall adopt rules to permit the issuance of citations for unlicensed practice of a profession. The citation shall be issued to the subject and shall contain the subject's name and any other information the department determines to be necessary to identify the subject, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure under s. 455.621. If the subject disputes the matter in the citation, the procedures set forth in s. 455.621 must be followed. However, if the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation shall become a final order of the department. The penalty shall be a fine of not less than $500 or more than $5,000 or other conditions as established by rule.

(b) Each day that the unlicensed practice continues after issuance of a citation constitutes a separate violation.

(c) The department shall be entitled to recover the costs of investigation, in addition to any penalty provided according to department rule as part of the penalty levied pursuant to the citation.

(d) Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the subject's last known address.

(4) All fines, fees, and costs collected through the procedures set forth in this section shall be allocated to the professions in the manner provided for in s. 455.641 for the allocation of the fees assessed and collected to combat unlicensed practice of a profession.

(5) The provisions of this section apply only to the professional practice acts administered by the department.

Section 74. Section 455.641, Florida Statutes, is created to read:

455.641 Unlicensed activities; fees; disposition.—In order to protect the public and to ensure a consumer-oriented department, it is the intent of the Legislature that vigorous enforcement of regulation for all professional activities is a state priority. All enforcement costs should be covered by professions regulated by the department. Therefore, the department shall impose, upon initial licensure and each renewal thereof, a special fee of $5 per licensee. Such fee shall be in addition to all other fees collected from each licensee and shall fund efforts to combat unlicensed activity. The board with concurrence of the department, or the department when there is no board, may earmark $5 of the current licensure fee for this purpose, if such board, or profession regulated by the department, is not in a deficit and has a reasonable cash balance. The department shall make direct charges to this fund by profession and shall not allocate indirect overhead. The department shall seek board advice regarding enforcement methods and strategies prior to expenditure of funds. The department shall directly credit, by profession, revenues received from the department's efforts to enforce licensure provisions. The department shall include all financial and statistical data resulting from unlicensed activity enforcement as a separate category in the quarterly management report provided for in s. 455.219. The department shall not charge the account of any profession for the costs incurred on behalf of any other profession. For an unlicensed activity account, a balance which remains at the end of a renewal cycle may, with concurrence of the applicable board and the department, be transferred to the operating fund account of that profession.

Section 75. Section 455.644, Florida Statutes, is created to read:

455.644 Annual report concerning finances, administrative complaints, disciplinary actions, and recommendations.—The department is directed to prepare and submit a report to the President of the Senate and Speaker of the House of Representatives by November 1 of each year. In addition to finances and any other information the Legislature may require, the report shall include statistics and relevant information, profession by profession, detailing:

(1) The revenues, expenditures, and cash balances for the prior year, and a review of the adequacy of existing fees.
(2) The number of complaints received and investigated.
(3) The number of findings of probable cause made.
(4) The number of findings of no probable cause made.
(5) The number of administrative complaints filed.
(6) The disposition of all administrative complaints.
(7) A description of disciplinary actions taken.
(8) A description of any effort by the department to reduce or otherwise close any investigation or disciplinary proceeding not before the Division of Administrative Hearings under chapter 120 or otherwise not completed within 1 year after the initial filing of a complaint under this part.
(9) The status of the development and implementation of rules providing for disciplinary guidelines pursuant to s. 455.627.
(10) Such recommendations for administrative and statutory changes necessary to facilitate efficient and cost-effective operation of the department and the various boards.

Section 76. Section 455.647, Florida Statutes, is created to read:

455.647 Public inspection of information required from applicants; exceptions; examination hearing.—

(1) All information required by the department of any applicant shall be a public record and shall be open to public inspection pursuant to s. 119.07, except financial information, medical information, school transcripts, examination questions, answers, papers, grades, and grading keys, which are confidential and exempt from s. 119.07(1) and shall not be discussed with or made accessible to anyone except members of the board, the department, and staff thereof, who have a bona fide need to know such information. Any information supplied to the department by any other agency which is exempt from the provisions of chapter 119 or is confidential shall remain exempt or confidential pursuant to applicable law while in the custody of the department or the agency.

(2) The department shall establish by rule the procedure by which an applicant, and the applicant's attorney, may review examination questions and answers. Examination questions and answers are not subject to discovery but may be introduced into evidence and considered only in camera in any administrative proceeding under chapter 120. If an administrative hearing is held, the department shall provide challenged examination questions and answers to the administrative law judge. The examination questions and answers provided at the hearing are confidential and exempt from s. 119.07(1), unless invalidated by the administrative law judge.

(3) Unless an applicant notifies the department at least 5 days prior to an examination hearing of the applicant's inability to attend, or unless an applicant can demonstrate an extreme emergency for failing to attend, the department may require an applicant who fails to attend to pay reasonable attorney's fees, costs, and court costs of the department for the examination hearing.

Section 77. Section 455.651, Florida Statutes, is created to read:

455.651 Disclosure of confidential information.—

(1) No officer, employee, or person under contract with the department, or any board therein, or any subject of an investigation shall convey knowledge or information to any person who is not lawfully entitled to such knowledge or information about any public meeting or public record, which at the time such knowledge or information is conveyed is exempt from the provisions of s. 119.01, s. 119.07(1), or s. 286.011.

(2) Any person who willfully violates any provision of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and may be subject to discipline pursuant to s. 455.227, and, if applicable, shall be removed from office, employment, or the contractual relationship.

Section 78. Section 455.236, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 455.654, Florida Statutes, and amended to read:

455.654 ~~455.236~~ Financial arrangements between referring health care providers and providers of health care services.—

(1) SHORT TITLE.—This section ~~shall be known and~~ may be cited as the "Patient Self-Referral Act of 1992."

(2) LEGISLATIVE INTENT.—It is recognized by the Legislature that the referral of a patient by a health care provider to a provider of health care services in which the referring health care provider has an investment interest represents a potential conflict of interest. The Legislature finds these referral practices may limit or eliminate competitive alternatives in the health care services market, may result in overutilization of health care services, may increase costs to the health care system, and may adversely affect the quality of health care. The Legislature also recognizes, however, that it may be appropriate for providers to own entities providing health care services, and to refer patients to such entities, as long as certain safeguards are present in the arrangement. It is the intent of the Legislature to provide guidance to health care providers regarding prohibited patient referrals between health care providers and entities providing health care services and to protect the *people* ~~citizens~~ of Florida from unnecessary and costly health care expenditures.

(3) DEFINITIONS.—For the purpose of this section, the word, phrase, or term:

(a) "Board" means any of the following boards relating to the respective professions: the Board of Medicine as created in s. 458.307; the Board of Osteopathic Medicine as created in s. 459.004; the Board of Chiropractic as created in s. 460.404; the Board of Podiatric Medicine as created in s. 461.004; the Board of Optometry as created in s. 463.003; the Board of Pharmacy as created in s. 465.004; and the Board of Dentistry as created in s. 466.004.

(b) "Comprehensive rehabilitation services" means services that are provided by health care professionals licensed under part I or part III of chapter 468 or chapter 486 to provide speech, occupational, or physical therapy services on an outpatient or ambulatory basis.

(c) "Designated health services" means, for purposes of this section, clinical laboratory services, physical therapy services, comprehensive rehabilitative services, diagnostic-imaging services, and radiation therapy services.

(d) "Entity" means any individual, partnership, firm, corporation, or other business entity.

(e) "Fair market value" means value in arms length transactions, consistent with the general market value, and, with respect to rentals or leases, the value of rental property for general commercial purposes, not taking into account its intended use, and, in the case of a lease of space, not adjusted to reflect the additional value the prospective lessee or lessor would attribute to the proximity or convenience to the lessor where the lessor is a potential source of patient referrals to the lessee.

(f) "Group practice" means a group of two or more health care providers legally organized as a partnership, professional corporation, or similar association:

1. In which each health care provider who is a member of the group provides substantially the full range of services which the health care provider routinely provides, including medical care, consultation, diagnosis, or treatment, through the joint use of shared office space, facilities, equipment, and personnel;

2. For which substantially all of the services of the health care providers who are members of the group are provided through the group and are billed in the name of the group and amounts so received are treated as receipts of the group; and

3. In which the overhead expenses of and the income from the practice are distributed in accordance with methods previously determined by members of the group.

(g) "Health care provider" means any physician licensed under chapter 458, chapter 459, chapter 460, or chapter 461, or any health care provider licensed under chapter 463 or chapter 466.

(h) "Immediate family member" means a health care provider's spouse, child, child's spouse, grandchild, grandchild's spouse, parent, parent-in-law, or sibling.

(i) "Investment interest" means an equity or debt security issued by an entity, including, without limitation, shares of stock in a corporation, units or other interests in a partnership, bonds, debentures, notes, or other equity interests or debt instruments. Except for purposes of *s. 455.661* ~~s. 455.239~~, the following investment interests shall be excepted from this definition:

1. An investment interest in an entity that is the sole provider of designated health services in a rural area;

2. An investment interest in notes, bonds, debentures, or other debt instruments issued by an entity which provides designated health services, as an integral part of a plan by such entity to acquire such investor's equity investment interest in the entity, provided that the interest rate is consistent with fair market value, and that the maturity date of the notes, bonds, debentures, or other debt instruments issued by the entity to the investor is not later than October 1, 1996.

3. An investment interest in real property resulting in a landlord-tenant relationship between the health care provider and the entity in which the equity interest is held, unless the rent is determined, in whole or in part, by the business volume or profitability of the tenant or exceeds fair market value; or

4. An investment interest in an entity which owns or leases and operates a hospital licensed under chapter 395 or a nursing home facility licensed under chapter 400.

(j) "Investor" means a person or entity owning a legal or beneficial ownership or investment interest, directly or indirectly, including, without limitation, through an immediate family member, trust, or another entity related to the investor within the meaning of 42 C.F.R. s. 413.17, in an entity.

(k) "Referral" means any referral of a patient by a health care provider for health care services, including, without limitation:

1. The forwarding of a patient by a health care provider to another health care provider or to an entity which provides or supplies designated health services or any other health care item or service; or

2. The request or establishment of a plan of care by a health care provider, which includes the provision of designated health services or other health care item or service.

3. Except for the purposes of *s. 455.661* ~~s. 455.239~~, the following orders, recommendations, or plans of care shall not constitute a referral by a health care provider:

a. By a radiologist for diagnostic-imaging services.

b. By a physician specializing in the provision of radiation therapy services for such services.

c. By a medical oncologist for drugs and solutions to be prepared and administered intravenously to such oncologist's patient, as well as for the supplies and equipment used in connection therewith to treat such patient for cancer and the complications thereof.

d. By a cardiologist for cardiac catheterization services.

e. By a pathologist for diagnostic clinical laboratory tests and pathological examination services, if furnished by or under the supervision of such pathologist pursuant to a consultation requested by another physician.

f. By a health care provider who is the sole provider or member of a group practice for designated health services or other health care items or services that are prescribed or provided solely for such referring health care provider's or group practice's own patients, and that are provided or performed by or under the direct supervision of such referring health care provider or group practice.

g. By a health care provider for services provided by an ambulatory surgical center licensed under chapter 395.

h. By a health care provider for diagnostic clinical laboratory services where such services are directly related to renal dialysis.

i. By a urologist for lithotripsy services.

j. By a dentist for dental services performed by an employee of or health care provider who is an independent contractor with the dentist or group practice of which the dentist is a member.

k. By a physician for infusion therapy services to a patient of that physician or a member of that physician's group practice.

l. By a nephrologist for renal dialysis services and supplies.

(l) "Rural area" means a county with a population density of no greater than 100 persons per square mile, as defined by the United States Census.

(4) PROHIBITED REFERRALS AND CLAIMS FOR PAYMENT.—Except as provided in this section:

(a) A health care provider may not refer a patient for the provision of designated health services to an entity in which the health care provider is an investor or has an investment interest.

(b) A health care provider may not refer a patient for the provision of any other health care item or service to an entity in which the health care provider is an investor unless:

1. The provider's investment interest is in registered securities purchased on a national exchange or over-the-counter market and issued by a publicly held corporation:

a. Whose shares are traded on a national exchange or on the over-the-counter market; and

b. Whose total assets at the end of the corporation's most recent fiscal quarter exceeded $50 million; or

2. With respect to an entity other than a publicly held corporation described in subparagraph 1., and a referring provider's investment interest in such entity, each of the following requirements are met:

a. No more than 50 percent of the value of the investment interests are held by investors who are in a position to make referrals to the entity.

b. The terms under which an investment interest is offered to an investor who is in a position to make referrals to the entity are no different from the terms offered to investors who are not in a position to make such referrals.

c. The terms under which an investment interest is offered to an investor who is in a position to make referrals to the entity are not related to the previous or expected volume of referrals from that investor to the entity.

d. There is no requirement that an investor make referrals or be in a position to make referrals to the entity as a condition for becoming or remaining an investor.

3. With respect to either such entity or publicly held corporation:

a. The entity or corporation does not loan funds to or guarantee a loan for an investor who is in a position to make referrals to the entity or corporation if the investor uses any part of such loan to obtain the investment interest.

b. The amount distributed to an investor representing a return on the investment interest is directly proportional to the amount of the capital investment, including the fair market value of any preoperational services rendered, invested in the entity or corporation by that investor.

4. Each board and, in the case of hospitals, the *Agency for Health Care Administration* ~~Department of Health and Rehabilitative Services~~, shall encourage the use by licensees of the declaratory statement procedure to determine the applicability of this section or any rule adopted pursuant to this section as it applies solely to the licensee. Boards shall submit to the *Agency for Health Care Administration* ~~Department of Health and Rehabilitative Services~~ the name of any entity in which a provider investment interest has been approved pursuant to this section, and the *Agency for Health Care Administration* ~~Department of Health and Rehabilitative Services~~ shall adopt rules providing for periodic quality assurance and utilization review of such entities.

(c) No claim for payment may be presented by an entity to any individual, third-party payor, or other entity for a service furnished pursuant to a referral prohibited under this section.

(d) If an entity collects any amount that was billed in violation of this section, the entity shall refund such amount on a timely basis to the payor or individual, whichever is applicable.

(e) Any person that presents or causes to be presented a bill or a claim for service that such person knows or should know is for a service for which payment may not be made under paragraph (c), or for which a refund has not been made under paragraph (d), shall be subject to a civil penalty of not more than $15,000 for each such service to be imposed and collected by the appropriate board.

(f) Any health care provider or other entity that enters into an arrangement or scheme, such as a cross-referral arrangement, which the physician or entity knows or should know has a principal purpose of assuring referrals by the physician to a particular entity which, if the physician directly made referrals to such entity, would be in violation of this section, shall be subject to a civil penalty of not more than $100,000 for each such circumvention arrangement or scheme to be imposed and collected by the appropriate board.

(g) A violation of this section by a health care provider shall constitute grounds for disciplinary action to be taken by the applicable board

pursuant to s. 458.331(2), s. 459.015(2), s. 460.413(2), s. 461.013(2), s. 463.016(2), or s. 466.028(2). Any hospital licensed under chapter 395 found in violation of this section shall be subject to the rules adopted by the *Agency for Health Care Administration* ~~Department of Health and Rehabilitative Services~~ pursuant to s. 395.0185(2).

(h) Any hospital licensed under chapter 395 that discriminates against or otherwise penalizes a health care provider for compliance with this act.

(i) The provision of paragraph (a) shall not apply to referrals to the offices of radiation therapy centers managed by an entity or subsidiary or general partner thereof, which performed radiation therapy services at those same offices prior to April 1, 1991, and shall not apply also to referrals for radiation therapy to be performed at no more than one additional office of any entity qualifying for the foregoing exception which, prior to February 1, 1992, had a binding purchase contract on and a nonrefundable deposit paid for a linear accelerator to be used at the additional office. The physical site of the radiation treatment centers affected by this provision may be relocated as a result of the following factors: acts of God; fire; strike; accident; war; eminent domain actions by any governmental body; or refusal by the lessor to renew a lease. A relocation for the foregoing reasons is limited to relocation of an existing facility to a replacement location within the county of the existing facility upon written notification to the Office of Licensure and Certification.

(j) A health care provider who meets the requirements of paragraphs (b) and (i) must disclose his investment interest to his patients as provided in *s. 455.701* ~~s. 455.25~~.

Section 79. Section 455.237, Florida Statutes, 1996 Supplement, is transferred and renumbered as section 455.657, Florida Statutes.

Section 80. Section 455.239, Florida Statutes, is transferred, renumbered as section 455.661, Florida Statutes, and amended to read:

455.661 ~~455.239~~ Designated health care services; licensure required.—

(1) An entity, as defined in *s. 455.654* ~~s. 455.236~~, which furnishes designated health care services may not operate in this state unless licensed by the *Agency for Health Care Administration* ~~Department of Health and Rehabilitative Services~~ pursuant to subsection (2).

(2) The *agency* ~~department~~ shall adopt rules for licensing requirements for designated health care services including, but not limited to, rules providing for:

(a) A licensure fee of not less than $400 and not more than $1,500 to be assessed annually;

(b) Parameters of quality with respect to the provision of ancillary services by respective entities;

(c) Periodic inspection of the facilities of an entity for the purpose of evaluating the premises, operation, supervision, and procedures of the entity to ensure compliance with quality parameters as established in department rules; and

(d) The submission by an entity of information on its ownership, including identification of the owners who are health care providers, as defined in *s. 455.654* ~~s. 455.251~~, and each investor's percentage of ownership.

Section 81. Section 455.664, Florida Statutes, is created to read:

455.664 Advertisement by a health care provider of free or discounted services; required statement.—In any advertisement for a free, discounted fee, or reduced fee service, examination, or treatment by a health care provider licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 466, or chapter 486, the following statement shall appear in capital letters clearly distinguishable from the rest of the text: THE PATIENT AND ANY OTHER PERSON RESPONSIBLE FOR PAYMENT HAS A RIGHT TO REFUSE TO PAY, CANCEL PAYMENT, OR BE REIMBURSED FOR PAYMENT FOR ANY OTHER SERVICE, EXAMINATION, OR TREATMENT THAT IS PERFORMED AS A RESULT OF AND WITHIN 72 HOURS OF RESPONDING TO THE ADVERTISEMENT FOR THE FREE, DISCOUNTED FEE, OR REDUCED FEE SERVICE, EXAMINATION, OR TREATMENT. However, the required statement shall not be necessary as an accompaniment to an advertisement of a licensed health care provider defined by this section if the advertisement appears in a classified directory the primary purpose of which is to provide products and services at free, reduced, or discounted prices to consumers and in which the statement prominently appears in at least one place.

Section 82. Section 455.241, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 455.667, Florida Statutes, and amended to read:

455.667 ~~455.241~~ *Ownership and control of* patient records; report or copies of records to be furnished.—

(1) As used in this section, the term "records owner" means any health care practitioner who generates a medical record after making a physical or mental examination of, or administering treatment or dispensing legend drugs to, any person; any health care practitioner to whom records are transferred by a previous records owner; or any health care practitioner's employer, including, but not limited to, group practices and staff-model health maintenance organizations, provided the employment contract or agreement between the employer and the health care practitioner designates the employer as the records owner.

(2) As used in this section, the terms "records owner," "health care practitioner," and "health care practitioner's employer" do not include any of the following persons or entities; furthermore, the following persons or entities are not authorized to acquire or own medical records, but are authorized to maintain those documents required by the part or chapter under which they are licensed or regulated:

(a) Certified nursing assistants regulated under s. 400.211.
(b) Pharmacists and pharmacies licensed under chapter 465.
(c) Dental hygienists licensed under s. 466.023.
(d) Nursing home administrators licensed under part II of chapter 468.
(e) Respiratory therapists regulated under part V of chapter 468.
(f) Athletic trainers licensed under part XIV of chapter 468.
(g) Electrolysists licensed under chapter 478.
(h) Clinical laboratory personnel licensed under part III of chapter 483.
(i) Medical physicists licensed under part IV of chapter 483.
(j) Opticians and optical establishments licensed or permitted under part I of chapter 484.
(k) Persons or entities practicing under s. 627.736(7).

(3) This section does not apply to facilities licensed under chapter 395.

(4)~~(1)~~ Any health care practitioner licensed by the department or a board within the department who makes a physical or mental examination of, or administers treatment or dispenses legend drugs to, any person shall, upon request of such person or the person's legal representative, furnish, in a timely manner, without delays for legal review, copies of all reports and records relating to such examination or treatment, including X rays and insurance information. However, when a patient's psychiatric, chapter 490 psychological, or chapter 491 psychotherapeutic records are requested by the patient or the patient's legal representative, the *health care* practitioner may provide a report of examination and treatment in lieu of copies of records. Upon a patient's written request, complete copies of the patient's psychiatric records shall be provided directly to a subsequent treating psychiatrist. The furnishing of such report or copies shall not be conditioned upon payment of a fee for services rendered.

(5)~~(2)~~ Except as otherwise provided in *this section and in* s. 440.13*(4)(c)*~~(2)~~, such records may not be furnished to, and the medical condition of a patient may not be discussed with, any person other than the patient or the patient's legal representative or other health care *practitioners and* providers involved in the care or treatment of the patient, except upon written authorization of the patient. However, such records may be furnished without written authorization *under the following circumstances:*

(a) To any person, firm, or corporation that has procured or furnished such examination or treatment with the patient's consent.

(b) ~~or~~ When compulsory physical examination is made pursuant to Rule 1.360, Florida Rules of Civil Procedure, in which case copies of the

medical records shall be furnished to both the defendant and the plaintiff.

(c) ~~Such records may be furnished~~ In any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice to the patient or the patient's legal representative by the party seeking such records.

(d) For statistical and scientific research, provided the information is abstracted in such a way as to protect the identity of the patient or provided written permission is received from the patient or the patient's legal representative.

(6) Except in a medical negligence action *or administrative proceeding* when a health care *practitioner or* provider is or reasonably expects to be named as a defendant, information disclosed to a health care practitioner by a patient in the course of the care and treatment of such patient is confidential and may be disclosed only to other health care *practitioners and* providers involved in the care or treatment of the patient, or if permitted by written authorization from the patient or compelled by subpoena at a deposition, evidentiary hearing, or trial for which proper notice has been given.

(7) The department ~~or the Agency for Health Care Administration, as appropriate,~~ may obtain patient records *and insurance information, if the complaint being investigated alleges inadequate medical care based on termination of insurance. The department may access these records* pursuant to a subpoena without written authorization from the patient if the department ~~or the Agency for Health Care Administration~~ and the probable cause panel of the appropriate board, if any, find reasonable cause to believe that a *health care* practitioner has excessively or inappropriately prescribed any controlled substance specified in chapter 893 in violation of this *part* ~~chapter~~ or any professional practice act or that a *health care* practitioner has practiced his profession below that level of care, skill, and treatment required as defined by this *part* ~~chapter~~ or any professional practice act; provided, however, the patient record obtained by the department ~~or the agency~~ pursuant to this subsection shall be used solely for the purpose of the department ~~or the agency~~ and the appropriate regulatory board in disciplinary proceedings. The *records* ~~record~~ shall otherwise be confidential and exempt from s. 119.07(1). This section does not limit the assertion of the psychotherapist-patient privilege under s. 90.503 in regard to records of treatment for mental or nervous disorders by a medical practitioner licensed pursuant to chapter 458 or chapter 459 who has primarily diagnosed and treated mental and nervous disorders for a period of not less than 3 years, inclusive of psychiatric residency. However, the *health care* practitioner shall release records of treatment for medical conditions even if the *health care* practitioner has also treated the patient for mental or nervous disorders. If the department ~~or the agency~~ has found reasonable cause under this section and the psychotherapist-patient privilege is asserted, the department ~~or the agency~~ may petition the circuit court for an in camera review of the records by expert medical practitioners appointed by the court to determine if the records or any part thereof are protected under the psychotherapist-patient privilege.

(8)~~(3)~~ All patient records obtained by the department ~~or the Agency for Health Care Administration~~ and any other documents maintained by the department ~~or the agency~~ which identify the patient by name are confidential and exempt from s. 119.07(1) and shall be used solely for the purpose of the department ~~or the Agency for Health Care Administration~~ and the appropriate regulatory board in its investigation, prosecution, and appeal of disciplinary proceedings. The records shall not be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the department ~~or the Agency for Health Care Administration~~ or the appropriate board.

(9) All records owners shall develop and implement policies, standards, and procedures to protect the confidentiality and security of the medical record. Employees of records owners shall be trained in these policies, standards, and procedures.

(10) Records owners are responsible for maintaining a record of all disclosures of information contained in the medical record to a third party, including the purpose of the disclosure request. The record of disclosure may be maintained in the medical record. The third party to whom information is disclosed is prohibited from further disclosing any information in the medical record without the expressed written consent of the patient or the patient's legal representative.

(11) Notwithstanding the provisions of s. 455.677, records owners shall place an advertisement in the local newspaper or notify patients, in writing, when they are terminating practice, retiring, or relocating, and no longer available to patients, and offer patients the opportunity to obtain a copy of their medical record.

(12) Notwithstanding the provisions of s. 455.677, records owners shall notify the appropriate board office when they are terminating practice, retiring, or relocating, and no longer available to patients, specifying who the new records owner is and where medical records can be found.

(13) Whenever a records owner has turned records over to a new records owner, the new records owner shall be responsible for providing a copy of the complete medical record, upon written request, of the patient or the patient's legal representative.

(14) Licensees in violation of the provisions of this section shall be disciplined by the appropriate licensing authority.

(15) The Attorney General is authorized to enforce the provisions of this section for records owners not otherwise licensed by the state, through injunctive relief and fines not to exceed $5,000 per violation.

(16)~~(4)~~ A health care practitioner *or records owner* furnishing copies of reports or records pursuant to this section shall charge no more than the actual cost of copying, including reasonable staff time, or the amount specified in administrative rule by the appropriate board, *or the department when there is no board.*

(17) Nothing in this section shall be construed to limit health care practitioner consultations, as necessary.

(18) A records owner shall release to a health care practitioner who, as an employee of the records owner, previously provided treatment to a patient, those records that the health care practitioner actually created or generated when the health care practitioner treated the patient. Records released pursuant to this subsection shall be released only upon written request of the health care practitioner and shall be limited to the notes, plans of care, and orders and summaries that were actually generated by the health care practitioner requesting the record.

Section 83. Section 455.2415, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 455.671, Florida Statutes, and amended to read:

455.671 ~~455.2415~~ Communications confidential; exceptions.—Communications between a patient and a psychiatrist, as defined in *s. 394.455* ~~s. 394.455(23)~~, shall be held confidential and shall not be disclosed except upon the request of the patient or the patient's legal representative. Provision of psychiatric records and reports shall be governed by *s. 455.667* ~~s. 455.241~~. Notwithstanding any other *provision* ~~provisions~~ of this section or s. 90.503, where:

(1) A patient is engaged in a treatment relationship with a psychiatrist;

(2) Such patient has made an actual threat to physically harm an identifiable victim or victims; and

(3) The treating psychiatrist makes a clinical judgment that the patient has the apparent capability to commit such an act and that it is more likely than not that in the near future the patient will carry out that threat,

the psychiatrist may disclose patient communications to the extent necessary to warn any potential victim or to communicate the threat to a law enforcement agency. No civil or criminal action shall be instituted, and there shall be no liability on account of disclosure of otherwise confidential communications by a psychiatrist in disclosing a threat pursuant to this section.

Section 84. Section 455.2416, Florida Statutes, is transferred and renumbered as section 455.674, Florida Statutes.

Section 85. Section 455.677, Florida Statutes, is created to read:

455.677 Disposition of records of deceased practitioners or practitioners relocating or terminating practice.—Each board created under the provisions of chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 463, chapter 464, chapter 465, chapter 466, part I of chapter

484, chapter 486, chapter 490, or chapter 491, and the department under the provisions of chapter 462, shall provide by rule for the disposition, under that chapter, of the medical records or records of a psychological nature of practitioners which are in existence at the time the practitioner dies, terminates practice, or relocates and is no longer available to patients and which records pertain to the practitioner's patients. The rules shall provide that the records be retained for at least 2 years after the practitioner's death, termination of practice, or relocation. In the case of the death of the practitioner, the rules shall provide for the disposition of such records by the estate of the practitioner.

Section 86. Section 455.681, Florida Statutes, is created to read:

455.681 Authority to inspect.—In addition to the authority specified in s. 465.017, duly authorized agents and employees of the department shall have the power to inspect in a lawful manner at all reasonable hours:

(1) Any pharmacy; or

(2) Any establishment at which the services of a licensee authorized to prescribe controlled substances specified in chapter 893 are offered,

for the purpose of determining if any of the provisions of this part or any practice act of a profession or any rule adopted thereunder is being violated; or for the purpose of securing such other evidence as may be needed for prosecution.

Section 87. Section 455.244, Florida Statutes, is transferred and renumbered as section 455.684, Florida Statutes.

Section 88. Section 455.687, Florida Statutes, is created to read:

455.687 Certain health care practitioners; immediate suspension of license.—

(1) The department shall issue an emergency order suspending the license of any person licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 465, chapter 466, or chapter 484 who pleads guilty to, is convicted or found guilty of, or who enters a plea of nolo contendere to, regardless of adjudication, a felony under chapter 409 or chapter 893 or under 21 U.S.C. ss. 801-970 or under 42 U.S.C. ss. 1395-1396.

(2) If the board has previously found any physician or osteopathic physician in violation of the provisions of s. 458.331(1)(t) or s. 459.015(1)(x), in regard to his treatment of three or more patients, and the probable cause panel of the board finds probable cause of an additional violation of that section, then the Secretary of Health shall review the matter to determine if an emergency suspension or restriction order is warranted. Nothing in this section shall be construed so as to limit the authority of the secretary of the department to issue an emergency order.

Section 89. Section 455.2455, Florida Statutes, is transferred and renumbered as section 455.691, Florida Statutes.

Section 90. Section 455.2456, Florida Statutes, is transferred, renumbered as section 455.694, Florida Statutes, and amended to read:

455.694 ~~455.2456~~ Boards regulating certain health care practitioners.—

(1) As a prerequisite for licensure or license renewal, the Board of Acupuncture, the Board of Chiropractic, the Board of Podiatric Medicine, and the Board of Dentistry shall, by rule, require that all health care practitioners licensed under the respective board, and the Board of Nursing shall, by rule, require that advanced registered nurse practitioners certified under s. 464.012, maintain medical malpractice insurance or provide proof of financial responsibility in an amount and in a manner determined by the board to be sufficient to cover claims arising out of the rendering of or failure to render professional care and services in this state.

(2) The board may grant exemptions upon application by practitioners meeting any of the following criteria:

(a) Any person licensed under chapter 457, chapter 460, chapter 461, s. 464.012, or chapter 466 who practices exclusively as an officer, employee, or agent of the Federal Government or of the state or its agencies or its subdivisions. For the purposes of this subsection, an agent of the state, its agencies, or its subdivisions is a person who is eligible for coverage under any self-insurance or insurance program authorized by the provisions of *s. 768.28(15)* ~~s. 768.28(14)~~ or who is a volunteer under s. 110.501(1).

(b) Any person whose license or certification has become inactive under chapter 457, chapter 460, chapter 461, chapter 464, or chapter 466 and who is not practicing in this state. Any person applying for reactivation of a license must show either that such licensee maintained tail insurance coverage which provided liability coverage for incidents that occurred on or after October 1, 1993, or the initial date of licensure in this state, whichever is later, and incidents that occurred before the date on which the license became inactive; or such licensee must submit an affidavit stating that such licensee has no unsatisfied medical malpractice judgments or settlements at the time of application for reactivation.

(c) Any person holding a limited license pursuant to *s. 455.561* ~~s. 455.214~~, and practicing under the scope of such limited license.

(d) Any person licensed or certified under chapter 457, chapter 460, chapter 461, s. 464.012, or chapter 466 who practices only in conjunction with his teaching duties at an accredited school or in its main teaching hospitals. Such person may engage in the practice of medicine to the extent that such practice is incidental to and a necessary part of duties in connection with the teaching position in the school.

(e) Any person holding an active license or certification under chapter 457, chapter 460, chapter 461, s. 464.012, or chapter 466 who is not practicing in this state. If such person initiates or resumes practice in this state, he must notify the department of such activity.

(f) Any person who can demonstrate to the board that he has no malpractice exposure in the state.

(3) Notwithstanding the provisions of this section, the financial responsibility requirements of ss. 458.320 and 459.0085 shall continue to apply to practitioners licensed under those chapters.

Section 91. Section 455.247, Florida Statutes, 1996 Supplement, is transferred and renumbered as section 455.697, Florida Statutes.

Section 92. Section 455.25, Florida Statutes, is transferred and renumbered as section 455.701, Florida Statutes, and is amended to read:

455.701 ~~455.25~~ Disclosure of financial interest by production.—

(1) A health care provider shall not refer a patient to an entity in which such provider is an investor unless, prior to the referral, the provider furnishes the patient with a written disclosure form, informing the patient of:

(a) The existence of the investment interest.

(b) The name and address of each applicable entity in which the referring health care provider is an investor.

(c) The patient's right to obtain the items or services for which the patient has been referred at the location or from the provider or supplier of the patient's choice, including the entity in which the referring provider is an investor.

(d) The names and addresses of at least two alternative sources of such items or services available to the patient.

~~(2) An entity may not provide items or services to a patient unless, before providing the item or service, the entity obtains the signature of the patient on a written disclosure form informing the patient of:~~

~~(a) The existence or nonexistence of any financial relationship with the health care provider who referred the patient;~~

~~(b) A schedule of typical fees for items or services usually provided by the entity or, if impracticable because of the nature of the treatment, a written estimate specific to the patient;~~

~~(c) The patient's right to obtain the items or services for which the patient has been referred at a location or from a supplier of the patient's choice, including an entity with which the referring health care provider may have a financial relationship; and~~

~~(d) The names, addresses, and telephone numbers of at least two reasonable alternative sources of such items or services available to the patient.~~

(2)~~(3)~~ The *physician or* health care provider ~~and the entity~~ shall post a copy of *the* ~~their respective~~ disclosure forms in *a* conspicuous public *place* ~~places~~ in *his or her office* ~~the offices~~.

(3)~~(4)~~ A violation of this section shall constitute a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. In addition to any other penalties or remedies provided, a violation of this section shall be grounds for disciplinary action by the respective board.

Section 93. Section 455.26, Florida Statutes, is transferred, renumbered as section 455.704, Florida Statutes, and amended to read:

455.704 ~~455.26~~ Impaired Practitioners Committee; duties.—

(1) There is created the Impaired Practitioners Committee to be composed of one representative appointed by each board under the jurisdiction of the Division of Medical Quality Assurance, of one addictionologist, and one lay member having an appropriate background in the area of impairment, each to be appointed by the agency head of the agency having jurisdiction over the professions,~~; one representative of the Agency for Health Care Administration, to be appointed by the Director of Health Care Administration;~~ and of one representative of the department appointed by the secretary of the department. Section *455.534* ~~455.207~~ applies to the activities of the committee.

(2) The committee shall:

(a) Establish policies and guidelines to be used in approving treatment providers for preventive and rehabilitative programs directed to impaired practitioners;

(b) Act as liaison between approved treatment providers and the department ~~and the Agency for Health Care Administration~~;

(c) Advise the department ~~and the agency~~ on the continuation and expansion of treatment programs for impaired practitioners; and

(d) Disseminate information concerning the impairment program.

Section 94. Section 455.261, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 455.707, Florida Statutes, and amended to read:

455.707 ~~455.261~~ Treatment programs for impaired practitioners.—

(1) For professions *that* ~~which~~ do not have impaired practitioner programs provided for in their practice acts, the department shall, by rule, designate approved treatment programs under this section. The department may adopt rules setting forth appropriate criteria for approval of treatment providers based on the policies and guidelines established by the Impaired Practitioners Committee. The department shall not compel any impaired practitioner program in existence on October 1, 1992, to serve additional professions.

(2) The department shall retain one or more impaired practitioner consultants as recommended by the committee. A consultant shall be a licensee or recovered licensee under the jurisdiction of the Division of Medical Quality Assurance within the department, and at least one consultant must be a practitioner or recovered practitioner licensed under chapter 458, chapter 459, or chapter 464. The consultant shall assist the probable cause panel and department in carrying out the responsibilities of this section. This shall include working with department investigators to determine whether a practitioner is, in fact, impaired.

(3)(a) Whenever the department receives a written or oral legally sufficient complaint alleging that a licensee under the jurisdiction of the Division of Medical Quality Assurance within the department is impaired as a result of the misuse or abuse of alcohol or drugs, or both, or due to a mental or physical condition which could affect the licensee's ability to practice with skill and safety, and no complaint against the licensee other than impairment exists, the reporting of such information shall not constitute a complaint within the meaning of *s. 455.621* ~~s. 455.225~~ if the probable cause panel of the appropriate board, or the department when there is no board, finds:

1. The licensee has acknowledged the impairment problem.

2. The licensee has voluntarily enrolled in an appropriate, approved treatment program.

3. The licensee has voluntarily withdrawn from practice or limited the scope of practice as determined by the panel, or the department when there is no board, in each case, until such time as the panel, or the department when there is no board, is satisfied the licensee has successfully completed an approved treatment program.

4. The licensee has executed releases for medical records, authorizing the release of all records of evaluations, diagnoses, and treatment of the licensee, including records of treatment for emotional or mental conditions, to the consultant. The consultant shall make no copies or reports of records that do not regard the issue of the licensee's impairment and his participation in a treatment program.

(b) If, however, the licensee agrees to withdraw from practice until such time as the consultant determines the licensee has satisfactorily completed an approved treatment program or evaluation, the probable cause panel, or the department when there is no board, shall not become involved in the licensee's case.

(c) Inquiries related to impairment treatment programs designed to provide information to the licensee and others and which do not indicate that the licensee presents a danger to the public shall not constitute a complaint within the meaning of *s. 455.621* ~~s. 455.225~~ and shall be exempt from the provisions of this subsection.

(d) Whenever the department receives a legally sufficient complaint alleging that a licensee is impaired as described in paragraph (a) and no complaint against the licensee other than impairment exists, the department shall forward all information in its possession regarding the impaired licensee to the consultant. For the purposes of this section, a suspension from hospital staff privileges due to the impairment does not constitute a complaint.

(e) The probable cause panel, or the department when there is no board, shall work directly with the consultant, and all information concerning a practitioner obtained from the consultant by the panel, or the department when there is no board, shall remain confidential and exempt from the provisions of s. 119.07(1), subject to the provisions of subsections (5) and (6).

(f) A finding of probable cause shall not be made as long as the panel, or the department when there is no board, is satisfied, based upon information it receives from the consultant and the department, that the licensee is progressing satisfactorily in an approved treatment program.

(4) In any disciplinary action for a violation other than impairment in which a licensee establishes the violation for which the licensee is being prosecuted was due to or connected with impairment and further establishes the licensee is satisfactorily progressing through or has successfully completed an approved treatment program pursuant to this section, such information may be considered by the board, or the department when there is no board, as a mitigating factor in determining the appropriate penalty. This subsection does not limit mitigating factors the board may consider.

(5)(a) An approved treatment provider shall, upon request, disclose to the consultant all information in its possession regarding the issue of a licensee's impairment and participation in the treatment program. All information obtained by the consultant and department pursuant to this section is confidential and exempt from the provisions of s. 119.07(1), subject to the provisions of this subsection and subsection (6). Failure to provide such information to the consultant is grounds for withdrawal of approval of such program or provider.

(b) If in the opinion of the consultant, after consultation with the treatment provider, an impaired licensee has not progressed satisfactorily in a treatment program, all information regarding the issue of a licensee's impairment and participation in a treatment program in the consultant's possession shall be disclosed to the department. Such disclosure shall constitute a complaint pursuant to the general provisions of *s. 455.621* ~~s. 455.225~~. Whenever the consultant concludes that impairment affects a licensee's practice and constitutes an immediate, serious danger to the public health, safety, or welfare, that conclusion shall be communicated to the secretary of the department.

(6) A consultant, licensee, or approved treatment provider who makes a disclosure pursuant to this section is not subject to civil liability for such disclosure or its consequences. The provisions of s. 766.101 apply to any officer, employee, or agent of the department or the board and to any officer, employee, or agent of any entity with which the department has contracted pursuant to this section.

Section 95. Section 455.711, Florida Statutes, is created to read:

455.711 Inactive and delinquent status.—

(1) A licensee may practice a profession only if the licensee has an active-status license. A licensee who practices a profession without an active-status license is in violation of this section and s. 455.624, and the board, or the department if there is no board, may impose discipline on the licensee.

(2) Each board, or the department if there is no board, shall permit a licensee to choose, at the time of licensure renewal, an active or inactive status. However, a licensee who changes from inactive to active status is not eligible to return to inactive status until the licensee thereafter completes a licensure cycle on active status.

(3) Each board, or the department if there is no board, shall by rule impose a fee for an inactive-status license which is no greater than the fee for an active-status license.

(4) An inactive-status licensee may change to active status at any time, if the licensee meets all requirements for active status, pays any additional licensure fees necessary to equal those imposed on an active-status licensee, pays any applicable reactivation fees as set by the board, or the department if there is no board, and meets all continuing education requirements as specified in this section.

(5) A licensee must apply with a complete application, as defined by rule of the board, or the department if there is no board, to renew an active-status or inactive-status license before the license expires. If a licensee fails to renew before the license expires, the license becomes delinquent in the license cycle following expiration.

(6) A delinquent-status licensee must affirmatively apply with a complete application, as defined by rule of the board, or the department if there is no board, for active or inactive status during the licensure cycle in which a licensee becomes delinquent. Failure by a delinquent-status licensee to become active or inactive before the expiration of the current licensure cycle renders the license null without any further action by the board or the department. Any subsequent licensure shall be as a result of applying for and meeting all requirements imposed on an applicant for new licensure.

(7) Each board, or the department if there is no board, shall by rule impose an additional delinquency fee, not to exceed the biennial renewal fee for an active-status license, on a delinquent-status licensee when such licensee applies for active or inactive status.

(8) Each board, or the department if there is no board, shall by rule impose an additional fee, not to exceed the biennial renewal fee for an active-status license, for processing a licensee's request to change licensure status at any time other than at the beginning of a licensure cycle.

(9) Each board, or the department if there is no board, may by rule impose reasonable conditions, excluding full reexamination but including part of a national examination or a special purpose examination to assess current competency, necessary to ensure that a licensee who has been on inactive status for more than two consecutive biennial licensure cycles and who applies for active status can practice with the care and skill sufficient to protect the health, safety, and welfare of the public. Reactivation requirements may differ depending on the length of time licensees are inactive. The costs to meet reactivation requirements shall be borne by licensees requesting reactivation.

(10) Before reactivation, an inactive or delinquent licensee must meet the same continuing education requirements, if any, imposed on an active-status licensee for all biennial licensure periods in which the licensee was inactive or delinquent.

(11) The status or a change in status of a licensee does not alter in any way the right of the board, or of the department if there is no board, to impose discipline or to enforce discipline previously imposed on a licensee for acts or omissions committed by the licensee while holding a license, whether active, inactive, or delinquent.

(12) This section does not apply to a business establishment registered, permitted, or licensed by the department to do business.

Section 96. Section 455.714, Florida Statutes, is created to read:

455.714 Renewal and cancellation notices.—

(1) At least 90 days before the end of a licensure cycle, the department shall:

(a) Forward a licensure renewal notification to an active or inactive licensee at the licensee's last known address of record with the department.

(b) Forward a notice of pending cancellation of licensure to a delinquent-status licensee at the licensee's last known address of record with the department.

(2) Each licensure renewal notification and each notice of pending cancellation of licensure must state conspicuously that a licensee who remains on inactive status for more than two consecutive biennial licensure cycles and who wishes to reactivate the license may be required to demonstrate the competency to resume active practice by sitting for a special purpose examination or by completing other reactivation requirements, as defined by rule of the board or the department if there is no board.

Section 97. Section 455.717, Florida Statutes, is created to read:

455.717 Address of record.—

(1) Each licensee of the department is solely responsible for notifying the department in writing of the licensee's current mailing address and place of practice, as defined by rule of the board or the department if there is no board. A licensee's failure to notify the department of a change of address constitutes a violation of this section, and the licensee may be disciplined by the board or the department if there is no board.

(2) Notwithstanding any other law, service by regular mail to a licensee's last known address of record with the department constitutes adequate and sufficient notice to the licensee for any official communication to the licensee by the board or the department except when other service is required under s. 455.261.

Section 98. Section 455.277, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 408.18, Florida Statutes, and amended to read:

408.18 ~~455.277~~ Health Care Community Antitrust Guidance Act; antitrust no-action letter; market-information collection and education.—

(1) This section may be cited as the "Florida Health Care Community Antitrust Guidance Act."

(2) This section is created to provide instruction to the health care community in a time of tremendous change, and to resolve, as completely as possible, the problem of antitrust uncertainty that may deter mergers, joint ventures, or other business activities that can improve the delivery of health care, without creating costly, time-consuming regulations that can lead to more litigation and delay.

(3) For purposes of this section, the term:

(a) "Health care community" means all licensed health care providers, insurers, networks, purchasers, and other participants in the health care system.

(b) "Antitrust no-action letter" means a letter that states the intention of the Attorney General's office not to take antitrust enforcement actions with respect to the requesting party, based on the specific facts then presented, as of the date the letter is issued.

(4)(a) Members of the health care community who seek antitrust guidance may request a review of their proposed business activity by the Attorney General's office. In conducting its review, the Attorney General's office may seek whatever documentation, data, or other material it

deems necessary from the Agency for Health Care Administration, the State Center for Health Statistics, and the Department of Insurance.

(b) In order to receive an antitrust no-action letter, a member of the health care community must submit in writing to the Attorney General's office a request for an antitrust no-action letter.

(c) The requesting parties are under an affirmative obligation to make full, true, and accurate disclosure with respect to the activities for which the antitrust no-action letter is requested. Requests relating to unnamed persons or companies may not be answered. Each request must be accompanied by all relevant material information; relevant data, including background information; complete copies of all operative documents; the provisions of law under which the request arises; and detailed statements of all collateral oral understandings, if any.

(d) All parties requesting the antitrust no-action letter must provide the Attorney General's office with whatever additional information or documents the Attorney General's office requests for its review of the matter.

(5) The Attorney General's office shall act on the no-action letter request within 90 days after it receives all information necessary to complete its review.

(6) At the completion of its review of a request for an antitrust no-action letter, the Attorney General's office shall do one of the following:

(a) Issue the antitrust no-action letter;

(b) Decline to issue any type of letter; or

(c) Take such other position or action as it considers appropriate.

(7) The recipient of a no-action letter must annually file with the Attorney General's office an affidavit stating that there has been no change in the facts the recipient has presented, at which time the Attorney General may renew the no-action letter. As long as there is no change in any material fact, the Attorney General's office is estopped from bringing any action pursuant to the antitrust laws concerning any specific conduct that is the subject of the no-action letter. Further, the no-action letter, if it meets the requirements of the Florida Evidence Code, is admissible in any court proceeding in this state. The Attorney General's office remains free to bring an action or proceeding based on a different set of facts presented.

(8) The Agency for Health Care Administration shall coordinate all existing data received, such as the hospital patient discharge database, ambulatory patient database, ambulatory facilities' financial data, health facility licensure and certification tracking system, health facility plans and construction data, local health council data, Medicaid data, provider claims data, psychiatric hospital discharge data, pharmaceutical data, licensure data of health maintenance organizations, licensure data of health insurers, health care practitioner licensure data, hospital financial database, health facility utilization and projected need data, nursing home financial database, nursing home patient database, and joint venture database. This information shall be made available to the Attorney General's office, as needed.

(9) When the member of the health care community seeking the no-action letter is regulated by the Department of Insurance, the Department of Insurance shall make available to the Attorney General's office, as needed, any information it maintains in its regulatory capacity.

~~(10) The Agency for Health Care Administration is appropriated $142,487 in nonoperating transfer authority from the Health Care Trust Fund to be transferred to the Department of Legal Affairs to implement the provisions of this act. Transferred funds shall be taken from the unappropriated cash balance available from licensure and renewal fees assessed on physicians regulated by the Division of Medical Quality Assurance.~~

~~(11) There is appropriated to the Department of Legal Affairs, Office of the Attorney General, $142,487 from the Legal Services Trust Fund and two full-time equivalent positions to implement the provisions of this act.~~

Section 99. Section 455.2775, Florida Statutes, 1996 Supplement, is transferred and renumbered as section 408.185, Florida Statutes.

Section 100. *Section 455.2055, Florida Statutes, as created by section 13 of chapter 96-403, Laws of Florida, is repealed.*

Section 101. *Sections 455.01-455.275, Florida Statutes, are designated as part I of that chapter, and the Division of Statutory Revision is requested to title that part: "Department of Business and Professional Regulation." Sections 455.501-455.724, Florida Statutes, are designated as part II of that chapter, and the Division of Statutory Revision is requested to title that part: "Department of Health."*

Section 102. Paragraphs (f) and (g) of subsection (5) of section 459.0085, Florida Statutes, 1996 Supplement, are amended to read:

459.0085 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) shall not apply to:

(f) Any person holding an active license under this chapter who meets all of the following criteria:

1. The licensee has held an active license to practice in this state or another state or some combination thereof for more than 15 years.

2. The licensee has either retired from the practice of osteopathic medicine or maintains a part-time practice of osteopathic medicine of no more than 1,000 patient contact hours per year.

3. The licensee has had no more than two claims for medical malpractice resulting in an indemnity exceeding *$25,000* ~~$10,000~~ within the previous 5-year period.

4. The licensee has not been convicted of, or pled guilty or nolo contendere to, any criminal violation specified in this chapter or the practice act of any other state.

5. The licensee has not been subject within the last 10 years of practice to license revocation or suspension for any period of time, probation for a period of 3 years or longer, or a fine of $500 or more for a violation of this chapter or the medical practice act of another jurisdiction. The regulatory agency's acceptance of an osteopathic physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the osteopathic physician's license, shall be construed as action against the physician's license for the purposes of this paragraph.

6. The licensee has submitted a form supplying necessary information as required by the department and an affidavit affirming compliance with the provisions of this paragraph.

7. The licensee shall submit biennially to the department a certification stating compliance with the provisions of this paragraph. The licensee shall, upon request, demonstrate to the department information verifying compliance with this paragraph.

A licensee who meets the requirements of this paragraph shall be required either to post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or to provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, osteopathic physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. However, certain part-time osteopathic physicians who meet state requirements are exempt from the financial responsibility law. YOUR OSTEOPATHIC PHYSICIAN MEETS THESE REQUIREMENTS AND HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice is provided pursuant to Florida law.

(g) Any person holding an active license under this chapter who agrees to meet all of the following criteria:

1. Upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the judgment creditor the lesser of the entire amount of the judgment with all accrued interest or either

$100,000, if the osteopathic physician is licensed pursuant to this chapter but does not maintain hospital staff privileges, or $250,000, if the osteopathic physician is licensed pursuant to this chapter and maintains hospital staff privileges, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. Such adverse final judgment shall include any cross-claim, counterclaim, or claim for indemnity or contribution arising from the claim of medical malpractice. Upon notification of the existence of an unsatisfied judgment or payment pursuant to this subparagraph, the department shall notify the licensee by certified mail that he shall be subject to disciplinary action unless, within 30 days from the date of mailing, he either:

a. Shows proof that the unsatisfied judgment has been paid in the amount specified in this subparagraph; or

b. Furnishes the department with a copy of a timely filed notice of appeal and either:

(I) A copy of a supersedeas bond properly posted in the amount required by law; or

(II) An order from a court of competent jurisdiction staying execution on the final judgment, pending disposition of the appeal.

2. Upon the next meeting of the probable cause panel of the board following 30 days after the date of mailing the notice of disciplinary action to the licensee, the panel shall make a determination of whether probable cause exists to take disciplinary action against the licensee pursuant to subparagraph 1.

3. If the board determines that the factual requirements of subparagraph 1. are met, it shall take disciplinary action as it deems appropriate against the licensee. Such disciplinary action shall include, at a minimum, probation of the license with the restriction that the licensee must make payments to the judgment creditor on a schedule determined by the board to be reasonable and within the financial capability of the osteopathic physician. Notwithstanding any other disciplinary penalty imposed, the disciplinary penalty may include suspension of the license for a period not to exceed 5 years. In the event that an agreement to satisfy a judgment has been met, the board shall remove any restriction on the license.

4. The licensee has completed a form supplying necessary information as required by the department.

A licensee who meets the requirements of this paragraph shall be required to either post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, osteopathic physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. YOUR OSTEOPATHIC PHYSICIAN HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This is permitted under Florida law subject to certain conditions. Florida law imposes strict penalties against noninsured osteopathic physicians who fail to satisfy adverse judgments arising from claims of medical malpractice. This notice is provided pursuant to Florida law.

5. The Department of Health shall issue an emergency order suspending the license of any licensee who fails after 30 days after receipt of notice from the department to satisfy a medical malpractice claim against him or her; furnish the department a copy of a timely filed notice of appeal; furnish the department a copy of a supercedeas bond properly posted in the amount required by law; or furnish the department an order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

Section 103. *The Secretary of Health shall appoint a task force to develop uniform procedures to standardize the validation of health care practitioner credentials in order to ensure that once credentials are validated they can be accepted by licensed health care providers and facilities throughout the state. The task force shall include, but not be limited to, representatives from the Florida Hospital Association, the Florida League of Hospitals, the Florida Medical Association, the Florida Osteopathic Medical Association, the Florida Dental Association, the Florida Health Care Association, the Florida Association for the Homes for the Aging, the Florida Association of Health Maintenance Organizations, and the Florida Association of Managed Care Organizations.*

Section 104. Subsection (5) of section 458.320, Florida Statutes, is amended to read:

458.320 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) shall not apply to:

(a) Any person licensed under this chapter who practices medicine exclusively as an officer, employee, or agent of the Federal Government or of the state or its agencies or its subdivisions. For the purposes of this subsection, an agent of the state, its agencies, or its subdivisions is a person who is eligible for coverage under any self-insurance or insurance program authorized by the provisions of s. 768.28(14).

(b) Any person whose license has become inactive under this chapter and who is not practicing medicine in this state. Any person applying for reactivation of a license must show either that such licensee maintained tail insurance coverage which provided liability coverage for incidents that occurred on or after January 1, 1987, or the initial date of licensure in this state, whichever is later, and incidents that occurred before the date on which the license became inactive; or such licensee must submit an affidavit stating that such licensee has no unsatisfied medical malpractice judgments or settlements at the time of application for reactivation.

(c) Any person holding a limited license pursuant to s. 458.317 and practicing under the scope of such limited license.

(d) Any person licensed or certified under this chapter who practices only in conjunction with his teaching duties at an accredited medical school or in its main teaching hospitals. Such person may engage in the practice of medicine to the extent that such practice is incidental to and a necessary part of duties in connection with the teaching position in the medical school.

(e) Any person holding an active license under this chapter who is not practicing medicine in this state. If such person initiates or resumes any practice of medicine in this state, he must notify the department of such activity.

(f) Any person holding an active license under this chapter who meets all of the following criteria:

1. The licensee has held an active license to practice in this state or another state or some combination thereof for more than 15 years.

2. The licensee has either retired from the practice of medicine or maintains a part-time practice of no more than 1,000 patient contact hours per year.

3. The licensee has had no more than two claims for medical malpractice resulting in an indemnity exceeding *$25,000* ~~$10,000~~ within the previous 5-year period.

4. The licensee has not been convicted of, or pled guilty or nolo contendere to, any criminal violation specified in this chapter or the medical practice act of any other state.

5. The licensee has not been subject within the last 10 years of practice to license revocation or suspension for any period of time; probation for a period of 3 years or longer; or a fine of $500 or more for a violation of this chapter or the medical practice act of another jurisdiction. The regulatory agency's acceptance of a physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the physician's license, shall be construed as action against the physician's license for the purposes of this paragraph.

6. The licensee has submitted a form supplying necessary information as required by the department and an affidavit affirming compliance with the provisions of this paragraph.

7. The licensee shall submit biennially to the department certification stating compliance with the provisions of this paragraph. The licensee shall, upon request, demonstrate to the department information verifying compliance with this paragraph.

A licensee who meets the requirements of this paragraph shall be required either to post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. However, certain part-time physicians who meet state requirements are exempt from the financial responsibility law. YOUR DOCTOR MEETS THESE REQUIREMENTS AND HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice is provided pursuant to Florida law.

(g) Any person holding an active license under this chapter who agrees to meet all of the following criteria:

1. Upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the judgment creditor the lesser of the entire amount of the judgment with all accrued interest or either $100,000, if the physician is licensed pursuant to this chapter but does not maintain hospital staff privileges, or $250,000, if the physician is licensed pursuant to this chapter and maintains hospital staff privileges, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. Such adverse final judgment shall include any cross-claim, counterclaim, or claim for indemnity or contribution arising from the claim of medical malpractice. Upon notification of the existence of an unsatisfied judgment or payment pursuant to this subparagraph, the department shall notify the licensee by certified mail that he shall be subject to disciplinary action unless, within 30 days from the date of mailing, he either:

a. Shows proof that the unsatisfied judgment has been paid in the amount specified in this subparagraph; or

b. Furnishes the department with a copy of a timely filed notice of appeal and either:

(I) A copy of a supersedeas bond properly posted in the amount required by law; or

(II) An order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

2. Upon the next meeting of the probable cause panel of the board following 30 days after the date of mailing the notice of disciplinary action to the licensee, the panel shall make a determination of whether probable cause exists to take disciplinary action against the licensee pursuant to subparagraph 1.

3. If the board determines that the factual requirements of subparagraph 1. are met, it shall take disciplinary action as it deems appropriate against the licensee. Such disciplinary action shall include, at a minimum, probation of the license with the restriction that the licensee must make payments to the judgment creditor on a schedule determined by the board to be reasonable and within the financial capability of the physician. Notwithstanding any other disciplinary penalty imposed, the disciplinary penalty may include suspension of the license for a period not to exceed 5 years. In the event that an agreement to satisfy a judgment has been met, the board shall remove any restriction on the license.

4. The licensee has completed a form supplying necessary information as required by the department.

5. The Department of Health shall issue an emergency order suspending the license of any licensee who fails, after 30 days after receipt of notice from the department, to: satisfy a medical malpractice claim against him or her; furnish the department a copy of a timely filed notice of appeal; furnish the department a copy of a supersedeas bond properly posted in the amount required by law; or furnish the department an order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

A licensee who meets the requirements of this paragraph shall be required to either post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. YOUR DOCTOR HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This is permitted under Florida law subject to certain conditions. Florida law imposes penalties against noninsured physicians who fail to satisfy adverse judgments arising from claims of medical malpractice. This notice is provided pursuant to Florida law.

Section 105. Section 627.912, Florida Statutes, 1996 Supplement, is amended to read:

627.912 Professional liability claims and actions; reports by insurers.—

(1) Each self-insurer authorized under s. 627.357 and each insurer or joint underwriting association providing professional liability insurance to a practitioner of medicine licensed *under* ~~pursuant to the provisions of~~ chapter 458, to a practitioner of osteopathic medicine licensed *under* ~~pursuant to the provisions of~~ chapter 459, to a podiatrist licensed *under* ~~pursuant to the provisions of~~ chapter 461, to a dentist licensed *under* ~~pursuant to the provisions of~~ chapter 466, to a hospital licensed *under* ~~pursuant to the provisions of~~ chapter 395, to a crisis stabilization unit licensed under part IV of chapter 394, to a health maintenance organization certificated under part I of chapter 641, to clinics included in chapter 390, to an ambulatory surgical center as defined in s. 395.002, or to a member of The Florida Bar shall report in duplicate to the Department of Insurance any claim or action for damages for personal injuries claimed to have been caused by error, omission, or negligence in the performance of such insured's professional services or based on a claimed performance of professional services without consent, if the claim resulted in:

(a) A final judgment in any amount.

(b) A settlement in any amount.

(c) A final disposition not resulting in payment on behalf of the insured.

Reports shall be filed with the department and, if the insured party is licensed *under* ~~pursuant to~~ chapter 458, chapter 459, chapter 461, or chapter 466, with the *Agency for Health Care Administration* ~~Department of Business and Professional Regulation~~, no later than *30* ~~60~~ days following the occurrence of any event listed in paragraph (a), paragraph (b), or paragraph (c). The *Agency for Health Care Administration* ~~Department of Business and Professional Regulation~~ shall review each report and determine whether any of the incidents that resulted in the claim potentially involved conduct by the licensee that is subject to disciplinary action, in which case the provisions of s. 455.225 shall apply. The *Agency for Health Care Administration* ~~Department of Business and Professional Regulation~~, as part of the annual report required by s. 455.2285, shall publish annual statistics, without identifying licensees, on the reports it receives, including final action taken on such reports by the *agency* ~~Department of Business and Professional Regulation~~ or the appropriate regulatory board.

(2) The reports required by subsection (1) shall contain:

(a) The name, address, and specialty coverage of the insured.

(b) The insured's policy number.

(c) The date of the occurrence which created the claim.

(d) The date the claim was reported to the insurer or self-insurer.

(e) The name and address of the injured person. This information is confidential and exempt from the provisions of s. 119.07(1), and must not be disclosed by the department without the injured person's consent, except for disclosure by the department to the *Agency for Health Care Administration* ~~Department of Business and Professional Regulation~~. This information may be used by the department for purposes of identifying multiple or duplicate claims arising out of the same occurrence.

(f) The date of suit, if filed.

(g) The injured person's age and sex.

(h) The total number and names of all defendants involved in the claim.

(i) The date and amount of judgment or settlement, if any, including the itemization of the verdict ~~as required under s. 768.48~~, together with a copy of the settlement or judgment.

(j) In the case of a settlement, such information as the department may require with regard to the injured person's incurred and anticipated medical expense, wage loss, and other expenses.

(k) The loss adjustment expense paid to defense counsel, and all other allocated loss adjustment expense paid.

(l) The date and reason for final disposition, if no judgment or settlement.

(m) A summary of the occurrence which created the claim, which shall include:

1. The name of the institution, if any, and the location within the institution at which the injury occurred.
2. The final diagnosis for which treatment was sought or rendered, including the patient's actual condition.
3. A description of the misdiagnosis made, if any, of the patient's actual condition.
4. The operation, diagnostic, or treatment procedure causing the injury.
5. A description of the principal injury giving rise to the claim.
6. The safety management steps that have been taken by the insured to make similar occurrences or injuries less likely in the future.

(n) Any other information required by the department to analyze and evaluate the nature, causes, location, cost, and damages involved in professional liability cases.

(3) Upon request by the *Agency for Health Care Administration* ~~Department of Business and Professional Regulation~~, the department shall provide *the* ~~that~~ *agency* ~~department~~ with any information received *under* ~~pursuant to~~ this section related to persons licensed under chapter 458, chapter 459, chapter 461, or chapter 466. For purposes of safety management, the department shall annually provide the Department of Health ~~and Rehabilitative Services~~ with copies of the reports in cases resulting in an indemnity being paid to the claimants.

(4) There shall be no liability on the part of, and no cause of action of any nature shall arise against, any insurer reporting hereunder or its agents or employees or the department or its employees for any action taken by them *under* ~~pursuant to~~ this section. *The department may impose a fine of $250 per day per case, not to exceed $1,000 per case, against an insurer that violates the requirements of this section. This subsection applies to claims accruing on or after October 1, 1997.*

Section 106. Paragraph (t) of subsection (1) of section 458.331, Florida Statutes, 1996 Supplement, is amended to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(t) Gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances. The board shall give great weight to the provisions of s. 766.102 when enforcing this paragraph. As used in this paragraph, "repeated malpractice" includes, but is not limited to, three or more claims for medical malpractice within the previous 5-year period resulting in indemnities being paid in excess of *$25,000* ~~$10,000~~ each to the claimant in a judgment or settlement and which incidents involved negligent conduct by the physician. As used in this paragraph, "gross malpractice" or "the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances," shall not be construed so as to require more than one instance, event, or act. Nothing in this paragraph shall be construed to require that a physician be incompetent to practice medicine in order to be disciplined pursuant to this paragraph.

Section 107. Paragraph (x) of subsection (1) of section 459.015, Florida Statutes, 1996 Supplement, is amended to read:

459.015 Grounds for disciplinary action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(x) Gross or repeated malpractice or the failure to practice osteopathic medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar osteopathic physician as being acceptable under similar conditions and circumstances. The board shall give great weight to the provisions of s. 766.102 when enforcing this paragraph. As used in this paragraph, "repeated malpractice" includes, but is not limited to, three or more claims for medical malpractice within the previous 5-year period resulting in indemnities being paid in excess of *$25,000* ~~$10,000~~ each to the claimant in a judgment or settlement and which incidents involved negligent conduct by the osteopathic physician. As used in this paragraph, "gross malpractice" or "the failure to practice osteopathic medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar osteopathic physician as being acceptable under similar conditions and circumstances" shall not be construed so as to require more than one instance, event, or act. Nothing in this paragraph shall be construed to require that an osteopathic physician be incompetent to practice osteopathic medicine in order to be disciplined pursuant to this paragraph. A recommended order by an administrative law judge or a final order of the board finding a violation under this paragraph shall specify whether the licensee was found to have committed "gross malpractice," "repeated malpractice," or "failure to practice osteopathic medicine with that level of care, skill, and treatment which is recognized as being acceptable under similar conditions and circumstances," or any combination thereof, and any publication by the board shall so specify.

Section 108. Except as otherwise provided in this act, this act shall take effect July 1, 1997.

And the title is amended as follows:

On page 212, line 25, through page 221, line 11, of the amendment remove all of said lines and insert in lieu thereof: A bill to be entitled An act relating to regulation of professions; dividing ch. 455, F.S., into parts; transferring those provisions of ch. 455, F.S., that pertain to health-related professions into the second part; duplicating publication of extant provisions affecting both health-related professions and other professions in the second part; amending s. 11, ch. 96-403, Laws of Florida; transferring certain functions from the Agency for Health Care Administration to the Department of Health; amending s. 20.43, F.S.; prescribing guidelines for appointments to boards within the Department of Health; amending ss. 455.01, 455.203, 455.205, 455.207, 455.208, 455.209, 455.211, 455.213, 455.214, 455.217, 455.2175, 455.218, 455.2185, 455.221, 455.2226, 455.2228, 455.223, 455.224, 455.225, 455.227, 455.2273, 455.2275, 455.228, 455.2285, 455.229, 455.232, 455.24, 455.242, 455.243, 455.245, F.S.; conforming those sections to the transfer of regulatory authority over health-related professions from the Agency for Health Care Administration to the Department of Health; conforming those sections to the subdivision of ch. 455, F.S.; creating s. 455.501, F.S.; providing definitions; creating s. 455.504, F.S.; providing applicability; creating s. 455.507, F.S.; providing for continuing licensure of members of the Armed Forces; creating s. 455.511, F.S.; prohibiting disqualification from professional licensure on account of citizenship; creating s. 455.514, F.S.; providing for qualification of immigrants for professional licensure examination; creating s. 455.517, F.S.; providing legislative intent; creating s. 455.521, F.S.; prescribing powers and duties of the Department of Health; creating s. 455.524, F.S.; providing for long-range policy planning; creating s. 455.527, F.S.; providing method of contacting regulatory boards; renumbering s. 455.206, F.S., relating to conditions for board membership; creating s. 455.534, F.S.; providing for organization, meetings, compensation, and travel expense for boards; creating s. 455.537, F.S.; providing for publication of information; creating s. 455.541, F.S.; providing accountability and liability of board members; creating s. 455.544, F.S.; providing for board rules, final agency action, and challenges; creating s. 455.547, F.S.; providing requirements with respect to continuing education; creating s. 455.551, F.S.; providing for continued recognition of certain education programs; creating s. 455.554, F.S.; providing for consultation with post-secondary education boards; creating s. 455.561, F.S.; providing for limited licenses; renumbering and amending s. 455.2141, F.S., relating to general licensing provisions for health-related professions; prescribing

additional guidelines with respect to continuing education; renumbering and amending s. 455.2142, F.S., relating to sexual misconduct by applicants for licensure; creating s. 455.571, F.S.; providing for use of professional testing services; renumbering and amending s. 455.2173, F.S., relating to examinations; prescribing additional powers and duties of the respective boards and the department; creating s. 455.577, F.S.; providing a penalty for theft or reproduction of an examination; creating s. 455.581, F.S.; prescribing additional provisions with respect to examination and licensure of foreign-trained professionals; creating s. 455.584, F.S.; providing exemptions and limited license authorization for certain foreign professionals; renumbering and amending s. 455.220, F.S., relating to fees and receipts; prescribing additional powers and duties of the respective boards and the department; renumbering and amending s. 455.2205, F.S., relating to the Health Care Trust Fund; creating s. 455.594, F.S.; providing for legal and investigative services; renumbering and amending s. 455.222, F.S., relating to instruction on domestic violence; renumbering s. 455.2224, F.S., relating to hepatitis B and HIV carriers; creating s. 455.604, F.S.; providing for instruction on HIV and AIDS; creating s. 455.607, F.S.; providing for instruction on HIV and AIDS; creating s. 455.611, F.S.; providing for oaths, depositions, and subpoenas; creating s. 455.614, F.S.; providing for mediation; creating s. 455.617, F.S.; providing authority to issue citations; creating s. 455.621, F.S.; providing for disciplinary proceedings; creating s. 455.624, F.S.; providing grounds for discipline; prescribing penalties; creating s. 455.627, F.S.; providing disciplinary guidelines; creating s. 455.631, F.S.; prescribing a penalty for giving false information; creating s. 455.634, F.S.; providing for prosecution of criminal violations; creating s. 455.637, F.S.; providing sanctions against unlicensed practice of a profession; creating s. 455.641, F.S.; providing for enforcement of prohibition against unlicensed practice; providing a fee; creating s. 455.644, F.S.; requiring an annual report; creating s. 455.647, F.S.; providing for public inspection of certain information; creating s. 455.651, F.S.; providing a penalty for disclosure of confidential information; renumbering and amending s. 455.236, F.S., relating to financial arrangements between referring health care providers and providers of health care services; renumbering s. 455.237, F.S., relating to prohibiting kickbacks; renumbering and amending s. 455.239, F.S., relating to licensure of designated health care services; creating s. 455.664, F.S.; providing requirements with respect to advertising by health care providers; renumbering and amending s. 455.241, F.S., relating to patient records; renumbering and amending s. 455.2415, F.S., relating to confidential communications between a patient and a psychiatrist; renumbering s. 455.2416, F.S., relating to practitioner disclosure of confidential information; creating s. 455.677, F.S.; providing for disposition of records of deceased, relocated, or retired practitioners; creating s. 455.681, F.S.; providing for inspections; renumbering s. 455.244, F.S., relating to chiropractic and podiatric health care; creating s. 455.687, F.S.; providing for immediate suspension of certain licenses; renumbering s. 455.2455, F.S., relating to treatment of Medicare beneficiaries; renumbering and amending s. 455.2456, F.S., relating to financial responsibility; renumbering s. 455.247, F.S., relating to reports on professional liability claims; renumbering and amending s. 455.25, F.S., relating to disclosure of certain financial interests; renumbering and amending s. 455.26, F.S., relating to the Impaired Practitioners Committee; renumbering and amending s. 455.261, F.S., relating to the treatment program for impaired practitioners; creating s. 455.711, F.S.; providing for inactive and delinquent status; creating s. 455.714, F.S.; providing for renewal and cancellation notices; creating s. 455.717, F.S.; requiring an address of record; renumbering and amending s. 455.277, F.S., relating to the Health Care Community Antitrust Guidance Act; renumbering s. 455.2775, F.S., relating to information submitted in relation to antitrust issues; repealing s. 455.2055, F.S., relating to membership of practice boards, the provisions of which were incorporated into s. 20.43, F.S.; requiring the Secretary of Health to appoint a task force to study the validation of health care practitioner credentials; amending s. 459.0085, F.S.; directing the Department of Health to suspend a license under certain circumstances; increasing malpractice indemnity limits for osteopathic physicians; providing membership of the task force; amending s. 458.320, F.S.; increasing malpractice indemnity limits and providing for financial responsibility; amending s. 627.912, F.S.; providing for insurer reporting of professional liability claims and actions; revising the timeframe for reporting; providing penalties; amending s. 458.331, F.S.; increasing malpractice indemnity limits for physicians; amending s. 459.015, F.S.; increasing the amount of an indemnity paid for a claim for medical malpractice; providing an effective date.

House Amendment 1 (with title amendment) to House Amendment 1 (with title amendment) to Senate Amendment 1—On page 160, between lines 6 and 7, of the amendment insert:

Section 1. Subsection (2) of section 468.1645, Florida Statutes, is amended to read:

468.1645 Administrator license required.—

(2) Nothing in this part or in the rules adopted hereunder shall require an administrator of any facility or institution operated by *and* ~~a recognized church or religious denomination~~ for persons who rely exclusively upon treatment by spiritual means through prayer, *in accordance with the creed or tenets of any organized church or religious denomination, to be licensed as a nursing home administrator if the administrator* ~~who~~ is employed only to administer *in such facilities or* institutions ~~accredited by such church or denomination~~ for the care and treatment of the sick ~~in accordance with its teachings, to be licensed as a nursing home administrator~~.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 234, line 6, of the amendment after the semicolon (;) insert: amending s. 468.1645, F.S.; revising an exemption from licensure as a nursing home administrator relating to persons employed to administer in facilities or institutions operated by and for persons who rely exclusively upon treatment by spiritual means through prayer;

House Amendment 2 (with title amendment) to House Amendment 1 (with title amendment) to Senate Amendment 1—On page 160, between lines 6 and 7, insert:

Section 108. *Subparagraph 3. of paragraph (b) of subsection (2) of section 395.7015, Florida Statutes, is repealed effective July 1, 1998.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 166, line 16, after the semicolon (;) insert: repealing s. 395.7015(2)(b)3., F.S., relating to certain assessments on radiation therapy centers;

Senators Casas and Gutman offered the following amendment which was moved by Senator Casas and adopted:

Senate Amendment 1 (with title amendment) to House Amendment 1 (with title amendment) to Senate Amendment 1—On page 160, between lines 6 and 7, insert:

Section 108. Effective upon this act becoming a law, paragraphs (a) and (c) of subsection (1) of section 458.3115, Florida Statutes, 1996 Supplement, are amended to read:

458.3115 Restricted license; certain foreign-licensed physicians; United States Medical Licensing Examination (USMLE) or agency-developed examination; restrictions on practice; full licensure.—

(1)

(a) Notwithstanding any other provision of law, the agency shall provide procedures under which certain physicians who are or were foreign-licensed and have practiced medicine no less than 2 years may take the USMLE or an agency-developed examination to qualify for a restricted license to practice medicine in this state. The agency and board-developed examination shall test the same areas of medical knowledge as the Federation of State Medical Boards of the United States, Inc. (FLEX) previously administered by the Florida Board of Medicine to grant medical licensure in Florida. Said examination shall be in the same form and content and shall be administered in the same manner as the FLEX. *The agency-developed examination must be made available no later than September 1, 1998, to a physician who qualifies for licensure.* A person who is eligible to take and elects to take the agency and board-developed examination, who has previously passed part 1 or part 2 of the previously administered FLEX shall not be required to retake or pass the equivalent parts of the agency-developed examination, and may sit for the agency and board-developed examination five times within 5 years.

(c) A person shall be eligible to take such examination for restricted licensure if the person:

1. Has taken, upon approval by the board, and completed, in November 1990 or November 1992, one of the special preparatory medical

update courses authorized by the board and the University of Miami Medical School and subsequently passed the final course examination; ~~or~~ upon approval by the board to take the course completed in 1990 or in 1992, has a certificate of successful completion of that course from the University of Miami or the Stanley H. Kaplan course; *or can document to the department that he or she was one of the persons who took and successfully completed the Stanley H. Kaplan course that was approved by the Board of Medicine and supervised by the University of Miami. At a minimum, the documentation must include class attendance records and the test score on the final course examination;*

2. Applies to the agency and submits an application fee that is nonrefundable and equivalent to the fee required for full licensure;

3. Documents no less than 2 years of the active practice of medicine in another jurisdiction;

4. Submits an examination fee that is nonrefundable and equivalent to the fee required for full licensure plus the actual per-applicant cost to the agency to provide either examination described in this section;

5. Has not committed any act or offense in this or any other jurisdiction that would constitute a substantial basis for disciplining a physician under this chapter or chapter 455; and

6. Is not under discipline, investigation, or prosecution in this or any other jurisdiction for an act that would constitute a violation of this chapter or chapter 455 and that substantially threatened or threatens the public health, safety, or welfare.

Section 109. Section 458.3124, Florida Statutes, is created to read:

458.3124 Restricted license; certain experienced foreign-trained physicians.—

(1) A person who was trained in a medical school that is listed in the World Directory of Medical Schools published by the World Health Organization and is located in a country other than the United States, Canada, or Puerto Rico may apply to take Step III of the United States Medical Licensing Examination, if the person:

(a) Legally practiced medicine for at least 5 years in the country in which the school is located;

(b) Has passed Steps I and II of the United States Medical Licensing Examination;

(c) Is certified by the Education Commission for Foreign Medical Graduates as qualified for a restricted license to practice medicine;

(d) Is not subject to discipline, investigation, or prosecution in any jurisdiction for acts that threaten the public health, safety, or welfare or violate chapters 455 or 458; and

(e) Has been a resident of this state since July 1, 1996.

(2) A person applying for licensure under this section must submit to the Department of Health on or before December 31, 1998:

(a) A completed application and documentation required by the Board of Medicine to prove compliance with subsection (1); and

(b) A nonrefundable application fee not to exceed $500 and a nonrefundable examination fee not to exceed $300 plus the actual cost to purchase and administer the examination.

(3) A person applying under this section may take the examination a maximum of 5 times within 5 years.

(4) A restricted licensee under this section must practice under the supervision of a licensee approved by the board, with the first year of licensure under direct supervision and the second year in community service under indirect supervision, including practicing with organizations that serve indigent populations, such as section 501(c)(3) agencies, public health units, prisons, or other organizations approved by the board.

(5) Notwithstanding s. 458.311(1)(f), a person who successfully meets the requirements of this section and who successfully passes Step III of the United States Medical Licensing Examination is eligible for full licensure as a physician.

(6) The board shall adopt rules to implement this section.

(Renumber subsequent section.)

And the title is amended as follows:

On page 166, line 16, after the semicolon (;) insert: amending s. 458.3115, F.S.; revising requirements for the development of examinations administered to certain foreign-licensed physicians; prescribing eligibility requirements for certain foreign-trained physicians to take a restricted-license examination; creating s. 458.3124, F.S.; providing for certain foreign-trained and licensed physicians to take certain licensure examinations; providing restrictions and establishing fees; restricting the practice of such persons; providing for eligibility for full licensure; providing for the adoption of rules;

On motion by Senator Myers, the Senate concurred in **House Amendment 1 to Senate Amendment 1** as amended and requested the House to concur in the Senate amendment to the House amendment; concurred in **House Amendment 1 to House Amendment 1 to Senate Amendment 1**; and refused to concur in **House Amendment 2 to House Amendment 1 to Senate Amendment 1** and the House was requested to recede.

HB 1925 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Madam President	Dantzler	Jenne	Ostalkiewicz
Bankhead	Diaz-Balart	Jones	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Grant	Latvala	Thomas
Casas	Gutman	Lee	Turner
Childers	Hargrett	McKay	Williams
Cowin	Holzendorf	Meadows	
Crist	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Harris

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS FOR CS FOR SB'S 1688, 792, 1334 AND 2254

The Honorable Toni Jennings May 1, 1997
President of the Senate

The Honorable Daniel Webster
Speaker, House of Representatives

Dear President Jennings and Speaker Webster:

Your Conference Committee on the disagreeing votes of the two houses on **CS for CS for SB's 1688, 792, 1334 and 2254**, First Engrossed, same being:

An act relating to Workforce Development Education

having met, and after full and free conference, has agreed to recommend to their respective Houses as follows:

1. That the House of Representatives recede from its Amendment 1.

2. That the Senate and House concur in Conference Committee Amendment 1 attached hereto and, by reference, made a part of this report.

3. That the Senate and House pass CS for CS for SB's 1688, 792, 1334 and 2254, First Engrossed, as amended by said Conference Committee amendment.

s/George Kirkpatrick
Chairman
s/Charlie Clary
s/Mario Diaz-Balart
s/Fred R. Dudley
Managers on the part of the Senate

s/James E. King, Jr.
Chairman
s/Kenneth P. Pruitt
s/Debbie Wasserman Schultz
s/Stephen R. Wise
Managers on the part of the House of Representatives

Conference Committee Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *It is the intent of the Legislature that state funding for adult and postsecondary vocational education be based on performance outcomes related to the placement and successful continued employment of program graduates, particularly within programs identified by the Occupational Forecasting Conference. It is also the intent of the Legislature that the integrity of vocational certificates and degree programs is maintained, vocational program lengths are standardized, issues involving accreditation and the transfer of credit are addressed, and cost considerations involving the Associate in Science and the Associate in Applied Technology degree programs are analyzed. To assist the Legislature in accomplishing this task, the Commissioner of Education is directed to convene a Task Force on Workforce Development to investigate issues related to Florida's job training and workforce development activities. After analyzing data and information related to the responsibilities outlined in this section, the task force shall report to the Commissioner of Education on or before October 1, 1997, on action necessary to effect timely implementation of workforce development funding. Based on the task force report and in consultation with the Executive Director of the Postsecondary Education Planning Commission and the Executive Director of the State Board of Community Colleges, the Commissioner of Education shall report to the Legislature on or before November 1, 1997, a summary of the conclusions of the task force and recommended funding and substantive statutory changes if necessary. By January 1, 1998, the Commissioner of Education shall report to the Legislature a plan to implement the workforce development funding.*

(1) The task force shall consist of members appointed by the Commissioner of Education who represent school districts and community colleges, and other members deemed appropriate by the commissioner, with a majority of the membership consisting of practitioners within the field. Task force members shall have working knowledge and expertise appropriate to the specific areas being investigated and must be at an appropriate level of decisionmaking authority related to programmatic concerns.

(2) The task force shall recommend an implementation plan that must include, but is not limited to, the assignment of appropriate funding mechanisms and weighting schemes, the identification of key elements of productivity for funding, and simulations of funding designs. Recommendations must be consistent with the performance measure requirements and the elements of productivity in the Workforce Florida Act of 1996. Necessary components in the plan include:

(a) Assessing and recommending to the Legislature a design for a unified student database consisting of a student data reporting system for the workforce development education system, including hardware, software, and protocol aspects within resources provided in the General Appropriations Act. The design must include new data analysis reports to analyze program performance, allow for program review, and determine how to allocate funds. For purposes of this section, a unified database means a single system that provides information for both school districts and community colleges, with common definitions and reporting formats and sequences. The task force may contract for system design services, as authorized in the appropriations act.

(b) In consultation with the Articulation Coordinating Committee, recommending any necessary modifications to curriculum frameworks to facilitate articulation and to assure maximum appropriate transferability of coursework. The modifications must be designed to create a uniform system of courses and common course numbers by redefining postsecondary vocational programs and standardizing program lengths.

(c) Providing a detailed vocational and adult general education program cost study to determine relative costs of the vocational and adult general programs in the community college and school district delivery systems.

(d) Conducting a program of staff development to disseminate information about changes and developments to staff of school districts, community colleges, the Department of Education, and the Legislature.

(e) Recommending administrative procedures and mechanisms to pay out, track, and account for funds assigned to the Workforce Education Development Fund. These procedures must include reports of expenditures, costs, disbursements, and audits.

(f) Recommending revised definitions, including, but not limited to, definitions of adult education, vocational education, career education, certificate programs, degree programs, workforce development education, occupational completion point, and workforce development programs.

(g) Assessing the merits of vocational education and its impact on students, business, and industry.

(h) Recommending student fee structures for adult and vocational programs provided by the community college and public school systems, if necessary.

(i) Recommending implementation procedures for adult and vocational education programs in conjunction with the repeal of the interinstitutional articulation agreements pursuant to section 239.109, Florida Statutes.

(j) Assessing the feasibility of consolidation of existing performance-based funding programs.

(k) Assessing the Associate in Applied Technology degree. Such assessment must include a report identifying those states with similar programs, and shall include, where practical, a comparative analysis of employment rates, employment retention rates, occupational areas, and salary ranges of graduates with similar degrees. A companion assessment will also report similar data for the Associate in Arts, Associate in Science, or comparative degrees, in those respective states.

(l) Providing a cost analysis of the Associate in Arts and the Associate in Science degrees.

(3) By January 1, 1998, the Commissioner of Education shall submit to the Legislature and the Governor an implementation plan containing:

(a) The products that implement the components described in subsection (2).

(b) A description of activities in progress and due dates for any other activities necessary for timely implementation.

(c) An identification of any additional action that would facilitate the effective and timely implementation of proposed recommendations.

(d) Recommended statutory and funding changes, based on data collected by the task force, if necessary. Such recommendations should consider any problematic components of the funding formula established for workforce development programs.

(4) The Department of Education, the State Board of Community Colleges, the 28 community colleges, and the 67 school districts shall provide staff assistance and resources to assist the task force in preparing recommendations.

Section 2. *For 1997-1998, a school district or community college is authorized to allocate funds provided in Specific Appropriation 144-G using locally determined performance measures.*

Section 3. Section 239.116, Florida Statutes, is created to read:

239.116 Cost accounting and reporting for workforce education.—

(1) Each school district and each community college shall account for expenditures of all state, local, federal, and other funds in the manner prescribed by the Department of Education.

(2) Each school district and each community college shall report expenditures for workforce education in accordance with requirements prescribed by the Department of Education.

(3) The Department of Education, in cooperation with school districts and community colleges, shall develop and maintain a database of valid

comparable information on workforce education which will meet both state and local needs.

Section 4. *The Legislature hereby finds that the costs of building higher education facilities is excessive and unreasonable. The construction costs for some college facilities have been documented in excess of $190 per square foot. It is the intent of the Legislature that the community colleges and state universities use due diligence and sound business practices in constructing their authorized facilities. The Legislature directs the State Board of Community Colleges and the Board of Regents to analyze the expenditure of funds from the Public Education Capital Outlay and Debt Service Trust Fund by the community colleges and state universities with the intention of reducing excessive costs, in total and on a per-square-foot basis. In addition, the boards shall develop cost standards that are reasonable and promote efficiency in construction, with a goal of achieving a maximum square-foot construction cost in the range of $95 for classroom and similar facilities. By January 1, 1998, the findings of the analysis and the standards shall be reported to the Executive Office of the Governor, the Speaker of the House of Representatives, the President of the Senate, and the Minority Leaders of the House of Representatives and the Senate.*

Section 5. *Effective July 1, 1997, 4 full-time equivalent positions and $221,980 from the General Revenue Fund are transferred within the Department of Education from the Division of Workforce Development to the Division of Community Colleges.*

Section 6. Present paragraph (g) of subsection (1) of section 229.551, Florida Statutes, 1996 Supplement, is redesignated as paragraph (h) and a new paragraph (g) is added to that subsection to read:

229.551 Educational management.—

(1) The department is directed to identify all functions which under the provisions of this act contribute to, or comprise a part of, the state system of educational accountability and to establish within the department the necessary organizational structure, policies, and procedures for effectively coordinating such functions. Such policies and procedures shall clearly fix and delineate responsibilities for various aspects of the system and for overall coordination of the total system. The commissioner shall perform the following duties and functions:

(g) Expansion of the common course designation and numbering system to include the numbering and designation of college-credit postsecondary vocational courses and facilitate the transfer of credits between public schools and community colleges. The Articulation Coordinating Committee shall:

1. Adopt guidelines for the participation of public school districts and community colleges in offering college-credit courses that may be transferred to a certificate or degree program. These guidelines shall establish standards addressing faculty qualifications, admissions, program curricula, participation in the common course designation and numbering system, and other issues identified by the Task Force on Workforce Development and the Commissioner of Education. Guidelines should also address the role of accreditation in the designation of courses as transferable college credit. Such guidelines must not jeopardize the accreditation status of educational institutions and must be based on data related to the history of credit transfer among institutions in this state and others.

2. Conduct a study identifying postsecondary vocational programs offered by community colleges and public school districts. The study shall also identify postsecondary vocational courses designated as college-credit courses applicable toward a vocational degree. Such college-credit courses must be identified within the common course numbering and designation system.

3. Appoint faculty committees representing both community college and public school faculties to recommend a standard program length and appropriate occupational completion points for each postsecondary vocational certificate program and degree. A course designated as college-credit may be offered by a public school district or community college, provided the standards established in subparagraph 1. are met.

Section 7. Paragraph (a) of subsection (2) and paragraphs (a), (b), and (c) of subsection (4) of section 20.15, Florida Statutes, are amended to read:

20.15 Department of Education.—There is created a Department of Education.

(2)(a) The following divisions of the Department of Education are established:

1. Division of Community Colleges.
2. Division of Public Schools *and Community Education*.
3. Division of Universities.
4. Division of *Workforce Development* ~~Applied Technology and Adult Education~~.
5. Division of Human Resource Development.

(4) The State Board of Education and the Commissioner of Education:

(a) Shall assign to the Division of Public Schools *and Community Education* such powers, duties, responsibilities, and functions as are necessary to ensure the greatest possible coordination, efficiency, and effectiveness of *education for students in prekindergarten through 12th grade, for secondary school vocational education, and for community education* ~~kindergarten through 12th grade education~~.

(b) Shall assign to the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ such powers, duties, responsibilities, and functions as are necessary to ensure the greatest possible coordination, efficiency, and effectiveness of *workforce development* ~~career and continuing~~ education.

(c) Shall assign to the State Board of Community Colleges such powers, duties, responsibilities, and functions as are necessary to ensure the coordination, efficiency, and effectiveness of community colleges, except those duties specifically assigned to the Commissioner of Education in ss. 229.512 and 229.551, ~~and~~ the duties concerning physical facilities in chapter 235*, and the duties assigned to the Division of Workforce Development in chapter 239*.

Section 8. Subsection (2) of section 215.16, Florida Statutes, is amended to read:

215.16 Appropriations from General Revenue Fund for public schools, state institutions of higher learning, and community colleges; reduction.—

(2) If the state appropriations from the General Revenue Fund for the benefit of the uniform system of public free schools, state institutions of higher learning, and community colleges cannot be paid in full during any given year, they shall be diminished only in the same proportion that appropriations for all other purposes from the General Revenue Fund are diminished during such year. Additionally, any funding reductions to public free schools, state institutions of higher learning, and community colleges shall be diminished in proportions identical to one another. For the purpose of implementing this section, general revenue funds provided for public free schools, state institutions of higher learning, and community colleges shall be restricted to general revenue funds appropriated for the Division of Public Schools *and Community Education, the Division of Workforce Development*, the Division of Universities, excluding the general office of the Board of Regents, and the Division of Community Colleges, excluding the division office.

Section 9. Subsection (22) of section 228.041, Florida Statutes, 1996 Supplement, is amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(22) CAREER EDUCATION.—

~~(a)~~ "Career education" is *vocational education that provides instruction for the following purposes:*

(a) At the elementary, middle, and secondary school levels, exploratory courses designed to give students initial exposure to a broad range of occupations to assist them in preparing their academic and occupational plans, and practical arts courses that provide generic skills that may apply to many occupations but are not designed to prepare students for entry into a specific occupation. Vocational and career instruction provided before high school completion must be designed to enhance both

vocational and academic skills through integration with academic instruction.

(b) At the secondary school level, job-preparatory instruction in the competencies that prepare students for effective entry into an occupation, including diversified cooperative education, work experience, and job-entry programs that coordinate directed study and on-the-job training.

(c) At the postsecondary education level, courses of study that provide vocational competencies needed for entry into specific occupations or for advancement within an occupation. ~~defined as meaning that instruction not necessarily leading to a baccalaureate degree, either graded or ungraded, listed below:~~

~~1. Job-preparatory instruction in the minimum competencies necessary for effective entry into an occupation, including diversified cooperative education, work experience, and job entry programs which coordinate directed study and on-the-job training;~~

~~2. Exploratory courses designed to give students initial exposure to the skills and aptitudes associated with a broad range of occupations in order to assist them in making informed decisions regarding their future academic and occupational goals;~~

~~3. Supplemental programs designed to enable persons who are or have been employed in an occupation to upgrade their competencies in order to reenter or maintain employment or advance within their current occupation;~~

~~4. Practical arts courses designed to teach students practical generic skills which, though applicable to some occupations, are not designed to prepare students for entry into a specific occupation. Such courses may include, but may not be limited to, typing, industrial arts, and home economics; or~~

~~5. Instruction which integrates the basic academic skills and vocational skills.~~

~~(b) "Career education" programs:~~

~~1. Should have social and economic value for every student by leading to a successful career.~~

~~2. Should assist students in establishing life goals, making decisions about their future, and beginning the process of implementing such goals.~~

~~3. Should enhance productivity and student earnings.~~

~~4. Are essential for economic development and for producing better prepared students for a changing workforce.~~

~~5. Shall provide equal access for exceptional students and for students who have limited English proficiency, or who are educationally or economically disadvantaged.~~

Section 10. Paragraph (a) of subsection (2) of section 231.614, Florida Statutes, is amended to read:

231.614 Inservice master plan for vocational educators; task force.—

(2)(a) The department shall coordinate the delivery of inservice education for vocational educators employed in school districts and community colleges in conjunction with the state universities, community colleges, and teacher education centers. A vocational inservice education task force shall be established for the purposes of this subsection. Such task force shall consist of 15 members who are jointly appointed by the Director of the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ and the Director of the Division of Community Colleges. Membership on the task force shall consist of:

1. The Director of the Division of *Workforce Development* ~~Applied Technology and Adult Education~~, or the director's designee.
2. The Director of the Division of Community Colleges, or the director's designee.
3. A vocational educator employed in a school district.
4. A vocational educator employed in a community college.
5. An adult educator employed in a school district.
6. An adult educator employed in a community college.
7. A teacher education center director.
8. A community college employee responsible for staff development.
9. A state university career education teacher educator.
10. A state university adult education teacher educator.
11. Five representatives of business and industry.

Section 11. Section 233.056, Florida Statutes, is amended to read:

233.056 Instructional programs for visually impaired students and deaf or hard-of-hearing students.—

(1) The Division of Public Schools *and Community Education* of the Department of Education is authorized to establish a coordinating unit and instructional materials center for visually impaired children and youth and deaf or hard-of-hearing children and youth to provide staff and resources for the coordination, cataloging, standardizing, producing, procuring, storing, and distributing of braille, large print, tangible apparatus, captioned films and video tapes, and other specialized educational materials needed by these students and other exceptional students. The coordinating unit shall have as its major purpose the improvement of instructional programs for visually impaired students and deaf or hard-of-hearing students and may, as a second priority, extend appropriate services to other exceptional students, consistent with provisions and criteria established, to the extent that resources are available.

(2) The unit shall be operated either directly by the Division of Public Schools *and Community Education* or through a contractual agreement with a local education agency, under rules adopted by the State Board of Education.

Section 12. Subsection (2) of section 233.0561, Florida Statutes, is amended to read:

233.0561 Literacy; blind persons.—

(2) LEGISLATIVE INTENT.—The Legislature recognizes that literacy is the foundation upon which students become employable, productive, and responsible citizens. The Legislature further recognizes that literacy is important for all students, regardless of their visual abilities. It is the intent of the Legislature that the provisions of this section be broadly construed to apply to elementary and secondary students, as well as adult basic, adult secondary, and ~~supplemental~~ vocational *education* students.

Section 13. Subsection (1) of section 235.15, Florida Statutes, is amended to read:

235.15 Educational plant survey; PECO project funding.—

(1) At least every 5 years, each board, including the Board of Regents, shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. Before educational plant survey of a school district or community college that delivers career or adult education programs, the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ shall establish documentation of the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the education plant survey. Information used by the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the school district or community college. Each survey shall be conducted by the board or an agency employed by the board. Surveys shall be reviewed and approved by the board, and a file copy shall be submitted to the commissioner. The survey report shall include at least an inventory of existing educational and ancillary plants; recommendations for existing educational and ancillary plants; recommendations for new educational or ancillary plants, including the general location of each in coordination with the land use plan; campus master plan update and detail for community colleges; the utilization of school plants based on an extended school day or year-round operation; and such other information as may be required by the rules of the State Board of Education. This report may be amended, if conditions warrant, at the request of the board or commissioner. Relocatables shall be included in the school district inventory of facilities and must be rated at 100 percent of actual student capacity

for purposes of the inventory. For future needs determination, relocatables shall not be counted. However, an adjustment shall be made for deficiencies in core space because of the use of portables. When required by the State Constitution, the department shall review the surveys and any amendments thereto for compliance with the requirements of this chapter and shall recommend those in compliance for approval by the State Board of Education.

Section 14. Paragraphs (c), (d), and (f) of subsection (1) and subsection (2) of section 235.199, Florida Statutes, are amended to read:

235.199 Cooperative funding of vocational educational facilities.—

(1) Each district school board operating a designated area technical center may submit, prior to August 1 of each year, a request to the commissioner for funds from the Public Education Capital Outlay and Debt Service Trust Fund to plan, construct, and equip a career educational facility identified as being critical to the economic development and the workforce needs of the school district. Prior to submitting a request, each school district shall:

(c) Certify to the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ that the project has been survey recommended.

(d) Certify to the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ that final phase III construction documents comply with applicable building codes and life safety codes.

(f) If a construction contract has not been signed 90 days after the advertising of bids, certify to the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ and the department the cause for delay. Upon request, an additional 90 days may be granted by the commissioner.

(2) The Division of *Workforce Development* ~~Applied Technology and Adult Education~~ shall establish the need for additional career education programs and the continuation of existing programs before facility construction or renovation related to career education can be included in the educational plant survey. Information used by the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ to establish facility needs shall include, but not be limited to, labor market needs analysis and information submitted by the school districts.

Section 15. Paragraph (a) of subsection (3) of section 235.435, Florida Statutes, is amended to read:

235.435 Funds for comprehensive educational plant needs.—Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(3)(a) Each district school board shall receive an amount from the Public Education Capital Outlay and Debt Service Trust Fund to be calculated by computing the capital outlay full-time equivalent membership as determined by the department. Such membership must include, but is not limited to:

1. K-12 students, except hospital and homebound part-time students; and

2. Students who are *workforce development education* ~~certificate career education students, adult supplemental vocational students, adult basic students, adult secondary~~ students, and adult disabled students and who are enrolled in *school district technical* ~~adult career or adult general education~~ centers. The capital outlay full-time equivalent membership shall be determined for kindergarten through the 12th grade and for vocational-technical centers by averaging the unweighted full-time equivalent student membership for the second and third surveys and comparing the results on a school-by-school basis with the Florida Inventory for School Houses. The capital outlay full-time equivalent membership by grade level organization shall be used in making the following calculations: The capital outlay full-time equivalent membership by grade level organization for the 1981-1982 fiscal year shall be computed as the base year. The capital outlay full-time equivalent membership by grade level organization for the 1984-1985 fiscal year shall be computed with the positive increase over the base year constituting growth. From the total amount appropriated by the Legislature pursuant to this subsection, 40 percent shall be allocated among the base capital outlay full-time equivalent membership and 60 percent among the growth capital outlay full-time equivalent membership. The allocation within each of these groups shall be prorated to the districts based upon each district's percentage of base and growth capital outlay full-time membership. The most recent 4-year capital outlay full-time equivalent membership data shall be used in each subsequent year's calculation for the allocation of funds pursuant to this subsection. If the growth capital outlay full-time equivalent membership for a district declines in any year used in their calculation after the initial allocation pursuant to this subsection, no allocation for growth capital outlay full-time equivalent membership shall be made for any subsequent year until the number of capital outlay full-time equivalent membership has exceeded the number for which an allocation has already been made. If a change, correction, or recomputation of data during any year results in a reduction or increase of the calculated amount previously allocated to a district, the allocation to that district shall be adjusted correspondingly. If such recomputation results in an increase or decrease of the calculated amount, such additional or reduced amounts shall be added to or reduced from the district's future appropriations. However, no change, correction, or recomputation of data shall be made subsequent to 2 years following the initial annual allocation.

Section 16. Subsections (2), (3), (7), (13), (15), (16), (17), (18), (19), (20), (21), and (22) of section 239.105, Florida Statutes, are amended, and subsection (23) is added to that section, to read:

239.105 Definitions.—As used in this chapter, the term:

(2) "Adult general education" means a comprehensive program of adult basic education, adult secondary education, general educational development test instruction, *and* vocational-preparatory instruction~~, college-preparatory instruction, and lifelong learning programs~~.

(3) "Adult secondary education" means courses through which a person receives high school credit that leads to the award of a high school diploma or *courses* ~~programs~~ of instruction through which a student prepares to take the general educational development test.

(7) "Community education" means the use of a school or other public facility as a community center operated in conjunction with other public, private, and governmental organizations for the purpose of providing educational, recreational, social, cultural, health, and community services for persons in the community in accordance with the needs, interests, and concerns of that community, *including lifelong learning.*

(13) "Local educational agency" means *a community college or school district* ~~the agency responsible for administration of adult education or career education, or both, within a vocational region. Such agency must be one or more school boards or a board of trustees of a public community college, or both~~.

(15) *"Certificate vocational education program" means a course of study that leads to at least one occupational completion point. The program may also confer credit that may articulate with a degree career education program, if authorized by rules of the Department of Education. Any college-credit instruction designed to articulate to a degree program is subject to guidelines and standards adopted by the Articulation Coordinating Committee pursuant to s. 229.551(1)(g). The term is interchangeable with the term "certificate career education program."* ~~"Certificate career education program" means job-preparatory programs, excluding supplemental vocational instruction, through which a student receives a vocational certificate upon the completion of instruction.~~

(16) *"Degree vocational education program" means a course of study that leads to an associate in applied technology degree or an associate in science degree. A degree vocational education program may contain within it one or more occupational completion points and may lead to certificates within the course of study. The term is interchangeable with the term "degree career education program."* ~~"Degree career education program" means college credit, job-preparatory programs, excluding supplemental vocational instruction, through which a student receives an associate in science degree upon the completion of instruction.~~

(17) "Occupational completion point" means the vocational competencies that qualify a person to enter an occupation that is linked to a vocational program.

(18)~~(17)~~ "Prose literacy" means the demonstration of competence in reading and interpreting materials such as newspapers, magazines, and books.

(19)~~(18)~~ "Quantitative literacy" means the demonstration of competence in the application of arithmetic operations to materials such as loan documents, sale advertisements, order forms, and checking accounts.

~~(19) "Supplemental vocational" means courses conducted to enhance or upgrade the occupation-related skills of a person currently employed in that occupation or a person formerly employed in that occupation who seeks occupational reentry. A student who is employed, but who enrolls in a job-related component of a sequential program of studies may be considered job preparatory, rather than supplemental, if the student may be calculated as an enrollment pursuant to s. 239.233 and if the component or components in which the student enrolls have not been previously taken by that student.~~

(20) "*Vocational* ~~Career~~ education planning region" means the geographic area in which career or adult education is provided. Each vocational region is contiguous with one of the 28 community college service areas. *The term may be used interchangeably with the term "career education planning region."*

(21) "Vocational-preparatory instruction" means *adult general education* ~~instruction~~ through which persons attain academic skills at the level of functional literacy or higher so that such persons may pursue certificate career education or higher-level career education.

(22) "Workforce literacy" means the basic skills necessary to perform in entry-level occupations or the skills necessary to adapt to technological advances in the workplace.

(23) "Workforce development education" means adult general education or vocational education and may consist of a single course or a course of study leading to an occupational completion point, a vocational certificate, an associate in applied technology degree, or an associate in science degree.

Section 17. Section 239.113, Florida Statutes, is amended to read:

239.113 Registration of adult students.—Each school district and community college shall maintain sufficient information for each student enrolled in *workforce development education or* ~~adult, certificate career education,~~ lifelong learning *courses*~~, or supplemental vocational programs~~ to allow local and state administrators to locate such student upon the termination of instruction and to determine the appropriateness of student placement in specific instructional programs. The State Board for Career Education shall adopt, in rule, specific information that must be maintained and acceptable means of maintaining that information.

Section 18. Section 239.115, Florida Statutes, is created to read:

239.115 Funds for operation of adult general education and vocational education programs.—

(1) As used in this section, the terms "workforce development education" and "workforce development program" include:

(a) Adult general education programs designed to improve the employability skills of the state's workforce through adult basic education, adult secondary education, GED preparation, and vocational preparatory education;

(b) Certificate vocational education programs, including courses that lead to an occupational completion point within a program that terminates in either a certificate or a degree;

(c) Degree vocational education programs that lead to an associate in applied technology degree or an associate in science degree; and

(d) Apprenticeship programs as defined in s. 446.021.

(2) Any workforce development education program may be conducted by a community college or a school district, except that an associate in science degree may be awarded only by a community college. However, if an associate in science degree program contains within it an occupational completion point that confers a certificate or an associate in applied technology degree, that portion of the program may be conducted by a school district technical center. Any college-credit instruction designed to articulate to a degree program is subject to guidelines and standards adopted by the Articulation Coordinating Committee pursuant to s. 229.551(1)(g).

(3) If a program for disabled adults pursuant to s. 239.301 is a workforce development program as defined in this section or s. 239.115 it must be funded as provided in this section.

(4) The Florida Workforce Development Education Fund is created to provide performance-based funding for all workforce development programs, whether the programs are offered by a school district or a community college. Funding for all workforce development education programs must be from the Workforce Development Education Fund and must be based on cost categories, performance output measures, and performance outcome measures. This subsection takes effect July 1, 1998.

(a) The cost categories must be calculated to identify high-cost programs, medium-cost programs, and low-cost programs. The cost analysis used to calculate and assign a course of study to a cost category must include at least both direct and indirect instructional costs, consumable supplies, equipment, and optimum program length.

(b)1. The performance output measure for a vocational education course of study is student completion of a single course; a program that leads to an occupational completion point associated with a certificate; an apprenticeship program; or a program that leads to an associate in applied technology degree or an associate in science degree.

2. The performance output measure for an adult general education course of study is measurable improvement in student skills.

(c) The performance outcome measures are associated with placement of students after completion of a course of study. These measures include placement in employment that is related to the course of study; placement into employment in an occupation on the Occupational Forecasting Conference list of high-wage, high-skill occupations with sufficient openings; placement of WAGES clients or former WAGES clients; and retention in employment of former WAGES clients. Placement must be reported pursuant to ss. 229.8075 and 239.233.

(5) Initial state funding is generated by student enrollment in a course of study. When the student completes the course of study or the program, the agency may collect the remaining state funding. This subsection takes effect July 1, 1998.

(6) The total state funding entitlement for each course of study is determined by its length, the output measures, and its cost category. The district cost differential, as established annually in the General Appropriations Act, must be applied to the appropriation for the workforce development education fund.

(a)1. For a course that does not result in an occupational completion point, state funding equals 50 percent of the cost of the course, with student fees, business support, quick response training funds, or other means making up the remaining 50 percent.

2. For a program that results in an occupational completion point, an educational agency may collect 100 percent of the cost of the program, with 85 percent generated from a combination of student fees and state support during a student's enrollment, and the remaining 15 percent generated upon the student's reaching an occupational completion point or completing the program.

(b) Student output measures for adult education instruction consist of improvement in literacy skills, grade-level improvement as measured by an approved test, or attainment of a general education development diploma or an adult high school diploma.

(c) The cost category of a course that is part of a vocational program or an adult general education program is the same as that of the program. This subsection takes effect July 1, 1998.

(7) When a student reaches an occupational completion point or completes a program, the educational agency shall first collect the remainder of the total state funding entitlement and may be eligible for additional incentive funds generated by student outcome measures. However, the

total funding earned by an educational agency under the formula, including state funding and student fees, may not exceed 125 percent of the calculated program cost. Any funds earned in excess of program cost must be expended to improve the program. This subsection takes effect July 1, 1998.

(8) For each course of study, an educational agency that serves students in workforce education programs shall submit an enrollment count each semester, which shall replace the full-time-equivalent student enrollment used by the Florida Education Finance Program and the enrollment calculation used by the Community College Program Fund. The Division of Workforce Development shall calculate the funding entitlement for that semester by a date established by the Department of Education. This subsection takes effect July 1, 1998.

(9) A school district or a community college that provides workforce development education shall receive initial funding for each student in the semester in which the student enrolls. During each subsequent semester, a funding entitlement shall be calculated for each student by subtracting the student fee amount from the total funding amount for the course of study in its assigned cost category. The semester funding amount is 85 percent of the cost of the program, including student fees, divided by the number of semesters in the course of study. When a student reaches an occupational completion point or completes a course, the educational agency shall collect the difference between the total state funding entitlement and the amount in state funding already paid. A student may not generate funding for any semester in which the student is not enrolled. This subsection takes effect July 1, 1998.

(10) A high school student dually enrolled under s. 240.116 in a workforce development program operated by a community college or school district technical center generates the amount calculated by the Workforce Development Education Fund, including any payment of performance incentives, and the proportional share of full-time-equivalent enrollment generated through the Florida Education Finance Program for the student's enrollment in a high school. If a high school student is dually enrolled in a community college program, including a program conducted at a high school, the community college earns the funds generated through the Workforce Development Education Fund and the school district earns the proportional share of full-time-equivalent funding from the Florida Education Finance Program. If a student is dually enrolled in a technical center operated by the same district as the district in which the student attends high school, that district earns the funds generated through the Workforce Development Education Fund and also earns the proportional share of full-time-equivalent funding from the Florida Education Finance Program. If a student is dually enrolled in a workforce development program provided by a technical center operated by a different school district, the funds must be divided between the two school districts proportionally from the two funding sources. A student may not be reported for funding in a dual enrollment workforce development program unless the student has completed the basic skills assessment pursuant to s. 239.213.

(11) The Department of Education may adopt rules to administer this section.

Section 19. Section 239.117, Florida Statutes, 1996 Supplement, is amended to read:

239.117 Postsecondary student fees.—

(1) This section applies to students enrolled in *workforce development programs, including programs and courses leading to an associate in applied technology degree or an associate in science degree* ~~adult basic, adult secondary, vocational-preparatory, college-preparatory, lifelong learning, certificate career education, community education, supplemental vocational, or other adult general education programs~~ who are reported for funding through the *Workforce Development Education Fund* ~~Florida Education Finance Program or Community College Program Fund~~.

(2) All students shall be charged fees except students who are exempt from fees or students whose fees are waived.

(3)~~(2)~~ The following students are exempt from any requirement for the payment of registration, matriculation, and laboratory fees for *adult basic, adult secondary, or vocational preparatory* instruction:

(a) A student who does not have a high school diploma or its equivalent ~~and who is enrolled in adult basic, adult secondary, or vocational-preparatory instruction~~.

(b) A student who has a high school diploma or its equivalent~~, who is enrolled in adult basic, adult secondary, or vocational-preparatory instruction,~~ and who has academic skills at or below the eighth grade level pursuant to state board rule. *A student is eligible for this exemption from fees if the student's skills are at or below the eighth grade level as measured by a test administered in the English language and approved by the Department of Education, even if the student has skills above that level when tested in the student's native language.*

(4) The following students are exempt from the payment of registration, matriculation, and laboratory fees:

(a)~~(c)~~ A student enrolled in a dual enrollment or early admission program pursuant to s. 239.241. ~~Fee-exempt instruction provided at community colleges pursuant to this subsection generates an additional one-fourth of a full-time equivalent enrollment.~~

(b)~~(d)~~ A student enrolled in an approved apprenticeship program, as defined in s. 446.021.

(c)~~(e)~~ A student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or pursuant to parts III and V of chapter 39 for whom the permanency planning goal pursuant to part V of chapter 39 is long-term foster care or independent living. Such exemption includes fees associated with enrollment in college-preparatory instruction and completion of the college-level communication and computation skills testing program.

(d)~~(f)~~ A student enrolled in an employment and training program under the WAGES Program. 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 may 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.~~

(e)~~(g)~~ A student who lacks a fixed, regular, and adequate nighttime residence or whose primary nighttime residence is a public or private shelter designed to provide temporary residence for individuals intended to be institutionalized, or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(5)~~(3)~~ ~~Fees shall be charged for students not exempted from the payment of fees in this section.~~ School districts and community colleges may waive fees for any fee-nonexempt student. The total value of fee waivers granted by the school district or community college may not exceed the amount established annually in the General Appropriations Act. Any student whose fees are waived in excess of the authorized amount *may* ~~shall~~ not be *reported* ~~included in calculations of full-time equivalent enrollments~~ for state funding purposes. Any school district or community college that waives fees and requests state funding for a student in violation of the provisions of this section shall be penalized at a rate equal to 2 times the value of the full-time student enrollment reported. ~~Such penalty shall be charged against the following year's allocation from the Florida Education Finance Program or the Community College Program Fund.~~

(6)~~(4)~~(a) The Commissioner of Education shall recommend to the State Board of Education no later than December 31 of each year a schedule of fees for *workforce development education* ~~certificate career education, lifelong learning, and supplemental vocational courses and programs conducted by district school boards~~. The fee schedule shall be based on the amount of student fees necessary to produce *25* ~~10~~ percent of the prior year's cost of *a course of study leading to a certificate or degree and 50 percent of the prior year's cost of a course that does not lead to an occupational completion point* ~~certificate career education and vocational preparatory programs and 25 percent of the prior year's cost of supplemental vocational programs~~. *At the discretion of a school board or a community college, this fee schedule may be implemented over a 3-year period, with full implementation in the 1999-2000 school year. In years preceding that year, if fee increases are necessary for some programs or courses, the fees shall be raised in increments designed to lessen*

their impact upon students already enrolled. ~~The fee schedule for lifelong learning programs shall be based on student fees and nonstate funds necessary to produce 50 percent of the prior year's cost of lifelong learning programs. State funds may not exceed 50 percent of the prior year's cost of lifelong learning programs. The recommended annual increase in fees may not exceed 10 percent for students who are residents for tuition purposes.~~ Fees for students who are not residents for tuition purposes must offset the full cost of instruction.

(b) The State Board of Education shall adopt a fee schedule for school districts that produces the fee revenues calculated pursuant to paragraph (a). The schedule so calculated shall take effect, unless otherwise specified in the General Appropriations Act. ~~If the Legislature enacts a calculation different than that adopted by the state board, the state board shall adopt a fee schedule that generates the same revenues as the calculation contained in the General Appropriations Act.~~

(c) The State Board of Education shall adopt, by rule, the definitions and procedures that school boards shall use in the calculation of cost borne by students. Such rule must define the cost of educational programs as the product of *semester enrollment counts times the average instructional cost for the course of study, divided by the number of semesters in the course of study. A course of study is a single course or a series of two or more courses leading to an occupational completion point, an associate in applied technology degree, or an associate in science degree.* ~~the base student allocation times the program cost factor times the full-time equivalent enrollment in the programs.~~ The rule shall be developed in consultation with the Legislature.

(7)~~(5)(a)~~ Each year the State Board of Community Colleges shall review and evaluate the percentage of the cost of adult programs and certificate career education programs supported through student fees. If this review indicates that student fees generate less than the percentage targeted for the program, the State Board of Community Colleges shall adopt a schedule of fee increases by December 31 for the following fall semester. For students who are residents for tuition purposes, the schedule so adopted must produce revenues equal to 25 percent of the prior year's program cost for *workforce development programs that lead to an occupational completion point and 50 percent of the prior year's cost for student enrollment in a single course of study not leading to a certificate or degree* ~~college-preparatory and supplemental vocational programs and 10 percent of the prior year's program cost for certificate career education and vocational preparatory programs. The fee schedule for lifelong learning programs shall be based on student fees and nonstate funds necessary to produce 50 percent of the prior year's cost of lifelong learning programs. State funds may not exceed 50 percent of the prior year's cost of lifelong learning programs. The state board may not increase fees more than 10 percent for students who are residents for tuition purposes. Unless otherwise specified in the General Appropriations Act, the fee schedule shall take effect and the college shall expend student fees on instruction. If the Legislature enacts a calculation different than that adopted by the state board, the state board shall adopt a fee schedule that generates the same revenues as the calculation contained in the General Appropriations Act. Each community college board of trustees shall establish matriculation, tuition, and noncredit fees that may vary no more than 10 percent from the schedule approved by the State Board of Education.~~ Fees for students who are not residents for tuition purposes must offset the full cost of instruction.

~~(b) Students enrolled in college-preparatory instruction shall pay fees equal to the fees charged for college credit courses. Students enrolled in the same college-preparatory skill area more than two times shall pay fees at 100 percent of the direct instructional cost; however, each community college shall have the authority to review and reduce such payment on an individual basis, contingent upon a student's financial hardship, pursuant to definitions and fee levels established by the State Board of Community Colleges.~~ Fee-nonexempt students enrolled in vocational preparatory instruction shall be charged fees equal to the fees charged for certificate career education instruction. Each community college that conducts college-preparatory and vocational-preparatory instruction in the same class section may charge a single fee for both types of instruction.

~~(6) Total fees collected annually for recreation and leisure courses must be at least equal to the full cost of providing such programs by a school district or community college. Fees collected in excess of the total cost of the recreation and leisure program may be transferred to other instructional programs.~~

(8)~~(7)~~ Each school board and community college board of trustees may collect, for financial aid purposes, up to an additional *10* ~~5~~ percent of the student fees collected for *workforce development* ~~certificate career education and supplemental vocational courses and~~ programs. All fees collected shall be deposited into the student financial aid fee trust fund of the district or community college. ~~Of the fees collected annually, a minimum of 25 percent shall be invested pursuant to the provisions of s. 18.125.~~ Any undisbursed balance remaining in the trust fund and interest income accruing to investments from the trust fund shall increase the total funds available for distribution to certificate career education ~~and supplemental vocational~~ students. Awards shall be based on student financial need and distributed in accordance with a nationally recognized system of need analysis approved by the State Board for Career Education. Fees collected pursuant to this subsection shall be allocated in an expeditious manner.

(9)~~(8)~~ *A district* school *board or a* ~~districts and~~ community *college board of trustees* ~~colleges~~ may charge other fees only as authorized by rule of the State Board of Education or the State Board of Community Colleges.

(10)~~(9)~~ The State Board of Education and the State Board of Community Colleges shall adopt rules to allow the deferral of registration and tuition fees for students receiving financial aid from a federal or state assistance program when such aid is delayed in being transmitted to the student through circumstances beyond the control of the student. The failure to make timely application for such aid is an insufficient reason to receive a deferral of fees. The rules must provide for the enforcement and collection or other settlement of delinquent accounts.

(11)~~(10)~~ Any veteran or other eligible student who receives benefits under chapter 30, chapter 31, chapter 32, chapter 34, or chapter 35 of Title 38, U.S.C., or chapter 106 of Title 10, U.S.C., is entitled to one deferment each academic year and an additional deferment each time there is a delay in the receipt of benefits.

(12)~~(11)~~ Each school district and community college shall be responsible for collecting all deferred fees. If a school district or community college has not collected a deferred fee, the student may not earn *state funding* ~~full-time equivalent enrollment~~ for any course for which the student subsequently registers until the fee has been paid.

(13)~~(12)~~ Any school district or community college that reports students who have not paid fees in an approved manner in calculations of full-time equivalent enrollments for state funding purposes shall be penalized at a rate equal to 2 times the value of such enrollments. Such penalty shall be charged against the following year's allocation from the Florida *Workforce Development Education Fund* ~~Education Finance Program~~ or the Community College Program Fund and shall revert to the General Revenue Fund. The State Board of Education shall specify, in rule, approved methods of student fee payment. Such methods must include, but need not be limited to, student fee payment; payment through federal, state, or institutional financial aid; and employer fee payments.

(14)~~(13)~~ Each school district and community college shall report only those students who have actually enrolled in instruction provided or supervised by instructional personnel under contract with the district or community college in calculations of actual full-time enrollments for state funding purposes. A student who has been exempted from taking a course or who has been granted academic or vocational credit through means other than actual coursework completed at the granting institution may not be calculated for enrollment in the course from which the student has been exempted or for which the student has been granted credit. School districts and community colleges that report enrollments in violation of this subsection shall be penalized at a rate equal to 2 times the value of such enrollments. Such penalty shall be charged against the following year's allocation from the *Workforce Development Education Fund* ~~Florida Education Finance Program or the Community College Program Fund~~ and shall revert to the General Revenue Fund.

(15)~~(14)~~ School boards and community college boards of trustees may establish scholarship funds using donations. If such funds are established, school boards and community college boards of trustees shall adopt rules that provide for the criteria and methods for awarding scholarships from the fund.

(16)~~(15)~~ School boards and community college boards of trustees may establish, by rule, a consumable supply fee for postsecondary students enrolled in certificate career education or supplemental courses.

(17)~~(16)~~ Each school board and community college board of trustees may establish a separate fee for capital improvements, technology enhancements, or equipping buildings which may not exceed 5 percent of the matriculation fee for resident students or 5 percent of the matriculation and tuition fee for nonresident students. Funds collected through these fees may not be bonded. The fee shall be collected as a component part of the registration and tuition fees, paid into a separate account, and expended only to maintain, improve, equip, or enhance the certificate career education or adult education facilities of the school district or community college. Projects funded through the use of the capital improvement fee must meet the survey and construction requirements of chapter 235. Pursuant to s. 216.0158, each school board and community college board of trustees shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee. A maximum of 15 cents per credit hour may be allocated from the capital improvement fee for child care centers conducted by the school board or community college board of trustees.

Section 20. Section 239.201, Florida Statutes, is amended to read:

239.201 Career education instruction.—

~~(1) The State Board for Career Education shall adopt rules that provide for certificate career education instruction in each vocational planning region. The provisions of this section are not intended to contradict or supersede the provision of such programs pursuant to existing interinstitutional articulation agreements between school boards and community college boards of trustees or to authorize the duplication of programs currently in existence within a region. Pursuant to such rules, one or more school districts or community colleges may jointly implement the provisions of this section.~~

(1)~~(2)~~ Adult or certificate career education instruction shall be available to all persons in the region, regardless of previous academic attainment. School boards, community college boards of trustees, and local social service agencies shall cooperate to recruit unemployed and underemployed persons into such programs.

(2)~~(3)~~ The minimum support from the school district or community college for career education shall be at least in the amount of local, state, and federal funds that the career education programs earn. Local funds *consist of* ~~shall include, but not be limited to, millage collected for the purpose of satisfying required local effort and~~ fee revenues generated by students enrolled in *workforce development programs* ~~certificate career education and supplemental career education courses and programs~~. ~~From the funds provided pursuant to this subsection, school boards shall expend a minimum of 80 percent on aggregate school costs. Any school board that expends less than 80 percent of the required funds shall have funding withheld from the subsequent appropriation in the same amount as the total underexpenditure; however, in the subsequent year allocation, the school board shall restore the required funds to the previously underfunded programs. The school district or community college shall indicate the expenditure of such funds in an identifiable manner pursuant to rules of the State Board for Career Education.~~

Section 21. Paragraphs (b), (c), and (d) of subsection (2) of section 239.229, Florida Statutes, are amended to read:

239.229 Vocational standards.—

(2)

(b) School board, superintendent, and area technical center, and community college board of trustees and president accountability for certificate career education programs includes, but is not limited to:

1. Student demonstration of the academic skills necessary to enter an occupation.

2. Student preparation to enter an occupation in an entry-level position or continue postsecondary study.

3. Vocational program articulation with other corresponding postsecondary programs.

4. Employer satisfaction with the performance of *students who reach occupational completion points* ~~vocational program completers~~.

5. Student completion and placement rates as defined in s. 239.233.

~~(c) School board, superintendent, and area technical center, and community college board of trustees and president accountability for supplemental vocational programs includes, but is not limited to:~~

~~1. Student maintenance of employment.~~

~~2. Student satisfaction or employer satisfaction, or both, with the supplemental instruction.~~

(c)~~(d)~~ Department of Education accountability for career education includes, but is not limited to:

1. The provision of timely, accurate technical assistance to school districts and community colleges.

2. The provision of timely, accurate information to the State Board for Career Education, the Legislature, and the public.

3. The development of policies, rules, and procedures that facilitate institutional attainment of the accountability standards and coordinate the efforts of all divisions within the department.

4. Overseeing school district and community college compliance with the provisions of this chapter.

5. The educational outcomes for the technical component of the associate in science degree, the associate in applied technology degree, and secondary vocational job-preparatory programs shall be uniform and designed to provide a graduate of high quality who is capable of entering the workforce on an equally competitive basis regardless of the institution of choice.

Section 22. Subsections (2) and (3) of section 239.249, Florida Statutes, 1996 Supplement, are amended to read:

239.249 Market-driven, performance-based incentive funding for vocational and technical education programs.—

(2) The Jobs and Education Partnership shall provide oversight and advice to improve the outcomes of *courses and programs designed for workforce development* ~~associate in science degree education and certificate technical education~~ provided by public school districts and community colleges. Annually, the partnership shall make recommendations to the State Board of Education and the Legislature regarding grant programs and funding incentives designed to improve vocational and technical education programs.

(3) In any year in which the Legislature designates funds for performance-based incentive funding for vocational and technical education programs provided by school districts or community colleges, the Division of *Workforce Development* ~~Applied Technology and Adult Education and the Division of Community Colleges~~ shall provide the Jobs and Education Partnership with recommended formulae, criteria, timeframes, and mechanisms for distributing funds. The partnership shall adopt a formula and advise the Division of Community Colleges and the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ of the expected incentive award earnings of school districts or colleges. The partnership shall base these calculations on formulae that would provide incentive awards or grants for:

(a) Programs that prepare people to enter high-wage occupations identified by the Occupational Forecasting Conference created by s. 216.136 and other programs as approved by the Jobs and Education Partnership. Local school district superintendents, community college presidents, and private industry councils shall receive the Occupational Forecasting Conference results for their respective geographic areas to assess local applicability. At a minimum, performance incentives shall be calculated for people who complete programs that lead to specified high-wage employment and their placement in that employment. Leavers with marketable skills may also be calculated for the purposes of this paragraph. Baseline information for these calculations shall be based upon institutional information compiled by the Florida Education and Training Placement Information Program for the 1992-1993 school year. The baseline information calculated for the purposes of this paragraph shall be adjusted for a 3-percent annual increase in productivity beginning in 1995-1996.

(b) Programs that successfully prepare people who are eligible for public assistance, economically disadvantaged, disabled, not proficient

in English, or dislocated workers for high-wage occupations. At a minimum, performance incentives shall be calculated for the enrollment of people identified in this paragraph, completion of such people, and placement of such people upon program completion. Leavers with marketable skills may also be calculated for the purposes of this paragraph. Baseline information for these calculations shall be based upon institutional information compiled by the Florida Education and Training Placement Information Program for the 1992-1993 school year. The baseline information calculated for the purposes of this paragraph shall be adjusted for a 3-percent annual increase in productivity beginning in 1995-1996.

(c) Programs identified by the Jobs and Education Partnership as increasing the effectiveness and cost-efficiency of education.

Section 23. Subsection (4), paragraphs (a) and (c) of subsection (5), and paragraphs (a) and (d) of subsection (6) of section 239.301, Florida Statutes, 1996 Supplement, are amended to read:

239.301 Adult general education.—

(4) ~~Both community colleges and school districts may conduct adult basic and secondary and vocational-preparatory courses within the same service area.~~ Any state university in which the percentage of incoming students who require college-preparatory instruction equals or exceeds 25 percent may conduct college-preparatory instruction. ~~Area technical centers and community colleges may contract with each other for the provision of vocational-preparatory instruction.~~

(5)(a) Adult basic and secondary education *and*~~,~~ vocational-preparatory~~, college-preparatory, and lifelong learning~~ courses shall be evaluated and funded as *provided in s. 239.115* ~~distinct programs~~. ~~The annual allocation to finance adult education in each school district and community college shall be determined in accordance with ss. 236.081 and 240.359, respectively.~~

(c) The State Board of Education shall define, by rule, the levels and courses of instruction to be funded through the college-preparatory program. The state board shall coordinate the establishment of costs for college-preparatory courses, the establishment of statewide standards that define required levels of competence, acceptable rates of student progress, and the maximum amount of time to be allowed for completion of college-preparatory instruction. *College-preparatory instruction is part of an associate-in-arts degree program and may not be funded as a workforce development education program.*

(6)(a) An educational program for disabled adults may be conducted within *and funded through the Workforce Development Education Fund or the Community College Program Fund* ~~adult basic, adult secondary, certificate career education, supplemental vocational, and vocational-preparatory programs~~. Each school board or community college board of trustees that has an educational program for disabled adults shall submit a plan to the commissioner which includes, at a minimum:

1. A description of the population to be served and an estimation of the number of such students.

2. A description of the courses and programs in the program, including corresponding expected student outcomes.

3. Provision for individualized educational plans and periodic student evaluation.

4. An interagency memorandum of agreement that provides for the coordination of adult education, career education, exceptional student education, the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, vocational rehabilitation, and other local organizations whose adult disabled clients participate in the program.

5. Provision for coordination of services, if both the community college and one or more school districts within the service area have approved programs for disabled adults.

6. Provision for a single administrator for adult courses and programs for the disabled.

(d) This subsection is not intended to discourage a school district or community college from providing educational services for disabled adults through classes in which nondisabled adults participate; however, in order to receive state funding *designated especially for the program* ~~pursuant to s. 236.081(1)(h) or s. 240.359~~, a school district or community college must have an approved program for adult, disabled students, and each student reported for funding pursuant to this subsection must have been determined to be a disabled adult.

Section 24. Subsection (1) of section 240.118, Florida Statutes, is amended to read:

240.118 Postsecondary feedback of information to high schools.—

(1) ~~On or before January 1, 1994,~~ The State Board of Education shall adopt rules that require the Commissioner of Education to report to the State Board of Education, the Legislature, and the school districts on the performance of each first-time-in-postsecondary education student from each public high school in this state who is enrolled in a university, community college, or public *technical center* ~~degree career education school~~. Such reports *must* ~~shall~~ be based on information databases maintained by the Division of Universities, Division of Community Colleges, and Division of *Workforce Development* ~~Applied Technology and Adult Education~~. In addition, the universities, community colleges, and *technical centers* ~~degree career education schools~~ shall provide school districts access to information on student performance in regular and preparatory courses and shall indicate students referred for remediation pursuant to s. 240.117 or s. 239.213.

Section 25. Subsection (8) of section 240.147, Florida Statutes, is amended to read:

240.147 Powers and duties of the commission.—The commission shall:

(8) Recommend to the State Board of Education and the Legislature the establishment of additional branch campuses of public postsecondary educational institutions. *A* ~~No~~ branch campus may *not* be established without a review by the commission and formal authorization by the Legislature. Any community college branch campus established to provide only ~~exploratory, occupational proficiency, job-preparatory, and supplemental~~ vocational and technical instruction must be reviewed and recommended again by the commission and receive specific authorization by the Legislature before expanding its instructional offerings to the college parallel program area.

Section 26. Subsection (1), paragraph (b) of subsection (3), paragraph (b) of subsection (4), and paragraph (a) of subsection (5) of section 240.301, Florida Statutes, are amended to read:

240.301 Community colleges; definition, mission, and responsibilities.—

(1) State community colleges shall consist of all public educational institutions operated by community college district boards of trustees under statutory authority and rules of the State Board of Education and the State Board of Community Colleges. A community college may *provide* ~~be authorized by the State Board of Education to operate a department designated as an area career education school. A community college may be authorized by the State Board of Education, or through an agreement with a local school board, to be the designated provider in the service district of~~ adult education services, including adult basic education, adult general education, adult secondary education, and general educational development test instruction. The state community colleges are locally based and governed entities with statutory and funding ties to state government. As such, the community colleges' mission reflects a commitment to be responsive to local educational needs and challenges. In achieving this mission, the colleges strive to maintain sufficient local authority and flexibility while preserving appropriate legal accountability to the state.

(3) The primary mission and responsibility of public community colleges is responding to community needs for postsecondary academic education and degree career education. This mission and responsibility includes being responsible for:

(b) Preparing students directly for vocations requiring less than baccalaureate degrees. This may include preparing for job entry, supplementing of skills and knowledge, and responding to needs in new areas of technology. Career education in the community college shall consist of certificate career education programs leading to certificates *for occupational completion points*, credit courses leading to associate in science degrees *and associate in applied technology degrees*, and other programs

in fields requiring substantial academic work, background, or qualifications. A community college may offer vocational programs in fields having lesser academic or technical requirements ~~if it is designated by the State Board of Education as an area vocational school or if such programs are coordinated with the local school district through an agreement with the school board~~.

(4) A separate and secondary role for community colleges includes the offering of programs in:

(b) Adult *general* ~~precollege~~ education~~, when authorized.~~

(5) Funding for community colleges shall reflect their mission as follows:

(a) Postsecondary academic and *vocational* ~~degree career~~ education programs and~~, when assigned to community colleges,~~ adult *general* ~~precollege~~ education programs shall have first priority in community college funding.

Section 27. Subsection (1) of section 240.345, Florida Statutes, is amended to read:

240.345 Financial support of community colleges.—

(1) STATE SUPPORT OF COMMUNITY COLLEGES.—Each community college *that* ~~which~~ has been approved by the Department of Education and meets the requirements of law and regulations of the State Board of Education shall participate in the state community college program fund. *However, funds to support workforce development programs conducted by community colleges shall be provided by the Workforce Development Education Fund pursuant to s. 239.115.*

Section 28. Section 240.35, Florida Statutes, 1996 Supplement, 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 *leading to an associate degree, including college preparatory courses defined in s. 239.105*.

(1) The State Board of Community Colleges shall establish the matriculation and tuition fees for credit instruction *which* ~~that~~ may be counted toward an associate ~~or higher~~ degree. This instruction includes advanced programs *and*~~,~~ professional programs~~, and degree career education programs~~.

(2)(a) Any student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or parts III and V of chapter 39, for whom the permanency planning goal pursuant to part V of chapter 39 is long-term foster care or independent living, is exempt from the payment of all undergraduate fees, including fees associated with enrollment in college-preparatory instruction or completion of the college-level communication and computation skills testing program. Before a fee exemption can be given, the student shall have applied for and been denied financial aid, pursuant to s. 240.404, which would have provided, at a minimum, payment of all student fees.

(b) Any student qualifying for a fee exemption under this subsection shall receive such an exemption for not more than 2 consecutive years or 4 semesters, unless the student is participating in college-preparatory instruction or requires additional time to complete the college-level communication and computation skills testing program. Such a student is eligible to receive a fee exemption for a maximum of 3 consecutive years or 6 semesters.

(c) As a condition for continued fee exemption, a student shall earn a grade point average of at least 2.0 on a 4.0 scale for the previous term, maintain at least an overall 2.0 average for college work, or have an average below 2.0 for only the previous term and be eligible for continued enrollment in the institution.

(3) Students enrolled in dual enrollment and early admission programs pursuant to s. 240.116 and students enrolled ~~in employment and training programs~~ under the WAGES Program 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 under the WAGES Program 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 may not be denied participation in programs during the application process for financial aid. These students may 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.~~

(4)(a) Fees shall be waived for certain members of the active Florida National Guard pursuant to *s. 250.10(7)* ~~the provisions of s. 250.10(6)~~.

(b) Community colleges may waive fees for any fee-nonexempt student. A student whose fees are waived in excess of the amount authorized annually in the General Appropriations Act may not be included in calculations of full-time equivalent enrollments for state funding purposes. Any community college that waives fees and requests state funding for a student in violation of the provisions of this subsection shall be penalized at a rate equal to two times the value of the full-time equivalent student enrollment reported served. Such penalty shall be charged against the following year's allocation from the Community College Program Fund.

(5) Subject to review and final approval by the State Board of Education, the State Board of Community Colleges shall adopt by December 31 of each year a resident fee schedule for the following fall for advanced and professional~~, degree career education, and college preparatory~~ programs *that produce* ~~which produces~~ revenues in the amount of 25 percent of the full prior year's cost of these programs. However, the board may not adopt an annual fee increase in any program for resident students which exceeds 10 percent. ~~Beginning with fiscal year 1992-1993 and,~~ In the absence of a provision to the contrary in an appropriations act, the fee schedule shall take effect and the colleges shall expend the funds on instruction. If the Legislature provides for an alternative fee calculation in an appropriations act, the board shall establish a fee schedule that produces the fee revenue established in the appropriations act based on the assigned enrollment.

(6) Each community college board of trustees shall establish matriculation and tuition fees, which may vary no more than 10 percent from the fee schedule adopted by the State Board of Community Colleges.

(7) The sum of nonresident student matriculation and tuition fees must be sufficient to defray the full cost of each program. ~~Beginning with fiscal year 1992-1993,~~ The annual fee increases for nonresident students established by the board, in the absence of legislative action to the contrary in an appropriations act, may not exceed 25 percent.

(8) The State Board of Community Colleges shall adopt a rule specifying the definitions and procedures to be used in the calculation of the percentage of cost paid by students. The rule must provide for the calculation of the full cost of educational programs based on the allocation of all funds provided through the general current fund to programs of instruction, and other activities as provided in the annual expenditure analysis. The rule shall be developed in consultation with the Legislature.

(9) Each community college district board of trustees may establish a separate activity and service fee not to exceed 10 percent of the matriculation fee, according to rules of the State Board of Education. The student activity and service fee shall be collected as a component part of the registration and tuition fees. The student activity and service fees shall be paid into a student activity and service fund at the community college and shall be expended for lawful purposes to benefit the student body in general. These purposes include, but are not limited to, student publications and grants to duly recognized student organizations, the membership of which is open to all students at the community college without regard to race, sex, or religion.

(10)(a) Each community college is authorized to collect for financial aid purposes an additional amount up to, but not to exceed, 5 percent of the total student tuition or matriculation fees collected. Each community college may collect up to an additional 2 percent if the amount generated by the total financial aid fee is less than $250,000. If the amount generated is less than $250,000, a community college that charges tuition and matriculation fees at least equal to the average fees established by rule may transfer from the general current fund to the scholarship fund an amount equal to the difference between $250,000 and the amount generated by the total financial aid fee assessment. No other transfer from the

general current fund to the loan, endowment, or scholarship fund, by whatever name known, is authorized.

(b) All funds collected under this program shall be placed in the loan and endowment fund or scholarship fund of the college, by whatever name known. Such funds shall be disbursed to students as quickly as possible. An amount not greater than 40 percent of the fees collected in a fiscal year may be carried forward unexpended to the following fiscal year. However, funds collected prior to July 1, 1989, and placed in an endowment fund may not be considered part of the balance of funds carried forward unexpended to the following fiscal year.

(c) Up to 25 percent or $250,000, whichever is greater, of the fees collected may be used to assist students who demonstrate academic merit, who participate in athletics, public service, cultural arts, and other extracurricular programs as determined by the institution, or who are identified as members of a targeted gender or ethnic minority population. The financial aid fee revenues allocated for athletic scholarships and fee exemptions provided pursuant to subsection (14) for athletes shall be distributed equitably as required by s. 228.2001(3)(d). A minimum of 50 percent of the balance of these funds shall be used to provide financial aid based on absolute need, and the remainder of the funds shall be used for academic merit purposes and other purposes approved by the district boards of trustees. Such other purposes shall include the payment of child care fees for students with financial need. The State Board of Community Colleges shall develop criteria for making financial aid awards. Each college shall report annually to the Department of Education on the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the State Board of Community Colleges. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.

(d) These funds may not be used for direct or indirect administrative purposes or salaries.

(11) Any community college that reports students who have not paid fees in an approved manner in calculations of full-time equivalent enrollments for state funding purposes shall be penalized at a rate equal to two times the value of such enrollments. Such penalty shall be charged against the following year's allocation from the Community College Program Fund and shall revert to the General Revenue Fund. The State Board of Education shall specify, as necessary, by rule, approved methods of student fee payment. Such methods shall include, but not be limited to, student fee payment; payment through federal, state, or institutional financial aid; and employer fee payments. A community college may not charge any fee except as authorized by law or rules of the State Board of Education.

(12) Each community college shall report only those students who have actually enrolled in instruction provided or supervised by instructional personnel under contract with the community college in calculations of actual full-time equivalent enrollments for state funding purposes. No student who has been exempted from taking a course or who has been granted academic or vocational credit through means other than actual coursework completed at the granting institution shall be calculated for enrollment in the course from which he or she has been exempted or granted credit. Community colleges that report enrollments in violation of this subsection shall be penalized at a rate equal to two times the value of such enrollments. Such penalty shall be charged against the following year's allocation from the Community College Program Fund and shall revert to the General Revenue Fund.

(13) Each community college board of trustees may establish a separate fee for capital improvements or equipping student buildings which may not exceed $1 per credit hour or credit-hour equivalent for residents and which equals or exceeds $3 per credit hour for nonresidents. Funds collected through these fees may not be bonded. The fee shall be collected as a component part of the registration and tuition fees, paid into a separate account, and expended only to construct and equip, maintain, improve, or enhance the educational facilities of the community college. Projects funded through the use of the capital improvement fee shall meet the survey and construction requirements of chapter 235. Pursuant to s. 216.0158, each community college shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee. A maximum of 15 cents per credit hour may be allocated from the capital improvement fee for child care centers conducted by the community college.

(14) Each community college is authorized to grant student fee exemptions from all fees adopted by the State Board of Community Colleges and the community college board of trustees for up to 40 full-time equivalent students at each institution.

Section 29. Paragraphs (b) and (c) of subsection (1) of section 240.359, Florida Statutes, are amended to read:

240.359 Procedure for determining state financial support and annual apportionment of state funds to each community college district.— The procedure for determining state financial support and the annual apportionment to each community college district authorized to operate a community college under the provisions of s. 240.313 shall be as follows:

(1) DETERMINING THE AMOUNT TO BE INCLUDED IN THE STATE COMMUNITY COLLEGE PROGRAM FUND FOR THE CURRENT OPERATING PROGRAM.—

(b) The allocation of funds for community colleges shall be based on advanced and professional disciplines *and on other programs for adults funded pursuant to s. 239.115*~~, vocational program areas, compensatory programs, and adult elementary and secondary programs~~. ~~The vocational program areas shall be further subdivided into postsecondary, postsecondary adult, and supplemental vocational program areas.~~

(c) The ~~funding~~ category of lifelong learning is for students enrolled pursuant to s. 239.301. A student shall also be reported as a lifelong learning student for his or her enrollment in any course that he or she has previously taken, unless it is a credit course in which the student earned a grade of D or F.

Section 30. Subsection (13) of section 240.61, Florida Statutes, 1996 Supplement, is amended to read:

240.61 College reach-out program.—

(13) By January 15 of each year, the Postsecondary Education Planning Commission shall submit to the President of the Senate, the Speaker of the House of Representatives, the Commissioner of Education, and the Governor a report that evaluates the effectiveness of the college reach-out program. The report must be based upon information provided by participating institutions, the Division of Universities, the Division of Community Colleges, and the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ pursuant to subsections (7) and (12). The evaluation must include longitudinal cohort assessments of college reach-out program participants from their entry into the program to their graduation from postsecondary institutions. To the extent feasible, the performance of college reach-out program participants must be compared to the performance of comparable cohorts of students in public school and postsecondary education.

Section 31. Subsection (1) of section 242.3305, Florida Statutes, is amended to read:

242.3305 Florida School for the Deaf and the Blind; responsibilities and mission.—

(1) The Florida School for the Deaf and the Blind is a state-supported residential school for hearing-impaired and visually impaired students in preschool through 12th grade. The school is a part of the state system of public education and shall be funded through the Division of Public Schools *and Community Education* of the Department of Education. The school shall provide educational programs and support services appropriate to meet the education and related evaluation and counseling needs of hearing-impaired and visually impaired students in the state who meet enrollment criteria. Education services may be provided on an outreach basis for sensory-impaired children ages 0 through 5 years and their parents. Graduates of the Florida School for the Deaf and the Blind shall be eligible for the tuition voucher program as provided in s. 240.605.

Section 32. Paragraph (d) of subsection (6) of section 242.331, Florida Statutes, is amended to read:

242.331 Florida School for the Deaf and the Blind; board of trustees.—

(6) The board of trustees shall:

(d) Seek the advice of the Bureau of Education for Exceptional Students within the Division of Public Schools *and Community Education* of the Department of Education.

Section 33. Subsection (1) of section 242.337, Florida Statutes, is amended to read:

242.337 Procedure for legislative budget requests for the Florida School for the Deaf and the Blind.—

(1) The legislative budget request of the Florida School for the Deaf and the Blind shall be prepared using the same format, procedures, and timelines required for the submission of the legislative budget of the Department of Education. The Commissioner of Education shall include the Florida School for the Deaf and the Blind in the department's legislative budget request to the State Board of Education, the Governor, and the Legislature. The legislative budget request and the appropriation for the Florida School for the Deaf and the Blind shall be a separate identifiable sum in the Division of Public Schools *and Community Education* budget entity of the Department of Education. The annual appropriation for the school shall be distributed monthly in payments as nearly equal as possible. Appropriations for textbooks, instructional technology, and school buses may be released and distributed as necessary to serve the instructional program for the students.

Section 34. Paragraph (a) of subsection (2) of section 288.047, Florida Statutes, 1996 Supplement, is amended to read:

288.047 Quick-response training for economic development.—

(2)(a) A Quick-Response Advisory Committee, composed of the director of the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ of the Department of Education; the director of the Division of Community Colleges of the Department of Education; and the director of the Division of Jobs and Benefits of the Department of Labor and Employment Security, or their respective designees, and four private sector members, shall review training funded through this program and shall provide policy advice to Enterprise Florida, Inc., in the implementation of this program. The committee shall elect a chair from among its members. Members of the committee may receive reimbursement for per diem and travel expenses as provided in s. 112.061.

Section 35. Subsection (2) of section 446.011, Florida Statutes, is amended to read:

446.011 Declaration of legislative intent with respect to apprenticeship training.—

(2) It is the intent of the Legislature that the Division of Jobs and Benefits of the Department of Labor and Employment Security have responsibility for the development of the apprenticeship and preapprenticeship uniform minimum standards for the apprenticeable trades and that the Division of *Workforce Development and the Division of Public Schools and Community Education* ~~of Applied Technology and Adult Education~~ of the Department of Education have responsibility for assisting district school boards and community college district boards of trustees in developing preapprenticeship programs in compliance with the standards established by the Division of Jobs and Benefits.

Section 36. Subsection (8) of section 446.041, Florida Statutes, is amended to read:

446.041 Apprenticeship program, duties of division.—The Division of Jobs and Benefits shall:

(8) Cooperate with and assist the Division of *Workforce Development and the Division of Public Schools and Community Education* ~~Applied Technology and Adult Education~~ of the Department of Education and appropriate ~~career~~ education institutions in the development of viable apprenticeship and preapprenticeship programs.

Section 37. Subsections (2) and (3) of section 446.052, Florida Statutes, are amended to read:

446.052 Preapprenticeship program.—

(2) The Division of *Public Schools and Community Education* ~~Applied Technology and Adult Education~~ of the Department of Education, under regulations established by the State Board of Education, is authorized to administer the provisions of ss. 446.011-446.092 that relate to preapprenticeship programs in cooperation with district school boards and community college district boards of trustees. District school boards, community college district boards of trustees, and registered program sponsors shall cooperate in developing and establishing programs that include vocational instruction and general education courses required to obtain a high school diploma.

(3) The Division of *Public Schools and Community Education* ~~Applied Technology and Adult Education~~, the district school boards, the community college district boards of trustees, and the Division of Jobs and Benefits shall work together with existing registered apprenticeship programs so that individuals completing such preapprenticeship programs may be able to receive credit towards completing a registered apprenticeship program.

Section 38. Paragraph (a) of subsection (2) of section 616.21, Florida Statutes, is amended to read:

616.21 Agricultural and livestock exhibit buildings; conditions for expenditures; Agricultural and Livestock Fair Council.—

(2)(a) There is created in the department the Agricultural and Livestock Fair Council, which shall be composed of five members, one of whom shall be appointed chair annually by the commissioner, as follows: *a representative of the Department of Education designated by the Commissioner* ~~the administrator of the Agriculture Section in the Division of Applied Technology and Adult Education of the Department~~ of Education; a representative of the department designated by the Commissioner of Agriculture; the Dean for Extension, Institute of Food and Agricultural Sciences of the University of Florida; the president of the Florida Federation of Fairs and Livestock Shows; and the president of the Florida Farm Bureau Federation or his representative. A representative of the department shall serve as secretary to the council and shall keep a complete record of all its proceedings, which record shall show the names of the members present at each meeting and any action taken by the council.

Section 39. *Subsection (3) of section 229.8075, Florida Statutes, and section 239.109, Florida Statutes, and sections 15 and 16 of chapter 94-232, Laws of Florida, are repealed.*

Section 40. *The Legislature intends to:*

(1) Provide for implementation of the revised funding model for exceptional student education programs.

(2) Simplify the Florida Education Finance Program by reducing the number of program cost factors to provide greater flexibility at the local level in the use of funds.

(3) Provide for allocating funds for kindergarten through grade 12 and adult education programs separately.

(4) Continue to make progress in reducing the range of disparity in total potential funds available per full-time equivalent student.

Section 41. *(1) The revised funding model for exceptional student education programs is designed to: be better for students than the existing funding system by encouraging school districts and schools to identify and implement educationally effective instructional delivery models; simplify funding by utilizing five weighted cost factors; provide fiscal support for exceptional students in general education classes; be outcome driven; and be revenue neutral. This funding model is designed to support both traditional and new service delivery models along the continuum of services required for exceptional students. It is the intent of the Legislature, through the General Appropriations Act, to minimize the fiscal impact on school districts of the implementation of this funding model.*

(2)(a) The revised funding model uses five Florida Education Finance Program cost factors for exceptional student education programs. Cost factors are determined by using a matrix of services to document the services that each exceptional student will receive. The nature and intensity of the services indicated on the matrix shall be consistent with the

services described in each exceptional student's individual education plan.

(b) A matrix of services must be completed at least once each year by public school personnel who have received approved training. Additionally, each time an exceptional student's individual education plan, family support plan, or education plan is reviewed, the matrix of services must also be reviewed. Nothing listed in the matrix shall be construed as limiting the services a school district must provide in order to ensure that exceptional students are provided a free, appropriate public education.

(3) The Department of Education shall revise its monitoring systems for exceptional student education programs to include a review of delivery of services as indicated on the matrix of services.

(4) The Department of Education shall promulgate rules necessary to implement the revised funding model.

(5) The funding level in the 1997-1998 FEFP for exceptional student education shall be guaranteed for 3 years so that no district will have a financial uncertainty during the initial implementation of the revised funding model.

Section 42. Section 236.078, Florida Statutes, is amended to read:

236.078 Florida Education Finance Program Appropriation Allocation Conference.—Prior to the distribution of any funds appropriated in the General Appropriations Act for the *K-12* Florida Education Finance Program formula and for the formula-funded categorical programs, the Commissioner of Education shall conduct an allocation conference. Conference principals shall include representatives of the Department of Education, the Executive Office of the Governor, and the Appropriations Committees of the Senate and the House of Representatives. Conference principals shall discuss and agree to all conventions, including rounding conventions, and methods of computation to be used to calculate Florida Education Finance Program and categorical entitlements of the districts for the fiscal year for which the appropriations are made. These conventions and calculation methods shall remain in effect until further agreements are reached in subsequent allocation conferences called by the commissioner for that purpose. The commissioner shall also, prior to each recalculation of Florida Education Finance Program and categorical allocations of the districts, provide conference principals with all data necessary to replicate those allocations precisely. This data shall include a matrix by district by program of all full-time equivalent changes made by the department as part of its administration of state full-time equivalent caps.

Section 43. Section 236.081, Florida Statutes, 1996 Supplement, is amended to read:

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

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

(a) Determination of full-time equivalent membership.—During each of several school weeks, including scheduled intersessions of a year-round school program during the fiscal year, a program membership survey of each school shall be made by each district by aggregating the full-time equivalent student membership of each program by school and by district. The department shall establish the number and interval of membership calculations, except that for basic and special programs such calculations shall not exceed nine for any fiscal year. The district's full-time equivalent membership shall be computed and currently maintained in accordance with regulations of the state board.

(b) Determination of base student allocation.—The base student allocation *for the Florida Education Finance Program for kindergarten through grade 12* shall be determined annually by the Legislature and shall be that amount prescribed in the current year's General Appropriations Act.

(c) Determination of programs.—Cost factors based on desired relative cost differences between the following programs shall be established in the annual General Appropriations Act. *The Commissioner of Education shall specify a matrix of services and intensity levels to be used by districts in the determination of funding support for each exceptional student. The funding support level for each exceptional student shall fund the exceptional student's total education program.* ~~However, the application of cost factors in part-time programs for exceptional students is limited to a maximum of twelve twenty-fifths of a student membership in a given program during a week. Beginning with the 1990-1991 fiscal year, the application of cost factors in part-time programs for exceptional students is limited to a maximum of 432 hours of a student full-time equivalent membership in a given program during a school year as defined in s. 228.041(16). The criteria for qualification for the special programs, including maximum case loads for part-time programs, shall be determined by rules of the state board. However, the district may apply to the department for an exemption to the maximums set above, and the department may grant such exemptions when district size or program dispersal would place an undue burden on the district. Cost factors for special programs for exceptional students shall be used to fund programs, approved by the department, as provided by law for exceptional students under the minimum age for enrollment in kindergarten. Beginning with the 1993-1994 fiscal year, the Department of Education shall conduct a program cost analysis, pursuant to State Board of Education rule, as part of the program review process. Adult basic and secondary programs must also be addressed in the program cost analysis. The program cost analysis must include, but is not limited to, the cost of direct and indirect operations, instruction, faculty-to-student ratio, consumable supplies, equipment, and optimum program length. Beginning with the 1995-1996 General Appropriations Act, the Legislature shall assign each secondary career education program and certificate career education program to a program funding level based on programmatic costs derived from the program cost analysis. A minimum of five funding levels shall be established in the General Appropriations Act for the purposes of this paragraph.~~

1. Basic programs.—
a. Kindergarten and grades 1, 2, and 3.
b. Grades 4, 5, 6, 7, and 8.
c. Grades 9, 10, 11, and 12.

2. ~~Special~~ Programs for exceptional students.—
a. Support Level I.
b. Support Level II.
c. Support Level III.
d. Support Level IV.
e. Support Level V.
~~a. Educable mentally handicapped.~~
~~b. Trainable mentally handicapped.~~
~~c. Physically handicapped.~~
~~d. Physical and occupational therapy part-time.~~
~~e. Speech, language, and hearing part-time.~~
~~f. Speech, language, and hearing.~~
~~g. Visually handicapped part-time.~~
~~h. Visually handicapped.~~
~~i. Emotionally handicapped part-time.~~
~~j. Emotionally handicapped.~~
~~k. Specific learning disability part-time.~~
~~l. Specific learning disability.~~
~~m. Gifted part-time.~~
~~n. Hospital and homebound part-time.~~
~~o. Profoundly handicapped.~~

3.~~4.~~ Secondary career education programs.—
~~a. Level I.~~
~~b. Level II.~~
~~c. Level III.~~
~~d. Level IV.~~
~~e. Level V.~~

4.~~6.~~ Students-at-risk programs.—
a. Dropout prevention *and teenage parents.*
b. English for Speakers of Other Languages.
~~b. Special programs for teenage parents.~~
~~c. Kindergarten through grade 3 ESOL.~~
~~d. Grades 4 through 8 ESOL.~~
~~e. Grades 9 through 12 ESOL.~~

~~5. Certificate career education and supplemental career education programs.—~~

~~a. Level I.~~
~~b. Level II.~~
~~c. Level III.~~
~~d. Level IV.~~
~~e. Level V.~~

~~3. Adult general education programs.—~~
~~a. Adult basic education.~~
~~b. Adult secondary education.~~
~~c. Lifelong learning.~~

(d) Annual allocation calculation.—

1. The Department of Education is authorized and directed to review all district programs and enrollment projections and calculate a maximum total weighted full-time equivalent student enrollment for each district *for the K-12 FEFP*.

2. Maximum enrollments calculated by the department shall be derived from enrollment estimates used by the Legislature to calculate the FEFP. If two or more districts enter into an agreement under the provisions of s. 230.23(4)(d), after the final enrollment estimate is agreed upon, the amount of FTE specified in the agreement, not to exceed the estimate for the specific program as identified in paragraph (c), may be transferred from the participating districts to the district providing the program.

3. As part of its calculation of each district's maximum total weighted full-time equivalent student enrollment, the department shall establish separate enrollment ceilings for each of three program groups. Group 1 shall be composed of grades K-3, grades 4-8, and grades 9-12. *Group 2 shall be composed of students in exceptional student education.* Group *3* ~~2~~ shall be composed of students-at-risk programs, all basic programs other than the programs in group 1, ~~all exceptional child programs,~~ and all vocational programs in grades 7-12. ~~Group 3 shall be composed of all adult education programs.~~

a. The weighted enrollment ceiling for group 2 and group 3 programs shall be calculated by multiplying the final enrollment conference estimate for each program by the appropriate program weight. The weighted enrollment ceiling for program groups 2 and 3 shall be the sum of the weighted enrollment ceilings for each program in the program group, plus the increase in weighted full-time equivalent student membership from the prior year for clients of the Department of *Children and Family Services and the Department of Juvenile Justice* ~~Health and Rehabilitative Services~~.

b. If, for any calculation of the FEFP, the weighted enrollment for either program group 2 or group 3, derived by multiplying actual enrollments by appropriate program weights, exceeds the enrollment ceiling for that group, the following procedure shall be followed to reduce the weighted enrollment for that group to equal the enrollment ceiling:

(I) The weighted enrollment ceiling for each program in the program group shall be subtracted from the weighted enrollment for that program derived from actual enrollments.

(II) If the difference calculated under sub-sub-subparagraph (I) is greater than zero for any program, a reduction proportion shall be computed for the program by dividing the absolute value of the difference by the total amount by which the weighted enrollment for the program group exceeds the weighted enrollment ceiling for the program group.

(III) The reduction proportion calculated under sub-sub-subparagraph (II) shall be multiplied by the total amount of the program group's enrollment over the ceiling as calculated under sub-sub-subparagraph (I).

(IV) The prorated reduction amount calculated under sub-sub-subparagraph (III) shall be subtracted from the program's weighted enrollment. For any calculation of the FEFP, the enrollment ceiling for group 1 shall be calculated by multiplying the actual enrollment for each program in the program group by its appropriate program weight.

c. For program groups 2 and 3, the weighted enrollment ceiling shall be a number not less than the sum obtained by:

(I) Multiplying the sum of reported FTE for all programs in the program group that have a cost factor of 1.0 or more by 1.0, and

(II) By adding this number to the sum obtained by multiplying the projected FTE for all programs with a cost factor less than 1.0 by the actual cost factor.

~~(e) Visually handicapped allocation.—With respect to special programs for the visually handicapped, upon request of a school board in any district or multidistrict area in which there are five or more students receiving an appropriate program, the Department of Education may assign three unweighted full-time equivalent students for the special program until such time as more than three full-time equivalent students are generated.~~

~~(f) Exceptional mainstream allocation.—A student properly classified as an exceptional student pursuant to s. 230.23(4)(m) and eligible for a special program for exceptional students identified in subparagraph (c)2., excluding gifted part-time, may, as a condition of such student's individualized educational plan, be assigned to a basic or vocational mainstream program on a part-time basis. Physically impaired students may be assigned to a basic or vocational mainstream program on a part-time or full-time basis. The basic program cost factor or aggregated vocational program cost factor for such mainstreamed students shall be doubled for the purpose of generating weighted full-time equivalent membership for time served in the program, provided such students are furnished with required special services, aids, or equipment in accordance with their individualized educational plan. The Department of Education may promulgate rules needed to implement this paragraph.~~

~~(g) Alternative handicapped allocation.—As an alternative to a special program for hospital and homebound part-time, a school district may establish appropriate instructional groupings of certain students within any hospital when those students are eligible for a special program for the hospitalized or homebound due to physical or mental health impairments which result in reduced efficiency in school work because of temporary or chronic lack of strength, vitality, or alertness. Each full-time equivalent student in such a program shall be assigned a cost factor equal to the cost factor established for physically handicapped pursuant to subparagraph (c)2.~~

(e)~~(h)~~ State funding for certain adult disabled students.—If an adult student has been determined to be a disabled student eligible for an approved educational program for disabled adults provided pursuant to s. 239.301 and rules of the State Board of Education and is enrolled in a class with curriculum frameworks developed for the program, state funding for that student shall be provided at a level double that of the special adult general education program cost factor for the purpose of generating weighted full-time equivalent membership for time served in the program.

(f)~~(i)~~ Small, isolated high schools.—Districts which levy the maximum nonvoted discretionary millage, exclusive of millage for capital outlay purposes levied pursuant to s. 236.25(2), may calculate full-time equivalent students for small, isolated high schools by multiplying the number of unweighted full-time equivalent students times 2.75; provided the percentage of students at such school passing both parts of the high school competency test, as defined by law and rule, has been equal to or higher than such percentage for the state or district, whichever is greater. For the purpose of this section, the term "small, isolated high school" means any high school which is located no less than 28 miles by the shortest route from another high school; which has been serving students primarily in basic studies provided by sub-subparagraphs (c)1.b. and c. and may include subparagraph (c)6.; and which has a membership of no more than 100 students, but no fewer than 28 students, in grades 9 through 12.

(g)~~(j)~~ Calculation of full-time equivalent membership with respect to instruction from community colleges or universities.—Students enrolled in community college or university dual enrollment instruction pursuant to s. 240.116 may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. Such students may also be calculated as the proportional shares of full-time equivalent enrollments they generate for the community college or university conducting the dual enrollment instruction. Early admission students shall be considered dual enrollments for funding purposes. ~~Students enrolled in dual enrollment instruction provided by a vocational-technical center located in the same district as the district in which the student attends secondary school and operated by the school board of that district shall be calculated by the school board as one full-time equivalent enrollment within the basic~~

~~secondary program for state funding purposes; however, a district school board may also report such students as the proportional shares of full-time equivalent enrollments each student generates within the vocational program. Students enrolled in dual enrollment instruction provided by a vocational-technical center located in a different school district than the district in which the student attends secondary school and operated by the school board of the district in which the vocational-technical center is located may be included in calculations of full-time equivalent memberships for basic programs for grades 9 through 12 by a district school board and may be calculated as the proportional share of full-time equivalent enrollments they generate for the school board conducting the dual enrollment instruction. Students enrolled in vocational dual enrollment instruction conducted by a community college on a high school campus may be calculated by the school board as the proportional shares of full-time equivalent enrollments they generate in the basic program for grades 9 through 12 and the proportional shares of full-time equivalent enrollments they generate in the vocational programs.~~ Students may be enrolled in dual enrollment instruction provided by an eligible independent college or university and may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. However, those provisions of law which exempt dual enrolled and early admission students from payment of instructional materials, registration, matriculation, and laboratory fees shall not apply to students who select the option of enrolling in an eligible independent institution. An independent college or university which is located and chartered in Florida, is not for profit, is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Commission of the Association of Independent Colleges and Schools, and which confers degrees as defined in s. 246.021 shall be eligible for inclusion in the dual enrollment or early admission program. Students enrolled in dual enrollment instruction shall be exempt from the payment of registration, matriculation, and laboratory fees. No student enrolled in college credit mathematics or English dual enrollment instruction shall be funded as a dual enrollment unless the student has successfully completed the relevant section of the entry-level examination required pursuant to s. 240.117~~, nor shall any student enrolled in vocational dual enrollment instruction be funded as a dual enrollment unless the student has completed the vocational entry-level examination~~.

(h)~~(k)~~ Instruction outside required number of school days.—Students in grades 9 through 12 may be counted as full-time equivalent students for instruction provided outside the required number of school days if such instruction counts as credit toward a high school diploma. *However, if a high school student wishes to earn additional high school credits from a community college and enrolls in one or more adult secondary education courses at the community college, the student's school district must pay the community college for the costs incurred because of the high school student's coenrollment.*

(i)~~(l)~~ Instruction in *family and consumer services* ~~home economics~~.—Students in grades K through 12 who are enrolled for more than six semesters in practical arts home economics courses as defined in s. 228.041(22)(a)4. may not be counted as full-time equivalent students for this instruction.

(j)~~(m)~~ Instruction in exploratory career education.—Students in grades 7 through 12 who are enrolled for more than four semesters in exploratory career education may not be counted as full-time equivalent students for this instruction.

(k)~~(n)~~ Calculation of additional full-time equivalent membership based on international baccalaureate examination scores of students.—A value of 0.24 full-time equivalent student membership shall be calculated for each student enrolled in an international baccalaureate course who receives a score of 4 or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an international baccalaureate diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year.

(l)~~(o)~~ Instruction in career education.—Effective for the 1985-1986 school year and thereafter, district pupil progression plans shall provide for the substitution of vocational courses for the nonelective courses required for high school graduation pursuant to s. 232.246. A student in grades 9 through 12 who enrolls in and satisfactorily completes a job-preparatory program may substitute credit for a portion of the required four credits in English, three credits in mathematics, and three credits in science. The credit substituted for English, mathematics, or science earned through the vocational job-preparatory program shall be on a curriculum equivalency basis as provided for in the State Course Code Directory. Upon adoption of curriculum frameworks for vocational courses pursuant to s. 233.011, the State Board of Education shall authorize by rule vocational course substitutions not to exceed two credits in each of the nonelective academic subject areas of English, mathematics, and science. School districts shall provide for vocational course substitutions not to exceed two credits in each of the nonelective academic subject areas of English, mathematics, and science, upon adoption of vocational student performance standards by the school board pursuant to s. 232.2454. A vocational program which has been used as a substitute for a nonelective academic credit in one subject area may not be used as a substitute for any other subject area. The credit in practical arts or exploratory career education required for high school graduation pursuant to s. 232.246(1) shall be funded as a career education course.

~~(p) Instruction in supplemental vocational courses; and adult basic and secondary courses.—Vocational supplemental courses and adult basic and secondary education courses may be made available to any adult pursuant to s. 239.301.~~

~~1. A student in an adult basic and secondary education course shall be reported as an adult basic and secondary education full-time equivalent student if he or she is pursuing a program of studies to achieve literacy, prepare for the Test of General Educational Development (GED), or earn a high school diploma.~~

~~2. A student in a supplemental vocational course shall be reported as a supplemental vocational full-time equivalent student if he or she:~~

~~a. Currently holds wage-earning employment and is taking a course to enhance or upgrade skills related to that employment; or~~

~~b. Has an employment history and enrolls in a course related to that employment history with the intent to seek employment in an occupation directly related to the course and employment history; or~~

~~c. Has an employment history and wants to develop competence in the English language to qualify for employment.~~

(m)~~(q)~~ Calculation of additional full-time equivalent membership based on college board advanced placement scores of students.—A value of 0.24 full-time equivalent student membership shall be calculated for each student in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination for the prior year and added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year.

(n)~~(r)~~ Year-round-school programs.—The Commissioner of Education is authorized to adjust student eligibility definitions, funding criteria, and reporting requirements of statutes and rules in order that year-round-school programs may achieve equivalent application of funding requirements with non-year-round-school programs.

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

(p)~~(t)~~ Determination of the basic amount for current operation.—The basic amount for current operation to be included in the Florida Education Finance Program *for kindergarten through grade 12* for each district shall be the product of the following:

1. The full-time equivalent student membership in each program, multiplied by

2. The cost factor for each program, adjusted for the maximum as provided by paragraph (c), multiplied by

3. The base student allocation.

(2) DETERMINATION OF DISTRICT COST DIFFERENTIALS.—The commissioner shall annually compute for each district the current

year's district cost differential. The district cost differential shall be calculated by adding each district's price level index as published in the Florida Price Level Index, prepared by the Executive Office of the Governor, for the most recent 3 years and dividing the resulting sum by 3. The result for each district shall be multiplied by 0.008 and to the resulting product shall be added 0.200; the sum thus obtained shall be the cost differential for that district for that year.

(3) INSERVICE EDUCATIONAL PERSONNEL TRAINING EXPENDITURE.—Of the amount computed in subsections (1) and (2), a percentage of the base student allocation per full-time equivalent student shall be expended for educational training programs as determined by the district school board as provided in s. 236.0811. This percentage shall remain constant and shall be calculated by dividing $6 by the 1990-1991 base student allocation. If a district has an approved teacher education center, at least two-thirds of the funds so determined shall be expended as provided in ss. 231.600-231.609, and such funds shall be used to provide the professional orientation program, pursuant to s. 231.17. Funds as provided herein may be expended only for the direct support of inservice training activities as prescribed below:

(a) Salaries and benefits of:

1. Personnel directly administering the approved inservice training program.

2. School board employees while such personnel are conducting an approved inservice training program.

3. Substitutes for personnel released to participate in an approved inservice training program or an inservice council activity.

(b) Other direct operating expenses, excluding capital outlay, required for administering the approved inservice training program, including, but not limited to, the following:

1. Inservice training materials for approved inservice training activities.

2. Data processing for approved inservice training activities.

3. Telephone for the approved inservice training program.

4. Office supplies for the personnel administering the approved inservice training program.

5. Duplicating and printing for approved inservice training activities.

6. Fees and travel and per diem expenses for consultants used in conducting approved inservice training activities.

7. Travel and per diem expenses for school district personnel attending approved inservice conferences, workshops, or visitations to schools.

8. Rental of facilities not owned by the school board for use in conducting an approved inservice training program.

(c) Compensation may be awarded under this subsection to employees engaged in inservice training activities which are outside of, or in addition to, regular hours of duty assignments or a regular day of a contract period for which regular compensation is provided. No moneys shall be authorized under this subsection for additional salaries and benefits constituting dual compensation to employees participating in inservice activities if such activities are within regular hours of duty assignments or within a regular day of a contract period for which regular compensation is provided.

(d) Funds may be expended to pay tuition or registration fees for college courses provided the course is identified in the district's approved master plan and the employee does not receive college credit. However, an employee may be awarded college credit for successful participation in exempted inservice programs that are identified by the Department of Education in State Board of Education rule and for which the employee shall pay the regular tuition and registration fees assessed by the credit-granting institution. Courses for these exempted programs shall be arranged and conducted in compliance with procedures that are developed cooperatively by the Department of Education and the Board of Regents and are also included in State Board of Education rule. Provision for payment of tuition and registration fees for such credit-earning courses shall be contained in State Board of Education rule.

(4) COMPUTATION OF DISTRICT-REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the General Appropriations Act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program *for kindergarten through grade 12 programs* shall be calculated as follows:

(a) Estimated taxable value calculations.—

1.a. Not later than 2 working days prior to July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the taxable value for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. Not later than July 19, the commissioner shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 95 percent of the estimated state total taxable value for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The commissioner shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district-required local effort for that year.

b. ~~For the 1996-1997 fiscal year only,~~ The General Appropriations Act *shall* ~~may~~ direct the computation of the statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district's revenue from required local effort millage will produce more than 90 percent of the district's total *K-12* Florida Education Finance Program calculation, and the adjustment of the required local effort millage rate of each district that produces more than 90 percent of its total Florida Education Finance Program entitlement to a level that will produce only 90 percent of its total Florida Education Finance Program entitlement. ~~This sub-subparagraph is repealed on July 1, 1997.~~

2. As revised data are received from property appraisers, the Department of Revenue shall amend the certification of the estimate of the taxable value for school purposes. The Commissioner of Education, in administering the provisions of *subparagraph (10)(a)2.* ~~paragraph (13)(b)~~, shall use the most recent taxable value for the appropriate year.

(b) Final calculation.—

1. The Department of Revenue shall, upon receipt of the official final assessed value of property from each of the property appraisers, certify to the commissioner the taxable value total for school purposes in each school district, subject to the provisions of paragraph (d). The commissioner shall use the official final taxable value for school purposes for each school district in the final calculation of the annual *K-12* Florida Education Finance Program allocations.

2. For the purposes of this paragraph, the official final taxable value for school purposes shall be the taxable value for school purposes on which the tax bills are computed and mailed to the taxpayers, adjusted to reflect final administrative actions of value adjustment boards and judicial decisions pursuant to part I of chapter 194. By September 1 of each year, the Department of Revenue shall certify to the commissioner the official prior year final taxable value for school purposes. For each county that has not submitted a revised tax roll reflecting final value adjustment board actions and final judicial decisions, the Department of Revenue shall certify the most recent revision of the official taxable value for school purposes. The certified value shall be the final taxable value for school purposes and no further adjustments shall be made, except those made pursuant to *subparagraph (10)(a)2* ~~paragraph (13)(b)~~.

(c) Equalization of required local effort.—

1. The Department of Revenue shall include with its certifications provided pursuant to paragraph (a) its most recent determination of the assessment level of the prior year's assessment roll for each county and for the state as a whole.

2. The commissioner shall adjust the required local effort millage of each district for the current year, computed pursuant to paragraph (a), as follows:

a. The equalization factor for the prior year's assessment roll of each district shall be multiplied by 95 percent of the taxable value for school purposes shown on that roll and by the prior year's required local-effort millage, exclusive of any equalization adjustment made pursuant to this paragraph. The dollar amount so computed shall be the additional required local effort for equalization for the current year.

b. Such equalization factor shall be computed as the quotient of the prior year's assessment level of the state as a whole divided by the prior year's assessment level of the county, from which quotient shall be subtracted 1.

c. The dollar amount of additional required local effort for equalization for each district shall be converted to a millage rate, based on 95 percent of the current year's taxable value for that district, and added to the required local effort millage determined pursuant to paragraph (a).

3. Notwithstanding the limitations imposed pursuant to s. 236.25(1), the total required local-effort millage, including additional required local effort for equalization, shall be an amount not to exceed 10 minus the maximum millage allowed as nonvoted discretionary millage, exclusive of millage authorized pursuant to s. 236.25(2). Nothing herein shall be construed to allow a millage in excess of that authorized in s. 9, Art. VII of the State Constitution.

4. For the purposes of this chapter, the term "assessment level" means the value-weighted mean assessment ratio for the county or state as a whole, as determined pursuant to s. 195.096, or as subsequently adjusted. In the event a court has adjudicated that the department failed to establish an accurate estimate of an assessment level of a county and recomputation resulting in an accurate estimate based upon the evidence before the court was not possible, that county shall be presumed to have an assessment level equal to that of the state as a whole.

5. If, in the prior year, taxes were levied against an interim assessment roll pursuant to s. 193.1145, the assessment level and prior year's nonexempt assessed valuation used for the purposes of this paragraph shall be those of the interim assessment roll.

(d) Exclusion.—In those instances in which:

1. There is litigation either attacking the authority of the property appraiser to include certain property on the tax assessment roll as taxable property or contesting the assessed value of certain property on the tax assessment roll; and

2. The assessed value of the property in contest involves more than 10 percent of the total nonexempt assessment roll;

the assessed value of the property in contest shall be excluded from the taxable value for school purposes for purposes of computing the district-required local effort.

(e) Recomputation.—Following final adjudication of any litigation on the basis of which an adjustment in taxable value was made pursuant to paragraph (d), the department shall recompute the required local effort for each district for each year affected by such adjustments, utilizing taxable values approved by the court, and shall adjust subsequent allocations to such districts accordingly.

~~(f) Required adult fees.—~~

~~1. Fees for all nonexempt students as defined in s. 239.117 shall be added to and made a part of the required local effort of each district.~~

~~2. Each district shall report the total fee-exempt, fee-nonexempt, fee-waived, fee-deferred, and nonresident full-time equivalent student enrollment for each adult program. Districts shall also report the total amount of fees collected from students as required by s. 239.117. The value of in-kind services accepted in lieu of fees shall not be added to and made a part of the total fee collection amount reported by the district.~~

~~3. Each district's total required local effort fee amount shall be calculated in the following manner:~~

~~a. A total resident fee amount shall be calculated for each district by summing the fee-nonexempt full-time equivalent enrollment for each adult program and by subtracting from that sum the district's nonresident full-time equivalent enrollment and by multiplying the difference by the fee amount specified in the General Appropriations Act.~~

~~b. A total nonresident fee amount shall be calculated for each district by multiplying each district's nonresident full-time equivalent enrollment by a number that is twice the fee amount specified in the General Appropriations Act.~~

~~c. A total unadjusted required local effort fee amount shall be calculated for each district by adding the resident fee amount calculated in sub-subparagraph a. to the nonresident fee amount calculated in sub-subparagraph b.~~

~~d. A fee collection credit amount shall be calculated for each district by adding the total amount of fees collected by the district to the district's maximum fee waiver amount as defined in s. 239.117.~~

~~e. Each district's total unadjusted required local fee amount calculated in sub-subparagraph c. shall be subtracted from its total fee collection credit amount calculated in sub-subparagraph d. If the difference is a positive number, the district's required fee adjustment amount shall be set to zero. If the difference is a negative number, a required fee adjustment amount shall be calculated by dividing the absolute value of such difference by the fee amount specified in the General Appropriations Act and multiplying the result, rounded to two decimal places, by the average of all program weights for adult programs for the year as specified in the General Appropriations Act, rounded to three decimal places; by the base student allocation defined in the General Appropriations Act; and by two.~~

~~f. A total required local effort fee amount shall be calculated for each district by adding the unadjusted fee amount calculated in sub-subparagraph c. to the fee adjustment amount calculated in sub-subparagraph e.~~

~~g. The fee adjustment amount calculated pursuant to sub-subparagraph e. shall be calculated for a given fiscal year by the Department of Education only in the final calculation of the Florida Education Finance Program and funds adjustments shall be handled as a prior year adjustment in the subsequent year. The data required for the calculation shall be submitted for the fiscal year by the school districts only in the last full-time equivalent student membership survey. A school district's amendments to the data submitted for calculation of the fee adjustment amount shall have the same limitation on submission as amendments to full-time equivalent student membership data.~~

(5) CATEGORICAL PROGRAMS.—The Legislature hereby provides for the establishment of selected categorical programs to assist in the development and maintenance of activities giving indirect support to the programs previously funded. These categorical appropriations may be funded as general and transitional categorical programs. It is the intent of the Legislature that no transitional categorical program be funded for more than 4 fiscal years from the date of original authorization. Such programs are as follows:

(a) General.—

1. Comprehensive school construction and debt service as provided by law.
2. Community schools as provided by law.
3. School lunch programs as provided by law.
4. Instructional material funds as provided by law.
5. Student transportation as provided by law.
6. Student development services as provided by law.
7. Diagnostic and learning resource centers as provided by law.
8. Comprehensive health education as provided by law.

(b) Transitional.—

1. Bilingual program as provided by law.

(6) DETERMINATION OF SPARSITY SUPPLEMENT.—

(a) Annually, in an amount to be determined by the Legislature through the General Appropriations Act, there shall be added to the basic amount for current operation of *the K-12 FEFP* qualified districts a sparsity supplement which shall be computed as follows:

$$\text{Sparsity Factor} = \frac{1101.8918}{2700 + \text{district sparsity index}} - 0.1101$$

except that districts with a sparsity index of 1,000 or less shall be computed as having a sparsity index of 1,000, and districts having a sparsity index of 7,308 and above shall be computed as having a sparsity factor of zero. A qualified district's full-time equivalent student membership shall equal or be less than that prescribed annually by the Legislature in the appropriations act. The amount prescribed annually by the Legislature shall be no less than 17,000, but no more than 24,000.

(b) The district sparsity index shall be computed by dividing the total number of full-time equivalent students in all programs in the district by the number of senior high school centers in the district, not in excess of three, which centers are approved as permanent centers by a survey made by the Department of Education.

(c) Each district's allocation of sparsity supplement funds shall be adjusted in the following manner:

1. A maximum discretionary levy per FTE value for each district shall be calculated by dividing the value of each district's maximum discretionary levy by its FTE student count;

2. A state average discretionary levy value per FTE shall be calculated by dividing the total maximum discretionary levy value for all districts by the state total FTE student count;

3. For districts that have a levy value per FTE as calculated in subparagraph 1. higher than the state average calculated in subparagraph 2., a sparsity wealth adjustment shall be calculated as the product of the difference between the state average levy value per FTE calculated in subparagraph 2. and the district's levy value per FTE calculated in subparagraph 1. and the district's FTE student count and -1;

4. Each district's sparsity supplement allocation shall be calculated by adding the amount calculated as specified in paragraphs (a) and (b) and the wealth adjustment amount calculated in this paragraph.

(7) DECLINE IN FULL-TIME EQUIVALENT STUDENTS.—In those districts where there is a decline between prior year and current year unweighted FTE students, 50 percent of the decline in the unweighted FTE students shall be multiplied by the prior year calculated FEFP per unweighted FTE student and shall be added to the allocation for that district. For this purpose, the calculated FEFP shall be computed by multiplying the weighted FTE students by the base student allocation and then by the district cost differential. If a district transfers a program to another institution not under the authority of the district's school board, the decline is to be multiplied by a factor of 0.15.

~~(8) ADULT BASIC SKILLS ADJUSTMENT.—There is created an adult basic skills education program adjustment. If any district's preceding year's adult basic skills education program expenditure per full-time equivalent student, as reported in s. 237.34, is 105 percent or more of the revenue per full-time equivalent student generated through the Florida Education Finance Program for adult basic skills education, the district entitlement shall be an amount calculated by multiplying the district's adult basic skills education full-time equivalent student count by the difference between the district's adult basic skills education program expenditure per student and 105 percent of the district's adult basic skills education program revenues per full-time equivalent student. The actual amount of the adjustments shall be as set in the General Appropriations Act.~~

~~(9) PROFOUNDLY HANDICAPPED SUPPLEMENT.—Annually, an amount established in the appropriations act shall be added to the basic amount for current operation of qualified districts as a profoundly handicapped program supplement which shall be computed as follows: If any district's preceding year's profoundly handicapped expenditure per full-time equivalent student membership as reported in the Annual District Cost Report is above a percent figure annually established by the Legislature in the General Appropriations Act of the revenue per full-time equivalent student membership generated through the Florida Education Finance Program for profoundly handicapped, the district shall receive an amount calculated by multiplying the district's profoundly handicapped full-time equivalent student membership count by the difference between the district's profoundly handicapped program expenditure per student and the percent set annually by the Legislature of the district's profoundly handicapped program revenues per full-time equivalent student membership. If the total amount to fully fund the entitlement exceeds the amount appropriated, each eligible district's allocation shall be prorated.~~

(8)~~(10)~~ CAPS ADJUSTMENT SUPPLEMENT.—If there are funds remaining in the appropriation, excluding any working capital funds after calculating subsection *(10)* ~~(12)~~, a caps adjustment supplement of up to *20* ~~10~~ percent of the funds remaining in the appropriation shall be calculated as follows:

(a) As a first priority, the exceptional student programs weighted full-time equivalent student membership above cap group 2 shall be funded up to the level of the appropriation. If the level of appropriation does not allow funding of all weighted full-time equivalent student memberships above the cap provided in this paragraph, the funds available shall be prorated.

(b) As a second priority, ~~all other~~ group *3* ~~2 special~~ programs weighted full-time equivalent student membership above cap group *3* ~~2~~ shall be funded at the weighted average of the cost factors for basic grades 4-8 and 9-12 multiplied by the equivalent unweighted full-time equivalent student membership up to the level of the remaining Florida Education Finance Program appropriation. If the level of the remaining appropriation does not allow funding of all weighted full-time equivalent student memberships above the cap provided in this paragraph, the funds available shall be prorated.

(9)~~(11)~~ QUALITY ASSURANCE GUARANTEE.—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per *K-12* weighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per weighted FTE student which shall include the adjusted FTE dollars as provided in subsection *(10)* ~~(12)~~, ~~profoundly handicapped adjustment,~~ quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per weighted FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted FTE dollars as provided in subsection *(10)* ~~(12), profoundly handicapped adjustment,~~ and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per weighted FTE to prior year funds per weighted FTE shall be computed. For those school districts which have less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per weighted FTE student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

(10)~~(12)~~ TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR CURRENT OPERATION.—The total annual state allocation to each district for current operation *for the K-12 FEFP* shall be distributed periodically in the manner prescribed *in the General Appropriations Act.* ~~by regulations of the state board and shall be calculated as follows:~~

(a) The basic amount for current operation *for the K-12 FEFP* as determined in subsection (1), multiplied by the district cost differential factor as determined in subsection (2), plus the amount for the sparsity supplement as determined in subsection (6), the decline in full-time equivalent students as determined in subsection (7), ~~the adult basic skills adjustment as determined in subsection (8), the profoundly handicapped supplement as determined in subsection (9),~~ and the quality assurance guarantee as determined in subsection *(9)* ~~(11)~~, less the required local effort as determined in subsection (4). If the funds appropriated for the purpose of funding the total amount for current operation as provided in this paragraph are not sufficient to pay the state requirement in full, the department shall prorate the available state funds to each district in the following manner:

1. Determine the percentage of proration by dividing the sum of the total amount for current operation, as provided in this paragraph for all districts collectively, and the total district-required local effort into the sum of the state funds available for current operation and the total district-required local effort.

2. Multiply the percentage so determined by the sum of the total amount for current operation as provided in this paragraph and the required local effort for each individual district.

3. From the product of such multiplication, subtract the required local effort of each district; and the remainder shall be the amount of state funds allocated to the district for current operation.

(b) The amount thus obtained shall be the net annual allocation to each school district. However, if it is determined that any school district received an underallocation or overallocation for any prior year because of an arithmetical error, assessment roll change, full-time equivalent student membership error, or any allocation error revealed in an audit report, the allocation to that district shall be appropriately adjusted. If the Department of Education audit adjustment recommendation is based upon controverted findings of fact, the Commissioner of Education is authorized to establish the amount of the adjustment based on the best interests of the state.

(c) The amount thus obtained shall represent the net annual state allocation to each district; however, notwithstanding any of the provisions herein, each district shall be guaranteed a minimum level of funding in the amount and manner prescribed in the General Appropriations Act.

Section 44. Paragraph (d) of subsection (1) of section 236.083, Florida Statutes, 1996 Supplement, is amended, and subsection (7) is added to that section, to read:

236.083 Funds for student transportation.—The annual allocation to each district for transportation to public school programs of students in membership in kindergarten through grade 12, in migrant and exceptional student programs below kindergarten, and in any other state-funded prekindergarten program shall be determined as follows:

(1) Subject to the rules of the state board, each district shall determine the membership of students who are transported:

(d) By reason of being vocational, dual enrollment, or students with disabilities transported from one school center to another to participate in an instructional program or service; or students with disabilities, transported from one designation to another in the state, provided one designation is a school center and provided the student's individual educational plan (IEP) identifies the need for the instructional program or service and transportation to be provided by the school district. A "school center" is defined as a public school center, public community college, public university, or other facility rented, leased, or owned and operated by the school district or another public agency. A "dual enrollment student" is defined as a public school student in membership in both a public secondary school program and a public community college or a public university program under a written agreement to partially fulfill ss. 229.814 and 240.115 and earning full-time equivalent membership under s. 236.081(1)*(g)*~~(j)~~;

(7) Any funds received by a school district under this section that are not required to transport students may, at the discretion of the school board, be transferred to the district's K-12 Florida Education Finance Program.

Section 45. Section 237.34, Florida Statutes, is amended to read:

237.34 Cost accounting and reporting.—

(1) COST ACCOUNTING.—Each district shall account for expenditures of all state, local, and federal funds on a school-by-school and a district-aggregate basis in accordance with the manual developed by the department or as provided by law. ~~The method used by each district when recording and reporting cost data by program shall be reviewed and approved by the department in accordance with regulations prescribed by the state board. All districts, in cooperation with the department, shall plan mutually compatible programs for the refinement of cost data and the improvement of the accounting and reporting system.~~

(2) COST REPORTING.—

(a) Each district shall report on a district-aggregate basis expenditures for inservice training pursuant to s. 236.081(3), and for categorical programs as provided in s. 236.081(5).

(b) Each district shall report on a school-by-school and on an aggregate district basis expenditures for each program *funded* ~~set forth~~ in s. 236.081(1)(c), except that *programs for exceptional students shall be reported on an aggregate basis* ~~separate costs shall be kept for adult basic and secondary education as defined in s. 239.105. Expenditures for apprenticeship programs shall be reported separately~~.

(c) The commissioner shall present to the Legislature, ~~90 days~~ prior to the opening of the regular session each year, a district-by-district report of the expenditures reported pursuant to paragraphs (a) and (b). The report shall include total expenditures, a detailed analysis showing expenditures for each program, and such other data as may be useful for management of the educational system. The commissioner shall also compute cost factors ~~for each district reflecting actual expenditures~~ relative to the base student allocation for each *funded program* ~~of the programs as provided~~ in s. 236.081(1)(c).

(3) PROGRAM EXPENDITURE REQUIREMENTS.—

(a) ~~For each program and broad program category established in s. 236.081(1)(c),~~ Each district shall expend at least the percent of the funds generated by each of the programs listed herein on the aggregate total school costs for such programs:

1. Kindergarten and grades 1, 2, and 3, 90 percent.

2. Grades 4, 5, 6, 7, and 8, 80 percent.

3. Grades 9, 10, 11, and 12, 80 percent.

4. ~~Special~~ Programs for exceptional students, on an aggregate program basis, 80 percent.

5. *Grades 7 through 12 vocational education* ~~Special vocational-technical~~ programs, on an aggregate program basis, 80 percent.

~~6. Special adult general education programs, on an aggregate program basis, 80 percent.~~

6.~~7.~~ Students-at-risk programs, on an aggregate program basis, 80 percent.

7.~~8.~~ ~~Beginning in fiscal year 1989-1990,~~ Any new program established and funded under s. 236.081(1)(c), that is not included under subparagraphs 1. through *6.*~~7.~~, on an aggregate basis as appropriate, 80 percent.

(b) Funds for inservice training established in s. 236.081(3) and for categorical programs established in s. 236.081(5) shall be expended for the costs of the identified programs in accordance with the rules of the state board.

(c) In the event a district fails to meet any of the expenditure requirements as set forth herein, the commissioner shall notify the superintendent of the district involved and shall require that the school board make provision for correcting the deficiency in the subsequent year's operating budget. ~~The commissioner shall not approve the district budget until he or she has determined that the provisions have been made to correct the deficiency.~~

Section 46. Paragraph (a) of subsection (2) of section 230.2305, Florida Statutes, is amended to read:

230.2305 Prekindergarten early intervention program.—

(2) ELIGIBILITY.—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 of working parents, including migrant children or children whose parents participate in the WAGES Program. 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 *an* ~~a specific part-time or combination of part-time~~ exceptional student education *program* ~~programs~~ with required special services, aids, or equipment and who are reported for *partial* funding ~~part-time~~ in the *K-12* 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 *K-12* 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 *K-12* Florida Education Finance Program in *an* ~~a full-time or an authorized combination of full-time and part-time~~ exceptional student *education program* ~~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 *education* students *who are reported for maximum K-12 Florida Education Finance Program funding and who are not reported for early intervention funding* shall not count against the 75-percent or 25-percent student limit as stated in this paragraph.

3. Economically disadvantaged 3-year-old children.

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.

Section 47. Subsection (1) of section 236.25, Florida Statutes, is amended to read:

236.25 District school tax.—

(1) If the district school tax is not provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, each school board desiring to participate in the state allocation of funds for current operation as prescribed by s. 236.081*(10)*~~(12)~~ shall levy on the taxable value for school purposes of the district, exclusive of millage voted under the provisions of s. 9(b) or s. 12, Art. VII of the State Constitution, a millage rate not to exceed the amount certified by the commissioner as the minimum millage rate necessary to provide the district-required local effort for the current year, pursuant to s. 236.081(4)(a)1. In addition to the required local effort millage levy, each school board may levy a nonvoted current operating discretionary millage. The Legislature shall prescribe annually in the appropriations act the maximum amount of millage a district may levy. The millage rate prescribed shall exceed zero mills but shall not exceed the lesser of 1.6 mills or 25 percent of the millage which is required pursuant to s. 236.081(4), exclusive of millage levied pursuant to subsection (2).

Section 48. Subsection (1) of section 236.602, Florida Statutes, is amended to read:

236.602 Bonds payable from motor vehicle license tax funds; instruction units computed.—

(1) For the purpose of administering the provisions of s. 9(d), Art. XII of the State Constitution as amended in 1972, the number of current instruction units in districts shall be computed annually by the department by multiplying the number of full-time equivalent students in *programs under s. 236.081(1)(c) in* each district by the cost factors *established* in *the General Appropriations Act* ~~s. 236.081(1)(c)~~ and dividing by 23, except that all basic program cost factors shall be one, and the special program cost factors for hospital and homebound I and for community service shall be zero. Full-time equivalent membership for students residing in Department of Health and Rehabilitative Services residential care facilities shall not be included in this computation. Any portion of the fund not expended during any fiscal year may be carried forward in ensuing budgets and shall be temporarily invested as prescribed by law or regulations of the state board.

Section 49. This act shall take effect July 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to education; providing for a task force on workforce development and prescribing its composition and duties; allowing school districts and community colleges to allocate specified funds using locally determined performance measures; creating s. 239.116, F.S.; providing for cost-accounting and reporting with respect to expenditures by school districts and community colleges for workforce education and providing for a database to be developed for specified purposes; requiring the State Board of Community Colleges and the Board of Regents to submit a report concerning the expenditure of funds from the Public Education Capital Outlay and Debt Service Trust Fund; reallocating positions and funding within the Department of Education; amending s. 229.551, F.S.; requiring expansion of the common course designation and numbering system; requiring the development of specified guidelines; providing for standard program lengths for postsecondary vocational programs; amending ss. 20.15, 215.16, F.S.; changing the names and responsibilities of the Division of Public Schools and the Division of Applied Technology and Adult Education within the Department of Education; amending s. 228.041, F.S.; amending the definition of "career education"; amending ss. 231.614, 233.056, 233.0561, 235.15, 235.199, 235.435, F.S.; conforming provisions; amending s. 239.105, F.S.; amending definitions to conform; removing certain programs from the category of adult general education; conforming provisions; amending s. 239.113, F.S.; conforming provisions; creating s. 239.115, F.S.; creating the workforce development education fund; providing definitions; authorizing funding for a program for disabled adults; requiring cost categories, output measures, and outcome measures; providing for certain student fees; providing state funding entitlements for workforce development program categories; delaying the implementation date for the workforce development performance based funding formula; amending s. 239.117, F.S.; conforming provisions; amending certain requirements regarding fee schedules for workforce development education; authorizing a higher fee for certain courses within a program; amending s. 239.201, F.S.; deleting a requirement for delivery of certain programs; conforming provisions; amending s. 239.229, F.S.; deleting a requirement regarding supplemental vocational programs; conforming provisions; amending s. 239.249, F.S.; conforming provisions; amending s. 239.301, F.S.; deleting restrictions on the authority to provide certain programs; changing the funding category for college preparatory instruction; conforming provisions; amending ss. 240.118, 240.147, F.S.; conforming provisions; amending s. 240.301, F.S.; amending the mission of community colleges; deleting restrictions; conforming provisions; amending s. 240.345, F.S.; revising certain requirements for fund sources; amending s. 240.35, F.S.; revising requirements for student fees at community colleges to conform; amending s. 240.359, F.S.; conforming provisions relating to fund sources; amending ss. 240.61, 242.3305, 242.331, 242.337; 288.047, 446.011, 446.041, 446.052, 616.21, F.S.; conforming provisions; repealing s. 229.8075(3), F.S., relating to a reporting requirement of the Florida Education and Training Placement Information Program; repealing s. 239.109, F.S., relating to interinstitutional articulation agreements; repealing sections 15 and 16 of ch. 94-232, Laws of Florida, relating to a direction to the Division of Statutory Revision to change certain terms relating to vocational education; providing purposes; providing for a revised funding model for exceptional student education programs and specifying use of a matrix of services; providing for review of delivery of services; providing for rules; providing funding requirements; amending s. 236.078, F.S.; conforming provisions; amending s. 236.081, F.S., relating to funds for operation of schools; requiring the Commissioner of Education to specify a matrix of services and intensity levels for exceptional student education; revising program categories; revising provisions relating to calculation and funding of each school district's student enrollment; revising provisions relating to calculation and funding of students enrolled in vocational dual enrollment; providing for payment

of costs for enrollment in certain adult secondary education courses; deleting provisions relating to instruction in supplemental vocational courses and adult basic and secondary courses; deleting provisions relating to required adult fees and the adult basic skills adjustment; revising the caps adjustment supplement; conforming provisions; amending s. 236.083, F.S.; authorizing the transfer of certain funds for student transportation; conforming a cross-reference; amending s. 237.34, F.S.; revising provisions relating to cost accounting and reporting and program expenditure requirements; amending ss. 230.2305, 236.25, and 236.602, F.S.; conforming cross-references and conforming and clarifying provisions; providing an effective date.

The Conference Committee Report was read and on motion by Senator Kirkpatrick was adopted. **CS for CS for SB's 1688, 792, 1334 and 2254** passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—37

Madam President	Crist	Jenne	Rossin
Bankhead	Dantzler	Jones	Scott
Bronson	Diaz-Balart	Kirkpatrick	Silver
Brown-Waite	Dudley	Klein	Sullivan
Burt	Dyer	Kurth	Thomas
Campbell	Grant	Latvala	Turner
Casas	Hargrett	McKay	Williams
Childers	Harris	Meadows	
Clary	Holzendorf	Myers	
Cowin	Horne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Gutman, Lee

RECESS

On motion by Senator Bankhead, the Senate recessed at 12:57 p.m. to reconvene at 1:45 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:52 p.m. A quorum present—40:

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

SPECIAL STAFF RECOGNITION

At the request of President Jennings, the staff of the President, the Secretary, the Sergeant, Senate Committees and the Majority and Minority Offices were seated in the east gallery. The President, on behalf of the entire Senate, thanked the staff for their support and hard work in making the 1997 session a success.

SPECIAL RECOGNITION

Senators Campbell, Clary, Cowin, Klein and Lee, the freshman Senators elected in the 1996 General Election, were granted permission to recognize President Pro Tempore Roberto Casas as their role model, chosen at the conclusion of their first regular session.

POINT OF PERSONAL PRIVILEGE

On motion by Senator Hargrett, the following remarks were ordered spread upon the Journal:

Senator Latvala: Madam President, I rise for a point of personal privilege. I'm afraid we'll get going too fast later on today and the opportunity will escape to do this, so I'm going to do it right now.

I would just like to say how much that I have enjoyed serving during this session under your leadership as President. The inclusiveness, the way that you get each of us involved in things, let us have our way a lot of the time; but when we don't get our way, at least knowing that you appreciate us and that we feel good even when you tell us no. That means a lot. You know we all sacrifice a great deal to be up here in the Senate. We all sacrifice a lot of work, a lot of long hours and so forth. The way in which you have led us this year, the way we are coming down the homestretch here, we are very well prepared to finish this session at an early hour. All of us, at least the members I have talked to, feel very good about the fact that most of their bills are done. Most of the important work is done, and a lot of this is the leadership that you provided to the Senate this year. I just want you to know that I, as an individual member, appreciate that and have very much enjoyed this year.

On motion by Senator McKay, the rules were waived and the Senate reverted to—

CONSIDERATION OF BILLS ON THIRD READING

Consideration of **CS for HB 703** and **CS for CS for SB 170** was deferred.

CS for CS for HB's 1119 and 1577—A bill to be entitled An act relating to public lands; amending s. 253.03, F.S.; extending the submerged lands lease for certain properties; amending s. 253.034, F.S.; specifying objectives of the management of the state's lands and natural resources; providing requirements for multiple-use land management strategies; providing references to the Land Acquisition and Management Council; revising land-management plan adoption processes; correcting a cross reference; amending s. 253.68, F.S.; modifying authority of local government to object to state aquaculture leases; amending s. 253.7825, F.S.; correcting a cross reference; amending s. 259.032, F.S.; providing that a soil and water conservation district shall be considered first as the managing agency with respect to fee-simple acquisitions or acquisitions of less-than-fee interest in certain lands through the Conservation and Recreation Lands (CARL) Trust Fund; directing managing agencies to enter into certain contracts or agreements; requiring notice and public hearing on individual management plans; providing for withholding of CARL management funds to certain agencies; providing management objectives for lands acquired under ch. 259, F.S.; increasing the percentage of funds deposited in the Florida Preservation 2000 Trust Fund available for land management and capital improvements; allowing agencies to keep revenues generated from activities on lands they manage; revising provisions relating to payments in lieu of taxes; amending s. 259.035; creating the Land Acquisition and Management Advisory Council; providing responsibility for review of plans for state-owned lands; creating s. 259.036, F.S.; providing for management review teams for certain lands; amending s. 259.101, F.S.; adding historical or archeological sites to Preservation 2000 project criteria; commencing process to close out the Florida Preservation 2000 Program; amending s. 260.015, F.S.; changing certain land acquisition procedures for the Florida Greenways and Trails Program; creating s. 369.255, F.S.; authorizing certain counties and municipalities to create green utilities and adopt fees for certain purposes; amending s. 373.139, F.S.; providing that lands acquired for specified purposes by water management districts shall receive multiple-use management, except under certain conditions; directing the district governing boards to consult with or enter into a memorandum of agreement with specified state agencies with respect to such management; amending s. 373.59, F.S.; providing that a soil and water conservation district shall be considered first as the managing agency with respect to fee-simple acquisitions or acquisitions of less-than-fee interest in certain land through the Water Management Lands Trust Fund; providing for use of land management volunteers; creating s. 373.591, F.S.; creating management review teams for water management district lands; amending s. 704.06, F.S.; clarifying linear facilities ability to cross conservation easements; repealing s. 253.022, F.S., relating to the Land Management Advisory Council; amending s. 373.250, F.S.; revising a date with respect to certain reports by water management districts; providing an effective date.

—as amended May 1 was read the third time by title.

Senator Williams moved the following amendment to **Engrossed Senate Amendment 1** which was adopted by two-thirds vote:

Amendment 1 (with title amendment)—On page 54, between lines 17 and 18, insert:

Section 26. Section 403.075, Florida Statutes, is created to read:

403.075 Legislative findings.—In addition to the declarations contained in s. 403.021, the Legislature finds that:

(1) Ecosystem management is a concept that includes coordinating the planning activities of state and other governmental units, land management, environmental permitting and regulatory programs, and voluntary programs, together with the needs of the business community, private landowners, and the public, as partners in a streamlined and effective program for the protection of the environment. It is particularly in the interest of persons residing and doing business within the boundaries of a particular ecosystem to share in the responsibility of ecosystem restoration or maintenance. The proper stewardship of an ecosystem by its affected residents will, in general, enhance the economic and social welfare of all Floridians by maintaining the natural beauty and functions of that ecosystem, which will, in turn, contribute to the beauty and function of larger inclusive ecosystems and add immeasurably to the quality of life and the economy of all Florida counties dependent on those ecosystems, thus serving a public purpose.

(2) Most ecosystems are subject to multiple governmental jurisdictions. Therefore, there is a need for a unified and stable mechanism to plan for restoration and continued long-term maintenance of ecosystems.

(3) It is in the public interest and serves a public purpose that the Department of Environmental Protection take a leading role among the agencies of the state in developing and implementing comprehensive ecosystem management solutions, in cooperation with both public and private regulated entities, which improves the integration between land use planning and regulation, and which achieves positive environmental results in an efficient and cost-effective manner.

Section 27. Section 403.0752, Florida Statutes, is created to read:

403.0752 Ecosystem management agreements.—

(1) Upon the request of an applicant, the secretary of the department is authorized to enter into an ecosystem management agreement regarding any environmental impacts with regulated entities to better coordinate the legal requirements and timelines applicable to a regulated activity, which may include permit processing, project construction, operations monitoring, enforcement actions, proprietary approvals, and compliance with development orders and regional and local comprehensive plans. Entering into an ecosystem management agreement shall be voluntary for both the regulated entity and the department.

(2) An ecosystem management agreement may be entered into by the department and regulated entities when the department determines that:

(a) Implementation of such agreement meets all applicable standards and criteria so that there is a net ecosystem benefit to the subject ecosystem more favorable than operation under applicable rules;

(b) Entry into such agreement will not interfere with the department's obligations under any federally delegated or approved program;

(c) Implementation of the agreement will result in a reduction in overall risks to human health and the environment compared to activities conducted in the absence of the agreement; and

(d) Each regulated entity has certified to the department that it has in place internal environmental management systems or alternative internal controls sufficient to implement the agreement.

(3)(a) An ecosystem management agreement shall include provision for the department to terminate the agreement by written notice to all other parties to the agreement when the department demonstrates that:

1. There has been a material change in conditions from the original agreement such that the intended net ecosystem benefit is not being, and may not reasonably be expected to be, achieved through continuation of the agreement;

2. Continuation of the agreement will result in economic hardship or competitive disadvantage; or

3. A party has violated the terms of the agreement.

(b) Termination of an ecosystem management agreement by the department shall be subject to the requirements of ss. 120.569 and 120.57.

(c) The applicant for an ecosystem management agreement may terminate such agreement at any time. Governmental parties, other than the department, may withdraw in accordance with the terms of the agreement at any time, but may not terminate the agreement.

(4) An ecosystem management agreement may include incentives for participation and implementation by a regulated entity, including, but not limited to, any or all of the following:

(a) Coordinated regulatory contact per facility.
(b) Permitting process flexibility.
(c) Expedited permit processing.
(d) Alternative monitoring and reporting requirements.
(e) Coordinated permitting and inspections.
(f) Cooperative inspections that provide opportunity for informal resolution of compliance issues before enforcement action is initiated.
(g) Alternative means of environmental protection which provide for equivalent or reduced overall risk to human health and the environment and which are available under existing law such as variances, waivers, or other relief mechanisms.

(5) The Secretary of Community Affairs, the Secretary of Transportation, the Commissioner of Agriculture, the Executive Director of the Game and Fresh Water Fish Commission, and the executive directors of the water management districts are authorized to participate in the development of ecosystem management agreements with regulated entities and other governmental agencies as necessary to effectuate the provisions of this section. Local governments are encouraged to participate in ecosystem management agreements.

(6) The secretary of the department may form ecosystem management advisory teams for consultation and participation in the preparation of an ecosystem management agreement. The secretary shall request the participation of at least the state and regional and local government entities having regulatory authority over the activities to be subject to the ecosystem management agreement. Such teams may also include representatives of other participating or advisory government agencies, which may include regional planning councils, private landowners, public landowners and managers, public and private utilities, corporations, and environmental interests. Team members shall be selected in a manner that ensures adequate representation of the diverse interests and perspectives within the designated ecosystem. Participation by any department of state government is at the discretion of that agency.

(7) An application for a binding ecosystem management agreement shall include:

(a) The name and address of the applicant;
(b) The location and a description of the project; and
(c) All application materials required for any requested permit, license, approval, variance, or waiver under all applicable statutes and rules.

(8)(a) An applicant for a binding ecosystem management agreement shall, at the applicant's own expense, publish a notice of its request to enter into the agreement in a newspaper of general circulation in the county in which the activity that is the subject of the agreement will be located or take place. Proof of publication shall be provided to the department by the applicant. Actual mailed notice of the application shall also be provided to owners of property adjacent to the activity that is the subject of the agreement and to any other person whose interest is known to the department or the applicant.

(b) A binding ecosystem management agreement is subject to the following requirements:

1. Notice of intent to enter into the agreement shall be published by the regulated entity in a newspaper of general circulation in each county

where the ecosystem management area is located. The notice shall specifically identify any standards, rules, or other legal or regulatory requirements proposed to be subject to variance or waiver under the agreement, and any permit, license, or approval to be granted. The notice shall include the opportunity to request a hearing on the agreement under the provisions of ss. 120.569 and 120.57.

2. Substantially affected persons may challenge the terms of the agreement and the proposed issuance of any permit, license, approval, variance, or waiver contained in the agreement pursuant to ss. 120.569 and 120.57.

3. A substantially affected person may challenge the subsequent issuance of any permit, license, approval, variance, or waiver pursuant to the agreement, but which is not contained in the agreement, pursuant to ss. 120.569 and 120.57. In any such proceeding, any relevant and material elements of the agreement shall be admissible.

4. Any substantial modification or amendment to the agreement shall be subject to the same processes as the original agreement.

(c) The parties to an ecosystem management agreement may elect to enter into a nonbinding agreement that does not constitute agency action. Such agreements shall be considered advisory in nature and are not binding on any party to the agreement. If such election is made, any permit, license, approval, waiver, or variance subsequently issued by an agency shall be subject to the provisions of chapter 120.

(d) Waivers and variances available under applicable statutes and rules may be granted as a part of a binding ecosystem management agreement.

(e) A person who requests a binding ecosystem management agreement and as a part of that request seeks a permit, license, approval, variance, or waiver that is subject to a statutory application review time limit waives his right to a default permit, license, approval, variance, or waiver.

(9) Implementation of this section by the department must be consistent with federally delegated programs and federal law.

(Renumber subsequent section.)

And the title is amended as follows:

On page 58, line 18, after the semicolon (;) insert: creating s. 403.075, F.S.; providing legislative findings; creating s. 403.0752, F.S.; authorizing ecosystem management agreements between the Department of Environmental Protection and regulated entities; providing conditions and requirements; providing for amendment or termination of such agreements; providing incentives; authorizing ecosystem management advisory teams; providing for binding and nonbinding ecosystem management agreements; requiring application procedures; requiring certain notice; providing that the agreements are subject to ss. 120.569 and 120.57, F.S.;

On motion by Senator McKay, **CS for CS for HB's 1119 and 1577** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

CS for CS for SB 546—A bill to be entitled An act relating to tax credits for charitable contributions to state contract providers; creating s. 624.5104, F.S.; providing a credit against the insurance premium tax for charitable contributions to not-for-profit state contract provider organizations; providing for a reduction in state funding of recipient organizations; providing for contributions to be made through an intermediary organization; providing an effective date.

—was read the third time by title.

On motion by Senator Jones, **CS for CS for SB 546** was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Dantzler	Jenne	Ostalkiewicz
Bankhead	Diaz-Balart	Jones	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Forman	Klein	Silver
Burt	Grant	Kurth	Sullivan
Campbell	Gutman	Latvala	Thomas
Casas	Hargrett	Lee	Turner
Childers	Harris	McKay	Williams
Clary	Holzendorf	Meadows	
Crist	Horne	Myers	

Nays—1

Cowin

CS for CS for SB 170—A bill to be entitled An act relating to criminal justice; amending s. 806.13, F.S., relating to criminal mischief offenses and penalties; providing for reclassification of a misdemeanor violation of said section involving less than $1,000 property damage when the offender has one or more prior convictions under said section; providing legislative intent; providing that a county or municipality is not preempted by state law from establishing an ordinance which prohibits the marking of graffiti or other graffiti-related offense and penalizes such offense with higher penalties than those provided by state law or with mandatory penalties; providing for the court to provide a disposition of the case no less severe than such higher or mandatory penalties in certain juvenile proceedings for violation of the ordinance; amending s. 901.15, F.S., relating to circumstances for arrest without a warrant; providing for such arrest when there is probable cause to believe that the person has committed criminal mischief or a graffiti-related offense; amending s. 812.15, F.S., relating to unauthorized reception of cable television services; providing an enhanced penalty for a third or subsequent violation; amending s. 812.155, F.S., relating to the offenses of obtaining personal property or equipment by trick or false representation, hiring or leasing with intent to defraud, and failure to redeliver hired or leased personal property; removing provisions relating to the inference of fraudulent intent for purposes of prosecution of such offenses; providing that certain acts involving obtaining equipment under false pretenses, absconding without payment, or removing or attempting to remove property without express written consent constitute prima facie evidence of such fraudulent intent; specifying circumstances under which failure upon demand to redeliver property or equipment constitutes such fraudulent intent; specifying circumstances under which failure upon demand to pay amounts due for the full rental period constitutes such fraudulent intent; amending s. 68.065, F.S.; providing for triple damages, court costs, and attorney's fees with respect to certain civil actions to recover fines due on stop payments on checks, drafts, or orders of payment; amending s. 166.251, F.S.; revising language with respect to service fee for dishonored checks; amending s. 832.07, F.S., relating to prima facie evidence of identity with regard to prosecution of bad check charges; removing "race" as a required element of establishing the identity of the person presenting the check; amending s. 316.1945, F.S.; providing that employees of a parking authority are not authorized to have a vehicle towed, impounded or immobilized; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Gutman, **CS for CS for SB 170** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Madam President	Bronson	Burt	Casas
Bankhead	Brown-Waite	Campbell	Childers

Cowin	Gutman	Klein	Ostalkiewicz
Crist	Hargrett	Kurth	Rossin
Dantzler	Harris	Latvala	Silver
Diaz-Balart	Holzendorf	Lee	Sullivan
Dudley	Horne	McKay	Thomas
Forman	Jenne	Meadows	Turner
Grant	Jones	Myers	Williams

Nays—None

On motion by Senator Meadows, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 2, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 2—A bill to be entitled An act relating to postsecondary education; creating the minority teacher education scholars program; requiring a training program; providing for enrollment in the program; authorizing scholarships to certain students; authorizing incentive awards for public community colleges and certain public and private colleges and universities; providing restrictions; providing for repayment of scholarships; providing exceptions; creating the Florida Fund for Minority Teachers, Inc., in the College of Education at the University of Florida; requiring budget projections and a 7-year plan; authorizing scholarships and incentives; providing for a board of directors; providing responsibilities; limiting administrative costs; providing an effective date.

House Amendment 1 (with title amendment)—Remove from the bill everything after the enacting clause and insert in lieu thereof:

Section 1. *There is created the minority teacher education scholars program, which is a collaborative performance-based scholarship program for African American, Hispanic American, Asian American, and Native American students. The participants in the program include Florida's public community colleges and its public and private universities that have teacher education programs.*

(1) The minority teacher education scholars program shall provide an annual scholarship of $4,000 for each approved minority teacher education scholar who is enrolled in one of Florida's public or private universities in the junior year and is admitted into a teacher education program.

(2) To assist each participating education institution in the recruitment and retention of minority teacher scholars, the administrators of the Florida Fund for Minority Teachers, Inc., shall implement a systemwide training program. The training program must include an annual conference or series of conferences for students who are in the program or who are identified by a high school or a community college as likely candidates for the program. The training program must also include research about and dissemination concerning successful activities or programs that recruit minority students for teacher education and retain them through graduation, certification, and employment. Staff employed by the corporation may work with each participating education institution to assure that local faculty and administrators receive the benefit of all available research and resources to increase retention of their minority teacher education scholars.

(3) The total amount appropriated annually for new scholarships in the program must be divided by $4,000 and by the number of participating colleges and universities. Each participating institution has access to the same number of scholarships and may award all of them to eligible minority students. If a college or university does not award all of its scholarships by the date set by the program administration at the Florida Fund for Minority Teachers, Inc., the remaining scholarships must be transferred to another institution that has eligible students.

(4) A student may receive a scholarship from the program for 3 consecutive years if the student remains enrolled full-time in the program and makes satisfactory progress toward a baccalaureate degree with a major in education.

(5) If a minority teacher education scholar graduates and is employed as a teacher by a Florida district school board, the scholar is not required to repay the scholarship amount so long as the scholar teaches in a Florida public school. A scholar may repay the entire scholarship amount by remaining employed as a Florida public school teacher for 1 year for each year he or she received the scholarship.

(6) If a minority teacher education scholar does not graduate within 3 years, or if the scholar graduates but does not teach in a Florida public school, the scholar must repay the total amount awarded, plus annual interest of 8 percent.

(a) Interest begins accruing the first day of the 13th month after the month in which the recipient completes an approved teacher education program or after the month in which enrollment as a full-time student is terminated. Interest does not accrue during any period of deferment or eligible teaching service.

(b) The repayment period begins the first day of the 13th month after the month in which the recipient completes an approved teacher education program or after the month in which enrollment as a full-time student is terminated.

(c) The terms and conditions of the scholarship repayment must be contained in a promissory note and a repayment schedule. The loan must be paid within 10 years after the date of graduation or termination of full-time enrollment, including any periods of deferment. A shorter repayment period may be granted. The minimum monthly repayment is $50 or the unpaid balance, unless otherwise approved, except that the monthly payment may not be less than the accruing interest. The recipient may prepay any part of the scholarship without penalty.

(d) The holder of the promissory note may grant a deferment of repayment for a recipient who is a full-time student, who is unable to secure a teaching position that would qualify as repayment, who becomes disabled, or who experiences other hardships. Such a deferment may be granted for a total of 24 months.

(e) If a student defaults on the scholarship, the entire unpaid balance, including interest accrued, becomes due and payable at the option of the holder of the promissory note, or when the recipient is no longer able to pay or no longer intends to pay. The recipient is responsible for paying all reasonable attorney's fees and other costs and charges necessary for administration of the collection process.

Section 2. *(1) There is created the Florida Fund for Minority Teachers, Inc., which is a not-for-profit statutory corporation housed in the College of Education at the University of Florida. The corporation shall administer and manage the minority teacher education scholars program.*

(2) The corporation shall submit an annual budget projection to the Department of Education to be included in the annual legislative budget request. The projection must be based on a 7-year plan that would be capable of awarding the following schedule of scholarships:

(a) In the initial year, 700 scholarships of $4,000 each to scholars in the junior year of college.

(b) In the second year, 350 scholarships to new scholars in their junior year and 700 renewal scholarships to the rising seniors.

(c) In each succeeding year, 350 scholarships to new scholars in the junior year and renewal scholarships to the 350 rising seniors.

(3) A board of directors shall administer the corporation. The Governor shall appoint to the board at least 15 but not more than 25 members, who shall serve terms of 3 years, except that four of the initial members shall serve 1-year terms and four shall serve 2-year terms. At least four members must be employed by public community colleges and at least 11 members must be employed by public or private postsecondary institutions that operate colleges of education. At least one member must be a financial aid officer employed by a postsecondary education institution operating in Florida. The Board of Regents, the State Board of Commu-

nity Colleges, and the State Board of Independent Colleges and Universities shall collaborate to provide the Governor with a list of at least 15 recommendations of members to be appointed to the board. Administrative costs for support of the Board of Directors and the Florida Fund for Minority Teachers may not exceed 5 percent of funds allocated for the program. The board shall:

(a) Hold meetings to implement this section.

(b) Select a chairperson annually.

(c) Make rules for its own government.

(d) Appoint an executive director to serve at its pleasure. The executive director shall be the chief administrative officer and agent of the board.

(e) Maintain a record of its proceedings.

(f) Delegate to the chairperson the responsibility for signing final orders.

(g) Carry out the training program as required for the minority teacher education scholars program. No more than 5 percent of the funds appropriated for the minority teacher education scholars program may be expended for administration, including administration of the required training program.

Section 3. This act shall take effect July 1, 1997.

And the title is amended as follows:

On page 1, line 1, through page 2, line 8, remove from the title of the bill all of said lines and insert in lieu thereof: A bill to be entitled An act relating to postsecondary education; creating the minority teacher education scholars program; requiring a training program; providing for enrollment in the program; authorizing scholarships to certain students; providing for repayment of scholarships; providing exceptions; creating the Florida Fund for Minority Teachers, Inc., in the College of Education at the University of Florida; requiring budget projections and a 7-year plan; authorizing scholarships; providing for a board of directors; providing responsibilities; limiting administrative costs; providing an effective date.

WHEREAS, the number of public school students who are African American, Hispanic American, Asian American, and Native American continues to increase, while the number of public school teachers of those races is decreasing rapidly, and

WHEREAS, a Caucasian student is three times as likely to have a teacher of the same race as is an Hispanic American student or an African American student, and

WHEREAS, African American male students number more than 12 percent of the total enrollment in grades kindergarten through 12, and

WHEREAS, African American men enrolled in State University System colleges of education number less than 3 percent of the future teachers, and

WHEREAS, the total number of Hispanic Americans and African Americans who enter the teaching profession is insufficient by far to maintain their current representation level, even though they are currently underrepresented by an alarming proportion, NOW, THEREFORE,

On motion by Senator Meadows, the Senate concurred in the House amendment.

CS for SB 2 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Madam President	Clary	Grant	Kirkpatrick
Bankhead	Cowin	Gutman	Klein
Bronson	Crist	Hargrett	Kurth
Brown-Waite	Dantzler	Harris	Latvala
Burt	Diaz-Balart	Holzendorf	Lee
Campbell	Dudley	Horne	McKay
Casas	Dyer	Jenne	Meadows
Childers	Forman	Jones	Myers
Ostalkiewicz	Scott	Sullivan	Turner
Rossin	Silver	Thomas	Williams

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendment 1, passed SB 164, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 164—A bill to be entitled An act relating to false or perjured statements; amending s. 775.15, F.S.; providing that a person may be prosecuted at any time for the offense of committing perjury in an official proceeding that relates to the prosecution of a capital felony; amending s. 837.02, F.S.; providing that it is a second-degree felony to make a false statement under oath in an official proceeding that relates to the prosecution of a capital felony; providing that the defendant's belief that a statement was immaterial is not a defense; amending s. 837.021, F.S.; providing that it is a second-degree felony to make contradictory statements under oath in an official proceeding that relates to the prosecution of a capital felony; providing that the materiality of a statement is a question of law; providing that it is unnecessary to prove which contradictory statement is untrue; providing that the defendant's belief in the truth of each statement is a defense; amending s. 837.05, F.S.; providing that it is a third-degree felony to knowingly give false information to a law enforcement officer concerning the alleged commission of a capital felony; amending s. 921.0012, F.S.; providing for the ranking under the sentencing guidelines of the offenses of giving false or perjured statements; providing an effective date.

House Amendment 2 (with title amendment)—On page 3, lines 1-14, remove from the bill all of said lines and insert in lieu thereof:

Section 1. Subsections (1), (5), and (6) of section 775.15, Florida Statutes, 1996 Supplement, are amended to read:

775.15 Time limitations.—

(1)*(a)* A prosecution for a capital felony, a life felony, or a felony that resulted in a death may be commenced at any time. If the death penalty is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, all crimes designated as capital felonies shall be considered life felonies for the purposes of this section, and prosecution for such crimes may be commenced at any time.

(b) A prosecution for perjury in an official proceeding that relates to the prosecution of a capital felony may be commenced at any time.

(5)*(a) Prosecution on a charge on which the defendant has previously been arrested or served with a summons is commenced by the filing of an indictment, information, or other charging document.*

(b) A prosecution *on a charge on which the defendant has not previously been arrested or served with a summons* is commenced when either an indictment or information is filed, provided the capias, summons, or other process issued on such indictment or information is executed without unreasonable delay. In determining what is reasonable, inability to locate the defendant after diligent search or the defendant's absence from the state shall be considered. *The failure to execute process on or extradite a defendant in another state who has been charged by information or indictment with a crime in this state shall not constitute an unreasonable delay.*

(c) If, however, an indictment or information has been filed within the time period prescribed in this section and the indictment or information is dismissed or set aside because of a defect in its content or form after the time period has elapsed, the period for commencing prosecution shall be extended 3 months from the time the indictment or information is dismissed or set aside.

(6) The period of limitation does not run during any time when the defendant is continuously absent from the state or has no reasonably ascertainable place of abode or work within the state.~~, but in no case shall~~ This provision *shall not* extend the period of limitation otherwise applicable by more than 3 years, *but shall not be construed to limit the*

prosecution of a defendant who has been timely charged by indictment or information or other charging document and who has not been arrested due to his or her absence from this state or has not been extradited for prosecution from another state.

Section 2. For the purpose of incorporating the amendment to section 775.15, Florida Statutes, 1996 Supplement, in references thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted to read:

119.011 Definitions.—For the purpose of this chapter:

(3)(a) "Criminal intelligence information" means information with respect to an identifiable person or group of persons collected by a criminal justice agency in an effort to anticipate, prevent, or monitor possible criminal activity.

(b) "Criminal investigative information" means information with respect to an identifiable person or group of persons compiled by a criminal justice agency in the course of conducting a criminal investigation of a specific act or omission, including, but not limited to, information derived from laboratory tests, reports of investigators or informants, or any type of surveillance.

(c) "Criminal intelligence information" and "criminal investigative information" shall not include:

1. The time, date, location, and nature of a reported crime.

2. The name, sex, age, and address of a person arrested or of the victim of a crime except as provided in s. 119.07(3)(f).

3. The time, date, and location of the incident and of the arrest.

4. The crime charged.

5. Documents given or required by law or agency rule to be given to the person arrested, except as provided in s. 119.07(3)(f), and, except that the court in a criminal case may order that certain information required by law or agency rule to be given to the person arrested be maintained in a confidential manner and exempt from the provisions of s. 119.07(1) until released at trial if it is found that the release of such information would:

a. Be defamatory to the good name of a victim or witness or would jeopardize the safety of such victim or witness; and

b. Impair the ability of a state attorney to locate or prosecute a codefendant.

6. Informations and indictments except as provided in s. 905.26.

(d) The word "active" shall have the following meaning:

1. Criminal intelligence information shall be considered "active" as long as it is related to intelligence gathering conducted with a reasonable, good faith belief that it will lead to detection of ongoing or reasonably anticipated criminal activities.

2. Criminal investigative information shall be considered "active" as long as it is related to an ongoing investigation which is continuing with a reasonable, good faith anticipation of securing an arrest or prosecution in the foreseeable future.

In addition, criminal intelligence and criminal investigative information shall be considered "active" while such information is directly related to pending prosecutions or appeals. The word "active" shall not apply to information in cases which are barred from prosecution under the provisions of s. 775.15 or other statute of limitation.

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

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

(Renumber subsequent section[s])

And the title is amended as follows:

Remove from the title of the bill the entire title and insert in lieu thereof: A bill to be entitled An act relating to criminal justice; amending s. 775.15, F.S.; providing that a person may be prosecuted at any time for the offense of committing perjury in an official proceeding that relates to the prosecution of a capital felony; providing that prosecution is commenced upon filing of the charging document when the defendant has previously been arrested or served with summons on the charge; providing that, when the defendant charged by information or indictment with a crime in this state has not been so arrested or served, the failure to execute process or extradite the defendant in another state does not constitute unreasonable delay; providing for inapplicability of a limitation upon prosecution of a defendant who has been timely charged but not arrested due to absence from the state or not extradited, under specified circumstances; reenacting s. 119.011(3) and 517.302(4), F.S., relating to the definition of "criminal intelligence information" for purposes of public records, and criminal prosecution for offenses under chapter 517, the Florida Securities and Investor Protection Act, to incorporate said amendment in references; amending s. 837.02, F.S.; providing that it is a second-degree felony to make a false statement under oath in an official proceeding that relates to the prosecution of a capital felony; providing that the defendant's belief that a statement was immaterial is not a defense; amending s. 837.021, F.S.; providing that it is a second-degree felony to make contradictory statements under oath in an official proceeding that relates to the prosecution of a capital felony; providing that the materiality of a statement is a question of law; providing that it is unnecessary to prove which contradictory statement is untrue; providing that the defendant's belief in the truth of each statement is a defense; amending s. 837.05, F.S.; providing that it is a third-degree felony to knowingly give false information to a law enforcement officer concerning the alleged commission of a capital felony; amending s. 921.0012, F.S.; providing for the ranking under the sentencing guidelines of the offenses of giving false or perjured statements; providing an effective date.

WHEREAS, Florida courts have remanded and, in some cases, reversed the judgment in a capital case because a witness allegedly gave perjured testimony at trial, and

WHEREAS, the Legislature finds that the state is often unable to prosecute a witness who commits perjury in a capital case because evidence of the alleged perjury is only revealed after the 3-year statute of limitations for the prosecution of perjury has elapsed, thereby allowing the witness to commit perjury with legal impunity, and

WHEREAS, Supreme Court Justice Ben Overton, writing separately in Roberts v. State, (21 Fla. L. Weekly s245, June 14, 1996), a case in which the issue of recanted testimony was raised, strongly suggested that the Legislature review the perjury statute and increase from 3 years to 25 years the statute of limitations for prosecuting the offense of perjury in a capital case, and

WHEREAS, the Legislature has reviewed the perjury statute and agrees with Justice Overton that the statute of limitations should be increased for prosecuting a person who commits perjury in a capital case, however, the Legislature finds no reason to limit the time for prosecution to 25 years, and

WHEREAS, it is the intent of the Legislature that there not be a statute of limitations for prosecuting a person who makes a false or perjured statement in a capital case, and

WHEREAS, it is also the intent of the Legislature to severely penalize any person who makes a false or perjured statement in a capital case, NOW, THEREFORE,

On motion by Senator Gutman, the Senate concurred in the House amendment.

SB 164 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Madam President	Casas	Diaz-Balart	Hargrett
Bankhead	Childers	Dudley	Harris
Bronson	Clary	Dyer	Holzendorf
Brown-Waite	Cowin	Forman	Horne
Burt	Crist	Grant	Jenne
Campbell	Dantzler	Gutman	Jones

Kirkpatrick	Lee	Ostalkiewicz	Sullivan
Klein	McKay	Rossin	Thomas
Kurth	Meadows	Scott	Turner
Latvala	Myers	Silver	Williams

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 270, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 270—A bill to be entitled An act relating to clinical laboratory personnel; amending s. 408.033, F.S.; providing an exemption from certain health care facilities assessments for clinical laboratories operated by practitioners for exclusive use; amending s. 483.035, F.S.; requiring the Agency for Health Care Administration to adopt rules relating to personnel of such laboratories; amending s. 483.061, F.S.; authorizing the agency to perform on-site or off-site inspections; amending s. 483.172, F.S.; providing for expiration of the agency's authority to collect a fee from certain laboratories; amending ss. 483.801, 483.813, F.S.; providing for an exemption from regulation for certain practitioners and persons employed by certain laboratories; amending s. 483.803, F.S.; revising the definition of "clinical laboratory personnel"; amending s. 483.811, F.S.; providing application of regulatory provisions to certain clinical laboratories; creating s. 483.824, F.S.; providing qualifications of a clinical laboratory director; providing an effective date.

House Amendment 1 (with title amendment)—On page 4, between lines 18 and 19, insert:

Section 5. Subsection (5) is added to section 483.181, Florida Statutes, to read:

483.181 Acceptance, collection, identification, and examination of specimens.—

(5) A clinical laboratory licensed under this part must accept a human specimen submitted for examination by a practitioner licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, or chapter 466, if the specimen and test are the type performed by the clinical laboratory. A clinical laboratory may only refuse a specimen based upon a history of nonpayment for services by the practitioner. A clinical laboratory shall not charge different prices for tests based upon the chapter under which a practitioner submitting a specimen for testing is licensed.

(Renumber subsequent section[s])

And the title is amended as follows:

On page 1, line(s) 15, after the semicolon, insert: amending s. 483.181, F.S.; prohibiting discrimination against certain practitioners in the acceptance of specimens;

House Amendment 2—On page 7, line 2, remove from the bill *an* and insert in lieu thereof: *a regionally*

On motion by Senator Gutman, the Senate concurred in the House amendments.

CS for SB 270 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Madam President	Clary	Gutman	Klein
Bankhead	Cowin	Hargrett	Kurth
Bronson	Crist	Harris	Latvala
Brown-Waite	Dantzler	Holzendorf	Lee
Burt	Diaz-Balart	Horne	Meadows
Campbell	Dudley	Jenne	Myers
Casas	Forman	Jones	Ostalkiewicz
Childers	Grant	Kirkpatrick	Rossin
Scott	Sullivan	Turner	Williams
Silver	Thomas		

Nays—None

Vote after roll call:

Yea—McKay

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for CS for SB 278, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for CS for SB 278—A bill to be entitled An act relating to juveniles; amending s. 39.0145, F.S.; authorizing the court to direct the Department of Highway Safety and Motor Vehicles to withhold issuance of, or suspend, a child's driver's license if the child is held in contempt; authorizing the court to order that a child in need of services who is held in contempt be issued a restricted license; amending ss. 39.044, 39.054, F.S.; authorizing the Department of Juvenile Justice to employ a collection agency to receive, collect, and manage the payment of delinquent fees required under part II, ch. 39, F.S.; amending s. 39.422, F.S.; revising limitations on placing a child adjudicated in need of services in a shelter; amending s. 39.423, F.S.; clarifying that a child's parent or legal custodian may make a complaint alleging that the family is in need of services; revising provisions to conform to the creation of the Department of Children and Family Services by the Legislature; requiring the Department of Juvenile Justice to provide certain information to the parent or custodian during the intake process pursuant to a complaint that a child is from a family in need of services; amending s. 39.424, F.S.; authorizing the department to employ a collection agency to receive, collect, and manage the payment of delinquent fees required under part IV, ch. 39, F.S.; amending s. 39.426, F.S.; providing for the state attorney to be represented on a case-staffing committee; authorizing a parent and any other member of the committee to convene a meeting of the committee; providing a timeframe; requiring that the committee make a written report to the parent within 7 days; amending s. 39.436, F.S.; authorizing a child's parent or custodian to file a petition alleging that a child is a child in need of services; requiring notice to the department; requiring that such a petition allege certain facts; authorizing the court to determine the sufficiency of the petition and verify that the child meets certain qualifications; amending ss. 39.438, 39.44, F.S., relating to the response to a petition and hearings; conforming provisions to changes made by the act; amending s. 39.442, F.S.; authorizing the department to employ a collection agency to receive, collect, and manage the payment of delinquent fees required under part IV, ch. 39, F.S.; creating s. 39.4421, F.S.; specifying circumstances under which a child in need of services may be placed into a staff-secure shelter for an extended period; providing requirements for the child's parent or custodian; requiring that the child receive education while in the shelter; authorizing the court to extend the term of commitment; requiring that the court review a child's commitment and make certain determinations; specifying circumstances under which a child must be treated as a dependent child; creating s. 39.4422, F.S.; requiring the Department of Juvenile Justice to establish a pilot program for operating one or more physically secure facilities designated exclusively for children in need of services who are found in contempt of court; requiring that a child alleged to be a child in need of services within the judicial circuit in which the pilot program is established be represented by counsel; providing for an attorney to be appointed to represent an indigent child; requiring that the child be afforded the rights of due process; requiring that a child receive certain services while in the physically secure facility; providing requirements for the child's parent or custodian; requiring the Juvenile Justice Advisory Board and the department to make certain reports to the Legislature with respect to the pilot program; providing that it is a first-degree misdemeanor for a person to knowingly shelter a minor for longer than a specified period without the consent of the minor's parent or guardian or without notifying a law enforcement officer; providing that it is a first-degree misdemeanor for a person to knowingly provide aid to a minor who has run away from home without notifying the minor's parent or guardian or a law enforcement officer; requiring the Department of Juvenile Justice and the Department of Children and Family Services to coordinate services provided to children

who are locked out of the home and to the families of those children; requiring the departments to establish a joint work group to develop proposals for coordinating services and report to the Legislature; requiring the Department of Juvenile Justice to develop information that details the services and resources that are available for parents of troubled or runaway children; requiring school districts and law enforcement agencies to distribute the information; requiring the Department of Education to analyze data collection and assist school districts in identifying habitual truants; requiring the Department of Education to report to the Legislature on the implementation of programs designed to prevent truancy and make recommendations; requiring a specified State Attorney's Office to report to the Legislature on the feasibility of expanding the Truancy Intervention Program statewide; providing an effective date.

House Amendment 1 (with title amendment)—On page 4, line 27, remove from the bill everything after the enacting clause and insert in lieu thereof:

Section 1. Section 39.0145, Florida Statutes, is amended to read:

39.0145 Punishment for contempt of court; alternative sanctions.—

(1) CONTEMPT OF COURT; LEGISLATIVE INTENT.—The court may punish any child for contempt for interfering with the court or with court administration, or for violating any provision of this chapter or order of the court relative thereto. It is the intent of the Legislature that the court restrict and limit the use of contempt powers with respect to commitment of a child to a secure facility. A child who commits direct contempt of court or indirect contempt of a valid court order may be taken into custody and ordered to serve an alternative sanction or placed in a secure facility, as authorized in this section, by order of the court.

(2) PLACEMENT IN A SECURE FACILITY.—A child may be placed in a secure facility for purposes of punishment for contempt of court if alternative sanctions are unavailable or inappropriate, or if the child has already been ordered to serve an alternative sanction but failed to comply with the sanction.

(a) A delinquent child who has been held in direct or indirect contempt may be placed in a secure detention facility for 5 days for a first offense or 15 days for a second or subsequent offense, or in a secure residential commitment facility.

(b) A child in need of services who has been held in direct contempt or indirect contempt may be placed, for 5 days for a first offense or 15 days for a second or subsequent offense, in a staff-secure shelter or a staff-secure residential facility solely for children in need of services if such placement is available, or, if such placement is not available, the child may be placed in an appropriate mental health facility or substance abuse facility for assessment. *In addition to disposition under this paragraph, a child in need of services who is held in direct contempt or indirect contempt may be placed in a physically secure facility as provided under s. 39.4422 if conditions of eligibility are met.*

(3) ALTERNATIVE SANCTIONS.—Each judicial circuit shall have an alternative sanctions coordinator who shall serve under the chief administrative judge of the juvenile division of the circuit court, and who shall coordinate and maintain a spectrum of contempt sanction alternatives in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c). Upon determining that a child has committed direct contempt of court or indirect contempt of a valid court order, the court may immediately request the alternative sanctions coordinator to recommend the most appropriate available alternative sanction and shall order the child to perform up to 50 hours of community-service manual labor or a similar alternative sanction, unless an alternative sanction is unavailable or inappropriate, or unless the child has failed to comply with a prior alternative sanction. Alternative contempt sanctions may be provided by local industry or by any nonprofit organization or any public or private business or service entity that has entered into a contract with the Department of Juvenile Justice to act as an agent of the state to provide voluntary supervision of children on behalf of the state in exchange for the manual labor of children and limited immunity in accordance with s. 768.28(11).

(4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE PROCESS.—

(a) If a child is charged with direct contempt of court, including traffic court, the court may impose an authorized sanction immediately.

(b) If a child is charged with indirect contempt of court, the court must hold a hearing within 24 hours to determine whether the child committed indirect contempt of a valid court order. At the hearing, the following due process rights must be provided to the child:

1. Right to a copy of the order to show cause alleging facts supporting the contempt charge.

2. Right to an explanation of the nature and the consequences of the proceedings.

3. Right to legal counsel and the right to have legal counsel appointed by the court if the juvenile is indigent, pursuant to s. 39.041.

4. Right to confront witnesses.

5. Right to present witnesses.

6. Right to have a transcript or record of the proceeding.

7. Right to appeal to an appropriate court.

The child's parent or guardian may address the court regarding the due process rights of the child. The court shall review the placement of the child every 72 hours to determine whether it is appropriate for the child to remain in the facility.

(c) The court may not order that a child be placed in a secure facility for punishment for contempt unless the court determines that an alternative sanction is inappropriate or unavailable or that the child was initially ordered to an alternative sanction and did not comply with the alternative sanction. The court is encouraged to order a child to perform community service, up to the maximum number of hours, where appropriate before ordering that the child be placed in a secure facility as punishment for contempt of court.

(d) In addition to any other sanction imposed under this section, the court may direct the Department of Highway Safety and Motor Vehicles to withhold issuance of, or suspend, a child's driver's license or driving privilege. The court may order that a child's driver's license or driving privilege be withheld or suspended for up to 1 year for a first offense of contempt and up to 2 years for a second or subsequent offense. If the child's driver's license or driving privilege is suspended or revoked for any reason at the time the sanction for contempt is imposed, the court shall extend the period of suspension or revocation by the additional period ordered under this paragraph. If the child's driver's license is being withheld at the time the sanction for contempt is imposed, the period of suspension or revocation ordered under this paragraph shall begin on the date on which the child is otherwise eligible to drive. For a child in need of services whose driver's license or driving privilege is suspended under this paragraph, the court may direct the Department of Highway Safety and Motor Vehicles to issue the child a license for driving privileges restricted to business or employment purposes only, as defined in s. 322.271, or for the purpose of completing court-ordered community service, if the child is otherwise qualified for a license. However, the department may not issue a restricted license unless specifically ordered to do so by the court.

(5) ALTERNATIVE SANCTIONS COORDINATOR.—~~Effective July 1, 1995,~~ There is created the position of alternative sanctions coordinator within each judicial circuit, pursuant to subsection (3). Each alternative sanctions coordinator shall serve under the direction of the chief administrative judge of the juvenile division as directed by the chief judge of the circuit. The alternative sanctions coordinator shall act as the liaison between the judiciary and county juvenile justice councils, the local department officials, district school board employees, and local law enforcement agencies. The alternative sanctions coordinator shall coordinate within the circuit community-based alternative sanctions, including nonsecure detention programs, community service projects, and other juvenile sanctions, in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c).

Section 2. Subsection (6) of section 39.044, Florida Statutes, 1996 Supplement, 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 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. *The department may employ a collection agency for the purpose of receiving, collecting, and managing the payment of unpaid and delinquent fees. The collection agency must be registered and in good standing under chapter 559. The department may pay to the collection agency a fee from the amount collected under the claim or may authorize the agency to deduct the fee from the amount collected.*

Section 3. Subsection (2) of section 39.054, Florida Statutes, is amended to read:

39.054 Powers of disposition.—

(2) When any child is adjudicated by the court to have committed a delinquent act and temporary legal custody of the child has been placed with a licensed child-caring agency or the Department of Juvenile Justice, 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 that under law may be disbursed for the care, support, and maintenance of the child, to pay fees to the licensed child-caring agency or the Department of Juvenile Justice equal to the actual cost of the care, support, and maintenance of the child, 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. 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. *The department may employ a collection agency for the purpose of receiving, collecting, and managing the payment of unpaid and delinquent fees. The collection agency must be registered and in good standing under chapter 559. The department may pay to the collection agency a fee from the amount collected under the claim or may authorize the agency to deduct the fee from the amount collected.*

Section 4. Subsection (5) of section 39.422, Florida Statutes, 1996 Supplement, is amended to read:

39.422 Placement of a child from a family in need of services or a child in need of services in a shelter.—

(5) *Except as provided under s. 39.4421,* ~~Under the provisions of this part, placement in a shelter of~~ a child in need of services or a child from a family in need of services *may not be placed in a shelter for* ~~shall be for no~~ longer than 35 days.

Section 5. Subsections (1) and (3) of section 39.423, Florida Statutes, 1996 Supplement, are amended to read:

39.423 Intake.—

(1) Intake shall be performed by the department. A report or complaint alleging that a child is from a family in need of services shall be made to the intake office operating in the county in which the child is found or in which the case arose. Any person or agency, including, but not limited to, *the parent or legal custodian,* the local school district, *a* law enforcement agency, or *the* Department of *Children and Family* ~~Health and Rehabilitative~~ Services, having knowledge of the facts may make a report or complaint.

(3) If the representative of the department determines that in his or her judgment the interests of the family, the child, and the public will be best served by providing the family and child services and treatment voluntarily accepted by the child and the parents or legal custodians, the departmental representative may refer the family or child to an appropriate service and treatment provider. *As part of the intake procedure, the departmental representative shall inform the parent or legal custodian, in writing, of the services and treatment available to the child and family by department providers or community agencies and the rights and responsibilities of the parent or legal guardian under this part.*

Section 6. Subsection (3) of section 39.424, Florida Statutes, 1996 Supplement, is amended to read:

39.424 Services to families in need of services.—

(3) The department shall advise the parents or legal guardian that they are responsible for contributing to the cost of the child or family services and treatment to the extent of their ability to pay. The department shall set and charge fees for services and treatment provided to clients. *The department may employ a collection agency for the purpose of receiving, collecting, and managing the payment of unpaid and delinquent fees. The collection agency must be registered and in good standing under chapter 559. The department may pay to the collection agency a fee from the amount collected under the claim or may authorize the agency to deduct the fee from the amount collected.*

Section 7. Section 39.426, Florida Statutes, 1996 Supplement, is amended to read:

39.426 Case staffing; services and treatment to a family in need of services.—

(1) The appropriate representative of the department shall request a meeting of the family and child with a case staffing committee to review the case of any family or child who the department determines is in need of services or treatment if:

(a) The family or child is not in agreement with the services or treatment offered;

(b) The family or child will not participate in the services or treatment selected; or

(c) The representative of the department needs assistance in developing an appropriate plan for services. The time and place selected for the meeting shall be convenient for the child and family.

(2) The composition of the case staffing committee shall be based on the needs of the family and child. It shall include a representative from the child's school *district* and a representative of the Department of Juvenile Justice, and may include a supervisor of the department's contracted provider;~~,~~ a representative from the area of health, mental health, substance abuse, social, or educational services*; a representative of the state attorney;*~~,~~ the alternative sanctions coordinator;~~,~~ and any person recommended by the child, ~~or~~ family, *or department.*

(3) The case staffing committee shall reach a timely decision to provide the child or family with needed services and treatment through the development of a plan for services.

(4) The plan for services shall contain the following:

(a) Statement of the problems.

(b) Needs of the child.

(c) Needs of the parents, guardian, or legal custodian.

(d) Measurable objectives that address the identified problems and needs.

(e) Services and treatment to be provided, to include:

1. Type of services or treatment.

2. Frequency of services or treatment.

3. Location.

4. Accountable service providers or staff.

(f) Timeframes for achieving objectives.

(5) Upon receipt of the plan, the child and family shall acknowledge their position by accepting or rejecting the services and provisions in writing. If the plan is accepted, it shall be implemented as soon as is practicable.

(6) A case manager shall be designated by the case staffing committee to be responsible for implementing the plan. The case manager shall periodically review the progress towards achieving the objectives of the plan in order to:

(a) Advise the case staffing committee of the need to make adjustments to the plan; or

(b) Terminate the case as indicated by successful or substantial achievement of the objectives of the plan.

(7) The parent, guardian, or legal custodian may convene a meeting of the case staffing committee, and any other member of the committee may convene a meeting if the member finds that doing so is in the best interest of the family or child. A case staffing committee meeting requested by a parent, guardian, or legal custodian must be convened within 7 days, excluding weekends and legal holidays, after the date the department's representative receives the request in writing.

(8) Within 7 days after meeting, the case staffing committee shall provide the parent, guardian, or legal custodian with a written report that details the reasons for the committee's decision to recommend, or decline to recommend, that the department file a petition alleging that the child is a child in need of services.

Section 8. Section 39.436, Florida Statutes, 1996 Supplement, is amended to read:

39.436 Petition for a child in need of services.—

(1) All proceedings seeking an adjudication that a child is a child in need of services shall be initiated by the filing of a petition by an attorney representing the department *or by the child's parent, guardian, or legal custodian*. If a child in need of services has been placed in a shelter pursuant to s. 39.422, *the department shall file* the petition ~~shall be filed~~ immediately, *including in the petition* ~~and contain~~ notice of arraignment pursuant to s. 39.44.

(2)*(a)* The department shall file a petition for a child in need of services if the case manager or staffing committee requests that a petition be filed and:

1.~~(a)~~ The family and child have in good faith, but unsuccessfully, used the services and process described in ss. 39.424 and 39.426; or

2.~~(b)~~ The family or child have refused all services described in ss. 39.424 and 39.426 after reasonable efforts by the department to involve the family and child in services and treatment.

(b)~~(3)~~ ~~Effective January 1, 1997,~~ Once the requirements in *paragraph (a)* ~~subsection (2)~~ have been met, the department shall file a petition for a child in need of services within 45 days.

(c)~~(4)~~ The petition shall be in writing, shall state the specific grounds under s. 39.01(12) by which the child is designated a child in need of services, and shall certify that the conditions prescribed in *paragraph (a)* ~~subsection (2)~~ have been met. The petition shall be signed by the petitioner under oath stating good faith in filing the petition and shall be signed by an attorney for the department.

(3)(a) The parent, guardian, or legal custodian may file a petition alleging that a child is a child in need of services if:

1. The department waives the requirement for a case staffing committee.

2. The department fails to convene a meeting of the case staffing committee within 7 days, excluding weekends and legal holidays, after receiving a written request for such a meeting from the child's parent, guardian, or legal custodian.

3. The parent, guardian, or legal custodian does not agree with the plan for services offered by the case staffing committee.

4. The department fails to provide a written report within 7 days after the case staffing committee meets, as required under s. 39.426(8).

(b) The parent, guardian, or legal custodian must give the department prior written notice of intent to file the petition. If, at the arraignment hearing, the court finds that such written notice of intent to file the petition was not provided to the department, the court shall dismiss the petition, postpone the hearing until such written notice is given, or, if the department agrees, proceed with the arraignment hearing. The petition must be served on the department's office of general counsel.

(c) The petition must be in writing and must set forth specific facts alleging that the child is a child in need of services as defined in s. 39.01. The petition must also demonstrate that the parent, guardian, or legal custodian has in good faith, but unsuccessfully, participated in the services and processes described in ss. 39.424 and 39.426.

(d) The petition must be signed by the petitioner under oath.

(e) The court, on its own motion or the motion of any party or the department, shall determine the legal sufficiency of a petition filed under this subsection and may dismiss any petition that lacks sufficient grounds. In addition, the court shall verify that the child is not:

1. The subject of a pending investigation into an allegation or suspicion of abuse, neglect, or abandonment;

2. The subject of a pending referral alleging that the child is delinquent; or

3. Under the current supervision of the department or the Department of Children and Family Services for an adjudication of delinquency or dependency.

(4)~~(5)~~ The form of the petition and *any additional* ~~its~~ contents shall be determined by rules of procedure adopted by the Supreme Court.

(5)~~(6)~~ The department *or the parent, guardian, or legal custodian* may withdraw a petition at any time prior to the child being adjudicated a child in need of services.

Section 9. Subsection (3) of section 39.438, Florida Statutes, 1996 Supplement, is amended to read:

39.438 Response to petition and representation of parties.—

(3) When a petition for a child in need of services has been filed and the parents, guardian, or legal custodian of the child and the child have advised the department that the truth of the allegations is acknowledged and that no contest is to be made of the adjudication, the attorney representing the department may set the case before the court for *a disposition* ~~an adjudicatory~~ hearing. If there is a change in the plea at this hearing, the court shall continue the hearing to permit the attorney representing the department to prepare and present the case.

Section 10. Paragraph (c) of subsection (1) of section 39.44, Florida Statutes, 1996 Supplement, is amended to read:

39.44 Hearings for child-in-need-of-services cases.—

(1) ARRAIGNMENT HEARING.—

(c) If at the arraignment hearing the child *and the*~~,~~ parent, guardian, or custodian consents or admits to the allegations in the petition *and the court determines that the petition meets the requirements of s. 39.436(3)(e)*, the court shall proceed to hold *a disposition* ~~an adjudicatory~~

hearing at the earliest practicable time that will allow for the completion of a predisposition study.

Section 11. Subsections (3) and (4) of section 39.442, Florida Statutes, 1996 Supplement, are amended to read:

39.442 Powers of disposition.—

(3) When any child is adjudicated by the court to be a child in need of services and temporary legal custody of the child has been placed with an adult willing to care for the child, a licensed child-caring agency, the Department of Juvenile Justice, or the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, the court shall order the natural or adoptive parents of such child, including 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 such child, to pay child support to the adult relative caring for the child, the licensed child-caring agency, the Department of Juvenile Justice, or the Department of *Children and Family* ~~Health and Rehabilitative~~ Services. When such order affects the guardianship estate, a certified copy of such order shall be delivered to the judge having jurisdiction of such guardianship estate. If the court determines that the parent is unable to pay support, placement of the child shall not be contingent upon issuance of a support order. *The department may employ a collection agency for the purpose of receiving, collecting, and managing the payment of unpaid and delinquent fees. The collection agency must be registered and in good standing under chapter 559. The department may pay to the collection agency a fee from the amount collected under the claim or may authorize the agency to deduct the fee from the amount collected.*

(4) All payments of fees made to the department pursuant to this part, or child support payments made to the department pursuant to *subsection (3)* ~~subsection (5)~~, shall be deposited in the General Revenue Fund. In cases in which the child is placed in foster care with the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, such child support payments shall be deposited in the Foster Care, Group Home, Developmental Training, and Supported Employment Programs Trust Fund.

Section 12. Section 39.4421, Florida Statutes, is created to read:

39.4421 Powers of disposition; placement in a staff-secure shelter.—

(1) Subject to specific legislative appropriation, the court may order that a child adjudicated as a child in need of services be placed for up to 90 days in a staff-secure shelter if:

(a) The child's parent, guardian, or legal custodian refuses to provide food, clothing, shelter, and necessary parental support for the child and the refusal is a direct result of an established pattern of significant disruptive behavior of the child in the home of the parent, guardian, or legal custodian; or

(b) The child refuses to remain under the reasonable care and custody of his or her parent, guardian, or legal custodian, as evidenced by repeatedly running away from home. The court may not order that a child be placed in a staff-secure facility unless:

1. The child has failed to successfully complete an alternative treatment program or to comply with a court-ordered sanction; and

2. The child has been placed in a residential program on at least one prior occasion pursuant to a court order under this part.

This subsection applies after other alternative, less-restrictive remedies have been exhausted. The court may order that a child be placed in a staff-secure shelter. The department, or an authorized representative of the department, must verify to the court that a bed is available for the child. If the department or an authorized representative of the department verifies that a bed is not available, the court shall stay the placement until a bed is available. The department will place the child's name on a waiting list. The child who has been on the waiting list the longest will get the next available bed.

(2) The court shall order the parent, guardian, or legal custodian to cooperate with efforts to reunite the child with the family, participate in counseling, and pay all costs associated with the care and counseling provided to the child and family, in accordance with the family's ability to pay as determined by the court. Commitment of a child under this section is designed to provide residential care on a temporary basis. Such commitment does not abrogate the legal responsibilities of the parent, guardian, or legal custodian with respect to the child, except to the extent that those responsibilities are temporarily altered by court order.

(3) While a child is in a staff-secure shelter, the child shall receive education commensurate with his or her grade level and educational ability.

(4) If a child has not been reunited with his or her parent, guardian, or legal custodian at the expiration of the 90-day commitment period, the court may order that the child remain in the staff-secure shelter for an additional 30 days if the court finds that reunification could be achieved within that period.

(5) The department is deemed to have exhausted the reasonable remedies offered under this part if, at the end of the commitment period, the parent, guardian, or legal custodian continues to refuse to allow the child to remain at home or creates unreasonable conditions for the child's return. If, at the end of the commitment period, the child is not reunited with his or her parent, guardian, or custodian due solely to the continued refusal of the parent, guardian, or custodian to provide food, clothing, shelter, and parental support, the child is considered to be threatened with harm as a result of such acts or omissions and the court shall direct that the child be handled in every respect as a dependent child. Jurisdiction shall be transferred to the Department of Children and Family Services and the child's care shall be governed under parts III and V.

(6) The court shall review the child's commitment once every 45 days as provided in s. 39.44. The court shall determine if the parent, guardian, or custodian has reasonably participated in and financially contributed to the child's counseling and treatment program. The court shall also determine whether the department's efforts to reunite the family have been reasonable. If the court finds an inadequate level of support or participation by the parent, guardian, or custodian prior to the end of the commitment period, the court shall direct that the child be handled in every respect as a dependent child. Jurisdiction shall be transferred to the Department of Children and Family Services and the child's care shall be governed under parts III and V.

(7) If the child requires residential mental health treatment or residential care for a developmental disability, the court shall refer the child to the Department of Children and Family Services for the provision of necessary services.

Section 13. Section 39.4422, Florida Statutes, is created to read:

39.4422 Pilot program for a physically secure facility; contempt of court.—

(1) Subject to specific legislative appropriation, the Department of Juvenile Justice shall establish a pilot program within a single judicial circuit for the purpose of operating one or more physically secure facilities designated exclusively for the placement of children in need of services who are found in direct contempt or indirect contempt of a valid court order. If any party files a petition that a child is a child in need of services within such judicial circuit, the child must be represented by counsel at each court appearance. If the child is indigent, the court shall appoint an attorney to represent the child as provided under s. 39.041. Nothing precludes the court from requesting reimbursement of attorney's fees and costs from the nonindigent parent or legal guardian.

(2) If a child adjudicated as a child in need of services is held in direct contempt or indirect contempt of a valid court order, as an alternative to placing the child in a staff-secure facility as provided under s. 39.0145 or s. 39.4421, the court may order that the child be placed within the circuit in a physically secure facility operated under the pilot program. A child may be committed to the facility only if the department, or an authorized representative of the department, verifies to the court that a bed is available for the child at the physically secure facility and the child has:

(a) Run away from a staff-secure shelter following placement under s. 39.0145 or s. 39.4421; or

(b) Committed at least two prior acts of direct or indirect contempt.

(3) A child may be placed in a physically secure facility for up to 5 days for the first commitment and up to 15 days for a second or subsequent commitment.

(4) Prior to being committed to a physically secure facility, the child must be afforded all rights of due process required under s. 39.0145. While in the physically secure facility, the child shall receive appropriate assessment, treatment, and educational services that are designed to eliminate or reduce the child's truant, ungovernable, or runaway behavior. The child and family shall be provided with family counseling and other support services necessary for reunification.

(5) The court shall order the parent, guardian, or legal custodian to cooperate with efforts to reunite the child with the family, participate in counseling, and pay all costs associated with the care and counseling provided to the child and family, in accordance with the family's ability to pay as determined by the court. Commitment of a child under this section is designed to provide residential care on a temporary basis. Such commitment does not abrogate the legal responsibilities of the parent, guardian, or legal custodian with respect to the child, except to the extent that those responsibilities are temporarily altered by court order.

(6) The Juvenile Justice Advisory Board shall monitor the operation of the pilot program and issue a preliminary evaluation report to the Legislature by December 1, 1998. The Department of Juvenile Justice and the Juvenile Justice Advisory Board shall issue a joint final report to the Legislature, including any proposed legislation, by December 1, 1999.

Section 14. *(1)(a) A person who is not an authorized agent of the Department of Juvenile Justice or the Department of Children and Family Services may not knowingly shelter an unmarried minor for more than 24 hours without the consent of the minor's parent or guardian or without notifying a law enforcement officer of the minor's name and the fact that the minor is being provided shelter.*

(b) A person may not knowingly provide aid to an unmarried minor who has run away from home without first contacting the minor's parent or guardian or notifying a law enforcement officer. The aid prohibited under this paragraph includes assisting the minor in obtaining shelter, such as hotel lodgings.

(2) A person who violates this section commits a misdemeanor of the first degree, punishable as provided in section 775.082 or section 775.083, Florida Statutes.

Section 15. *The Department of Juvenile Justice and the Department of Children and Family Services shall encourage interagency cooperation within each district and shall develop comprehensive agreements between the staff and providers for each department in order to coordinate the services provided to children who are locked out of the home and the families of those children.*

Section 16. *The Department of Juvenile Justice and the Department of Children and Family Services shall establish a joint work group to develop a proposal for legislative consideration which would eliminate or minimize the duplication of services and jurisdictional conflicts that occur under the current system by which services are provided to children who are locked out of the home and to families of those children. The Secretary of Juvenile Justice and the Secretary of Children and Family Services shall appoint the members of the work group, which must be composed of appropriate personnel from state and local governmental agencies, representatives of private-sector organizations that provide services to children who are locked out of the home and their families, and children and parents from families who are or have been involved in lockout situations. The proposal submitted by the work group must be based on an analysis of service needs and must address strategies by which the Legislature can improve the ability of the Department of Juvenile Justice and the Department of Children and Family Services to work with locked-out children and their families through coordinating services, revising the allocation of funds and available resources, and eliminating other barriers that inhibit the effective delivery of services. The Department of Juvenile Justice and the Department of Children and Family Services shall provide administrative support for the work group from existing resources, and the group need not have statewide representation. The work group shall submit its proposal to the President of the Senate and the Speaker of the House of Representatives by January 15, 1998.*

Section 17. *The Department of Juvenile Justice, in collaboration with the Department of Children and Family Services and the Department of Education, shall develop and publish an information packet that explains the current process under part IV of chapter 39, Florida Statutes, for obtaining assistance for a child in need of services or a family in need of services and the community services and resources available to parents of troubled or runaway children. In preparing the information packet, the Department of Juvenile Justice shall work with school district superintendents, juvenile court judges, county sheriffs, and other local law enforcement officials in order to ensure that the information packet lists services and resources that are currently available within the county in which the packet is distributed. Each information packet shall be annually updated and shall be available for distribution by January 1, 1998. The school district shall distribute this information packet to parents of truant children and to other parents upon request or as deemed appropriate by the school district. In addition, the Department of Juvenile Justice shall distribute the information packet to state and local law enforcement agencies. Any law enforcement officer who has contact with the parent of a child who is locked out of the home or who runs away from home shall make the information available to the parent.*

Section 18. *The Department of Education shall analyze the current methods of collecting data on student attendance and shall develop improved methods of identifying children who are habitually truant. The department shall provide technical assistance to school districts in order to allow each district to accurately identify students whose chronic absence from school may not otherwise be readily apparent to school personnel.*

Section 19. *The Department of Education shall report to the Legislature on the implementation of programs designed to eliminate habitual truancy which were enacted in chapter 96-369, Laws of Florida. The department shall include in its report any statutory changes that are necessary to further reduce the incidence of truancy, including intervention strategies that may be implemented by elementary schools.*

Section 20. This act shall take effect July 1, 1997.

And the title is amended as follows:

On page 1, line 1, through page 4, line 24, remove the entire title and insert in lieu thereof: A bill to be entitled An act relating to juveniles; amending s. 39.0145, F.S.; authorizing the court to direct the Department of Highway Safety and Motor Vehicles to withhold issuance of, or suspend, a child's driver's license if the child is held in contempt; authorizing the court to order that a child in need of services who is held in contempt be issued a restricted license; amending ss. 39.044, 39.054, F.S.; authorizing the Department of Juvenile Justice to employ a collection agency to receive, collect, and manage the payment of delinquent fees required under part II, ch. 39, F.S.; amending s. 39.422, F.S.; revising limitations on placing a child adjudicated in need of services in a shelter; amending s. 39.423, F.S.; clarifying that a child's parent or legal custodian may make a complaint alleging that the family is in need of services; revising provisions to conform to the creation of the Department of Children and Family Services by the Legislature; requiring the Department of Juvenile Justice to provide certain information to the parent or custodian during the intake process pursuant to a complaint that a child is from a family in need of services; amending s. 39.424, F.S.; authorizing the department to employ a collection agency to receive, collect, and manage the payment of delinquent fees required under part IV, ch. 39, F.S.; amending s. 39.426, F.S.; providing for the state attorney to be represented on a case-staffing committee; authorizing a parent and any other member of the committee to convene a meeting of the committee; providing a timeframe; requiring that the committee make a written report to the parent within 7 days; amending s. 39.436, F.S.; authorizing a child's parent or custodian to file a petition alleging that a child is a child in need of services; requiring notice to the department; requiring that such a petition allege certain facts; authorizing the court to determine the sufficiency of the petition and verify that the child meets certain qualifications; amending ss. 39.438, 39.44, F.S., relating to the response to a petition and hearings; conforming provisions to changes made by the act; amending s. 39.442, F.S.; authorizing the department to employ a collection agency to receive, collect, and manage the payment of delinquent fees required under part IV, ch. 39, F.S.; creating s. 39.4421, F.S.; specifying circumstances under which a child in need of services may be placed into a staff-secure shelter for an extended period; providing requirements for the child's parent or custodian; requiring that the child receive education while in the shelter; authorizing the court to extend the term of commitment; requiring that the court review

a child's commitment and make certain determinations; specifying circumstances under which a child must be treated as a dependent child; creating s. 39.4422, F.S.; requiring the Department of Juvenile Justice to establish a pilot program for operating one or more physically secure facilities designated exclusively for children in need of services who are found in contempt of court; requiring that a child alleged to be a child in need of services within the judicial circuit in which the pilot program is established be represented by counsel; providing for an attorney to be appointed to represent an indigent child; requiring that the child be afforded the rights of due process; requiring that a child receive certain services while in the physically secure facility; providing requirements for the child's parent or custodian; requiring the Juvenile Justice Advisory Board and the department to make certain reports to the Legislature with respect to the pilot program; providing that it is a first-degree misdemeanor for a person to knowingly shelter a minor for longer than a specified period without the consent of the minor's parent or guardian or without notifying a law enforcement officer; providing that it is a first-degree misdemeanor for a person to knowingly provide aid to a minor who has run away from home without notifying the minor's parent or guardian or a law enforcement officer; requiring the Department of Juvenile Justice and the Department of Children and Family Services to coordinate services provided to children who are locked out of the home and to the families of those children; requiring the departments to establish a joint work group to develop proposals for coordinating services and report to the Legislature; requiring the Department of Juvenile Justice to develop information that details the services and resources that are available for parents of troubled or runaway children; requiring school districts and law enforcement agencies to distribute the information; requiring the Department of Education to analyze data collection and assist school districts in identifying habitual truants; requiring the Department of Education to report to the Legislature on the implementation of programs designed to prevent truancy and make recommendations; providing an effective date.

On motion by Senator Burt, the Senate concurred in the House amendment.

CS for CS for CS for SB 278 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Madam President	Cowin	Hargrett	Lee
Bankhead	Crist	Harris	Meadows
Bronson	Dantzler	Holzendorf	Myers
Brown-Waite	Diaz-Balart	Jenne	Ostalkiewicz
Burt	Dudley	Jones	Rossin
Campbell	Dyer	Kirkpatrick	Silver
Casas	Forman	Klein	Thomas
Childers	Grant	Kurth	Turner
Clary	Gutman	Latvala	Williams

Nays—None

Vote after roll call:

Yea—Horne

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 286, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 286—A bill to be entitled An act relating to state group insurance; amending s. 20.22, F.S.; renaming the Division of State Employees' Insurance within the Department of Insurance as the Division of State Group Insurance; creating the Florida State Group Health Insurance Council within the department; providing its membership; providing its powers and duties; providing for meetings; providing travel and per diem; amending s. 20.42, F.S.; eliminating duties of the Division of State Health Purchasing of the Agency for Health Care Administration with respect to state employee health insurance; amending s. 110.123, F.S.; defining the term "division"; creating the Division of State Group Insurance within the Department of Management Services and requiring that department to provide administrative support and service to the division; excluding the division from control, supervision, or direction by the department; providing for a director of the division; providing requirements; providing for administration of the state group insurance program by the division; providing criteria for division contracts with insuring entities; requiring notice by certain health care providers; authorizing the division to adopt rules; amending s. 110.12315, F.S.; assigning the Division of State Group Insurance duties relating to the prescription drug program; amending s. 110.1232, F.S.; assigning the Division of State Group Insurance duties relating to health insurance coverage for persons retired under state-administered retirement before a specified date; amending s. 110.1234, F.S.; assigning the Division of State Group Insurance duties relating to health insurance for retirees under the Florida Retirement System or Medicare Supplement; amending s. 110.161, F.S.; assigning the Division of State Group Insurance duties relating to the pretax benefits program; providing an effective date.

House Amendment 1 (with title amendment)—Remove from the bill everything after the enacting clause and insert in lieu thereof:

Section 1. Paragraph (j) of subsection (2) of section 20.22, Florida Statutes, is amended and subsection (5) is added to read:

20.22 Department of Management Services.—There is created a Department of Management Services.

(2) The following divisions and bureaus within the Department of Management Services are established:

(a) Division of Administration.
(b) Division of Building Construction.
(c) Division of Communications.
(d) Division of Facilities Management.
(e) Division of Information Services.
(f) Division of Motor Pool.
  1. Bureau of Aircraft.
  2. Bureau of Motor Vehicles.
(g) Division of Personnel Management Services.
  1. Office of Labor Relations.
(h) Division of Purchasing.
  1. Bureau of Federal Property Assistance.
(i) Division of Retirement.
(j) Division of State *Group* ~~Employees'~~ Insurance.
(k) Division of Administrative Hearings.
(l) Division of Capitol Police.

(5)(a) The Florida State Group Insurance Council is created within the division for the purpose of providing joint and coordinated oversight of the operation and administration of the state group insurance program. The council shall consist of the state budget director; an individual from the private sector with an extensive health administration background, appointed by the Governor; a member of the Florida Senate, appointed by the President of the Senate; a member of the Florida House of Representatives, appointed by the Speaker of the House of Representatives; a representative of the State University System, appointed by the Board of Regents; the State Insurance Commissioner or his designee; the director of the Division of Retirement; and two representatives of employees and retirees, appointed by the Governor. Members of the council appointed by the Governor shall be appointed to serve terms of 4 years each. Each member of the council shall serve until a successor is appointed. Additionally, the director of the Division of State Employee Insurance shall be a nonvoting member of the council.

(b) Of the two members representing employees, one member must be appointed in such a manner as to represent state-employee bargaining units, and one member must be a retired employee. Each member must be a resident of the state.

(c) The council is assigned to the Division of State Group Insurance for administrative and fiscal accountability purposes, but the council and its staff shall otherwise function independently of the control and direction of the division. The Division of State Group Insurance shall furnish dedicated administrative and secretarial assistance to the council, and other assistance to the council as requested.

(d) The council shall have the primary functions to:

1. Recommend accountability measures and review the implementation of performance-based program budgeting measures under which the Division of State Group Insurance operates.

2. Review and recommend procedures and criteria for contract selection before any contract solicitation.

3. Review and make recommendations regarding insurance benefit packages.

4. Review external audit reports, service organization reports, compliance reviews, or other contractually required management reports relating to third-party administrator activities to determine areas that potentially may require division action.

5. Review third-party administrator management reports leading to conclusions regarding report completion, accuracy, validity, and reasonableness.

6. Review third-party administrator overpayment and refund collection activities to provide assurances that health plan assets are safeguarded.

7. Review use of detailed provider/subscriber surveys designed to detect potential problem areas with the state group insurance program and make recommendations to the director.

8. Review reports and make recommendations to safeguard the financial stability of the group insurance program.

(e) The council or a member thereof may not enter into the day-to-day operation of the division and is specifically prohibited from taking part in:

1. The awarding of contracts.

2. The selection of a consultant or contractor or the prequalification of any individual consultant or contractor. However, the council may recommend to the director standards and policies governing the procedure for selection and prequalification of consultants and contractors.

3. The employment, promotion, demotion, suspension, transfer, or discharge of any division personnel.

4. The granting, denial, suspension, or revocation of any license or permit issued by the division.

(f)1. The chair and any other officers of the council shall be selected by the council members for a 1-year term but may succeed themselves.

2. The council shall hold a minimum of four regular meetings annually, and other meetings may be called by the chair upon giving at least 1 week's notice to all members and the public pursuant to chapter 120. Other meetings may also be held upon the written request of at least four other members of the council, with at least 1 week's notice of such meeting being given to all members and the public by the chair pursuant to chapter 120. Emergency meetings may be held without notice upon the request of all members of the council.

3. A majority of the membership of the council constitutes a quorum at any meeting of the council. An action of the council is not considered adopted unless the action is taken pursuant to the affirmative vote of a majority of the members present, but not fewer than four members of the council at a meeting held pursuant to subparagraph 2., and the vote is recorded in the minutes of that meeting.

4. The chair shall cause to be made a complete record of the proceedings of the council. The proceedings of the council shall be open to the public and the records shall be open for public inspection.

(g) The meetings of the council shall be held in the central office of the department in Tallahassee unless the chair determines that special circumstances warrant meeting at another location.

(h) Members of the council are entitled to per diem and travel expenses pursuant to s. 112.061.

Section 2. Paragraph (c) of subsection (2) of section 20.42, Florida Statutes, 1996 Supplement, is amended to read:

20.42 Agency for Health Care Administration.—There is created the Agency for Health Care Administration within the Department of Business and Professional Regulation. The agency shall be a separate budget entity, and the director of the agency shall be the agency head for all purposes. The agency shall not be subject to control, supervision, or direction by the Department of Business and Professional Regulation in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.

(2) ORGANIZATION OF THE AGENCY.—The agency shall be organized as follows:

(c) The Division of State Health Purchasing~~, which~~ shall be responsible for the Medicaid program ~~and the state employee health insurance program functions related to: the procurement of the administrator of the state employee health insurance plan; the development of the plan's benefit design; the establishment of the plan's cost sharing and cost containment requirements; the creation and maintenance of administrative cost controls; the collection and analysis of data; and the monitoring and evaluation of the administrator and provider network performance~~. The division shall also administer the contracts with the Florida Health Access Corporation program and the Florida Health Care Purchasing Cooperative and the Florida Healthy Kids Corporation.

Section 3. Section 110.123, Florida Statutes, 1996 Supplement, is amended to read:

110.123 State group insurance program.—

(1) TITLE.—This section may be cited as the "State Group Insurance Program Law."

(2) DEFINITIONS.—As used in this section, the term:

(a) "Department" means the Department of Management Services.

(b) "Division" means the Division of State Group Insurance in the department.

(c)~~(b)~~ "Enrollee" means all state officers and employees, retired state officers and employees, and surviving spouses of deceased state officers and employees enrolled in an insurance plan offered by the state group insurance program.

(d)~~(c)~~ "Full-time state employees" includes all full-time employees of all branches or agencies of state government holding salaried positions and paid by state warrant or from agency funds, and employees paid from regular salary appropriations for 8 months' employment, including university personnel on academic contracts, but in no case shall "state employee" or "salaried position" include persons paid from other-personal-services (OPS) funds.

(e)~~(d)~~ "Health maintenance organization" or "HMO" means an entity certified under part I of chapter 641.

(f)~~(e)~~ "Part-time state employee" means any employee of any branch or agency of state government paid by state warrant from salary appropriations or from agency funds, and who is employed for less than the normal full-time workweek established by the department or, if on academic contract or seasonal or other type of employment which is less than year-round, is employed for less than 8 months during any 12-month period, but in no case shall "part-time" employee include a person paid from other-personal-services (OPS) funds.

(g)~~(f)~~ "Retired state officer or employee" or "retiree" means any state officer or state employee who retires under a state retirement system or a state optional annuity or retirement program or is placed on disability retirement, and who was insured under the state group insurance program at the time of retirement, and who begins receiving retirement benefits immediately after retirement from state office or employment.

(h)~~(g)~~ "State agency" or "agency" means any branch, department, or agency of state government.

(i)~~(h)~~ "State group health insurance plan" means the state self-insured health insurance plan offered to state officers and employees, retired state officers and employees, and surviving spouses of deceased state officers and employees pursuant to this section.

(j)~~(i)~~ "State group insurance program" or "programs" means the package of insurance plans offered to state officers and employees, retired state officers and employees, and surviving spouses of deceased state officers and employees pursuant to this section, including the state group health insurance plan, health maintenance organization plans, and other plans required or authorized by this section.

(k)~~(j)~~ "State officer" means any constitutional state officer, any elected state officer paid by state warrant, or any appointed state officer who is commissioned by the Governor and who is paid by state warrant.

(l)~~(k)~~ "Surviving spouse" means the widow or widower of a deceased state officer, full-time state employee, part-time state employee, or retiree if such widow or widower was covered as a dependent under the state group health insurance plan or a health maintenance organization plan established pursuant to this section at the time of the death of the deceased officer, employee, or retiree. "Surviving spouse" also means any widow or widower who is receiving or eligible to receive a monthly state warrant from a state retirement system as the beneficiary of a state officer, full-time state employee, or retiree who died prior to July 1, 1979. For the purposes of this section, any such widow or widower shall cease to be a surviving spouse upon his or her remarriage.

(3) STATE GROUP INSURANCE PROGRAM.—

(a) The Division of State Group Insurance is created within the Department of Management Services, to be headed by a director who shall be appointed by the Governor and confirmed by the Senate. The division shall be a separate budget entity, and the director shall be its agency head for all purposes. The Department of Management Services shall provide administrative support and service to the division to the extent requested by the director. The division shall not be subject to control, supervision, or direction by the Department of Management Services in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters, except to the extent as provided in chapters 110, 216, 255, 282, and 287 for agencies of the executive branch.

(b) The director shall be a person qualified by training and experience to understand the problems and needs of state employees in the area of health care coverage and insurance issues. The director shall have training and experience in the field of health care reimbursement, insurance or self-insurance programs, and the administration of such programs in the public or private sector.

(c)~~(a)~~ It is the intent of the Legislature to offer a comprehensive package of health insurance benefits for state employees which are provided in a cost-efficient and prudent manner, and to allow state employees the option to choose benefit plans which best suit their individual needs. Therefore, the state group insurance program is established which may include the state group health insurance plan, health maintenance organization plans, group life insurance plans, group accidental death and dismemberment plans, and group disability insurance plans. Furthermore, the *division* ~~department~~ is additionally authorized to establish and provide as part of the state group insurance program any other group insurance plans which are consistent with the provisions of this section.

(d)~~(b)~~ Notwithstanding any provision in this section to the contrary, it is the intent of the Legislature that the *division* ~~Agency for Health Care Administration~~ shall be responsible for all aspects of the purchase of health care for state employees under the state group health insurance plan and the health maintenance organizations plans. Responsibilities shall include, but not be limited to, the development of requests for proposals for state employee health services, the determination of health care benefits to be provided, and the negotiation of contracts for health care and health care administrative services. Prior to the negotiation of contracts for health care services, the Legislature intends that the *division* ~~Agency for Health Care Administration~~ shall develop, in consultation with the Department of Management Services with respect to state collective bargaining issues, the health benefits and terms to be included in the state group health insurance program. The *division* ~~Agency for Health Care Administration~~ shall adopt rules necessary to perform its responsibilities pursuant to this section. It is the intent of the Legislature that the *division* ~~Department of Management Services~~ shall be responsible for the contract management and day-to-day management of the state employee health insurance program, including, but not limited to, employee enrollment, premium collection, payment to health care providers, and other administrative functions related to the program.

(e)1. Notwithstanding the provisions of Chapter 287, Florida Statutes, and the authority of the Division of Purchasing, for the purpose of protecting the health of, and providing medical services to, state employees participating in the State Employees' Health Self-Insurance Plan, the Division of State Group Insurance may contract to retain the services of professional administrators for the State Employees' Health Self-Insurance Plan. The agency shall follow good purchasing practices of state procurement to the extent practicable under the circumstances.

2. Each vendor in a major procurement, and any other vendor if the division deems it necessary to protect the state's financial interests, shall, at the time of executing any contract with the division, post an appropriate bond with the division in an amount determined by the division to be adequate to protect the state's interests but not higher than the full amount estimated to be paid annually to the vendor under the contract.

3. Each major contract entered into by the division pursuant to this section shall contain a provision for payment of liquidated damages to the division for material noncompliance by a vendor with a contract provision. The division may require a liquidated damages provision in any contract if the division deems it necessary to protect the state's financial interests.

4. The provisions of s. 120.57(3) apply to the division's contracting process, except:

a. A formal written protest of any decision, intended decision, or other action subject to protest shall be filed within 72 hours after receipt of notice of the decision, intended decision, or other action.

b. As an alternative to any provision of s. 120.57(3), the division may proceed with the bid selection or contract award process if the director of the department sets forth, in writing, particular facts and circumstances which demonstrate the necessity of continuing the procurement process or the contract award process in order to avoid a substantial disruption to the provision of any scheduled insurance services.

(f)~~(c)~~ Except as provided for in subparagraph *(h)*~~(e)~~2., the percentage of state contribution toward the cost of any plan in the state group insurance program shall be uniform with respect to all state employees in state collective bargaining units participating in the same plan or any similar plan. Nothing contained within this section prohibits the development of separate benefit plans for officers and employees exempt from collective bargaining or the development of separate benefit plans for each collective bargaining unit.

(g)~~(d)~~ Participation by individuals in the program shall be available to all state officers, full-time state employees, and part-time state employees; and such participation in the program or any plan thereof shall be voluntary. Participation in the program shall also be available to retired state officers and employees who elect at the time of retirement to continue coverage under the program, but they may elect to continue all or only part of the coverage they had at the time of retirement. A surviving spouse may elect to continue coverage only under the state group health insurance plan or a health maintenance organization plan.

(h)~~(e)~~1. A person eligible to participate in the state group health insurance plan may be authorized by rules ~~approved by the Agency for Health Care Administration and~~ adopted by the *division* ~~department~~, in lieu of participating in the state group health insurance plan, to exercise an option to elect membership in a health maintenance organization plan which is under contract with the state in accordance with criteria established by this section and by said rules. The offer of optional membership in a health maintenance organization plan permitted by this paragraph may be limited or conditioned by rule as may be necessary to meet the requirements of state and federal laws.

2. ~~Subject to the approval of and supervision by the Agency for Health Care Administration,~~ The *division* ~~department~~ shall contract with health maintenance organizations to participate in the state group insurance program through a request for proposal based upon a premium and a minimum benefit package as follows:

a. A minimum benefit package to be provided by a participating HMO shall include: physician services; inpatient and outpatient hospital services; emergency medical services, including out-of-area emer-

gency coverage; diagnostic laboratory and diagnostic and therapeutic radiologic services; mental health, alcohol, and chemical dependency treatment services meeting the minimum requirements of state and federal law; skilled nursing facilities and services; prescription drugs; and other benefits as may be required by the *division* ~~department~~. Additional services may be provided subject to the contract between the *division* ~~department~~ and the HMO.

b. A uniform schedule for deductibles and copayments may be established for all participating HMOs.

c. Based upon the minimum benefit package and copayments and deductibles contained in sub-subparagraphs a. and b., the *division* ~~Agency for Health Care Administration~~ shall issue a request for proposal for all HMOs which are interested in participating in the state group insurance program. Upon receipt of all proposals, the *division* ~~Agency for Health Care Administration~~ may, as it deems appropriate, enter into contract negotiations with HMOs submitting bids. As part of the request for proposal process, the *division* ~~Agency for Health Care Administration~~ may require detailed financial data from each HMO which participates in the bidding process for the purpose of determining the financial stability of the HMO.

d. In determining which HMOs to contract with, the *division* ~~Agency for Health Care Administration~~ shall, at a minimum, consider: each proposed contractor's previous experience and expertise in providing prepaid health benefits; each proposed contractor's historical experience in enrolling and providing health care services to participants in the state group insurance program; the cost of the premiums; the plan's ability to adequately provide service coverage and administrative support services as determined by the *division* ~~Agency for Health Care Administration~~; plan benefits in addition to the minimum benefit package; accessibility to providers; and the financial solvency of the plan. Nothing shall preclude the *division* ~~Agency for Health Care Administration~~ from negotiating regional or statewide contracts with health maintenance organization plans when this is cost-effective and when the *division* ~~Agency for Health Care Administration~~ determines the plan has the best overall benefit package for the service areas involved. However, no HMO shall be eligible for a contract if the HMO's retiree Medicare premium exceeds the retiree rate as set by the *division* ~~department~~ for the state group health insurance plan.

e. The *division* ~~department, subject to the review and approval of the Agency for Health Care Administration,~~ may limit the number of HMOs that it contracts with in each service area based on the nature of the bids the *division* ~~Agency for Health Care Administration~~ receives, the number of state employees in the service area, and any unique geographical characteristics of the service area. The *division* ~~department, subject to the review and approval of the Agency for Health Care Administration,~~ shall establish by rule service areas throughout the state.

f. All persons participating in the state group insurance program who are required to contribute towards a total state group health premium shall be subject to the same dollar contribution regardless of whether the enrollee enrolls in the state group health insurance plan or in an HMO plan.

3. The *division* ~~Agency for Health Care Administration~~ is authorized to negotiate and ~~the department is authorized~~ to contract with specialty psychiatric hospitals for mental health benefits, on a regional basis, for alcohol, drug abuse, and mental and nervous disorders. The *division* ~~department~~ may establish, subject to the approval of ~~the Agency for Health Care Administration and~~ the Legislature pursuant to subsection (5), any such regional plan upon completion of an actuarial study to determine any impact on plan benefits and premiums.

4. In addition to contracting pursuant to subparagraph 2., the *division* ~~department~~ shall enter into contract with any HMO to participate in the state group insurance program which:

a. Serves greater than 5,000 recipients on a prepaid basis under the Medicaid program;

b. Does not currently meet the 25 percent non-Medicare/non-Medicaid enrollment composition requirement established by the Department of Health and Human Services excluding participants enrolled in the state group insurance program;

c. Meets the minimum benefit package and copayments and deductibles contained in sub-subparagraphs 2.a. and b.;

d. Is willing to participate in the state group insurance program at a cost of premiums that is not greater than 95 percent of the cost of HMO premiums accepted by the *division* ~~department~~ in each service area; and

e. Meets the minimum surplus requirements of s. 641.225.

The *division* ~~department~~ is authorized to contract with HMOs that meet the requirements of sub-subparagraphs a. through d. prior to the open enrollment period for state employees. The *division* ~~department~~ is not required to renew the contract with the HMOs as set forth in this paragraph more than twice. Thereafter, the HMOs shall be eligible to participate in the state group insurance program only through the request for proposal process described in subparagraph 2.

5. All enrollees in the state group health insurance plan or any health maintenance organization plan shall have the option of changing to any other health plan which is offered by the state within any open enrollment period designated by the *division* ~~department~~. Open enrollment shall be held at least once each calendar year.

6. Any HMO participating in the state group insurance program shall, upon the request of the *division* ~~Agency for Health Care Administration~~, submit to the *division* ~~Agency for Health Care Administration~~ standardized data for the purpose of comparison of the appropriateness, quality, and efficiency of care provided by the HMO. Such standardized data shall include: membership profiles; inpatient and outpatient utilization by age and sex, type of service, provider type, and facility; and emergency care experience. Requirements and timetables for submission of such standardized data and such other data as the *division* ~~Agency for Health Care Administration~~ deems necessary to evaluate the performance of participating HMOs shall be *adopted* ~~promulgated~~ by rule.

7. The *division* ~~department~~ shall, after consultation with ~~the Agency for Health Care Administration and~~ representatives from each of the unions representing state and university employees, establish a comprehensive package of insurance benefits including, but not limited to, supplemental health and life coverage, dental care, *long-term care*, and vision care to allow state employees the option to choose the benefit plans which best suit their individual needs.

a. Based upon a desired benefit package, the *division* ~~Agency for Health Care Administration~~ shall issue a request for proposal for health insurance providers interested in participating in the state group insurance program, and the *division* ~~department~~ shall issue a request for proposal for insurance providers interested in participating in the non-health-related components of the state group insurance program. Upon receipt of all proposals, the *division* ~~department or the Agency for Health Care Administration~~ may~~, as either deems appropriate,~~ enter into contract negotiations with insurance providers submitting bids or negotiate a specially designed benefit package. Insurance providers offering or providing supplemental coverage as of May 30, 1991, which qualify for pretax benefit treatment pursuant to s. 125 of the Internal Revenue Code of 1986, with 5,500 or more state employees currently enrolled may be included by the *division* ~~department~~ in the supplemental insurance benefit plan established by the *division* ~~department or the Agency for Health Care Administration~~ without participating in a request for proposal, submitting bids, negotiating contracts, or negotiating a specially designed benefit package. These contracts shall provide state employees with the most cost-effective and comprehensive coverage available; however, no state or agency funds shall be contributed toward the cost of any part of the premium of such supplemental benefit plans.

b. Pursuant to the applicable provisions of s. 110.161, and s. 125 of the Internal Revenue Code of 1986, the *division* ~~department~~ shall enroll in the pretax benefit program those state employees who voluntarily elect coverage in any of the supplemental insurance benefit plans as provided by sub-subparagraph a.

c. Nothing herein contained shall be construed to prohibit insurance providers from continuing to provide or offer supplemental benefit coverage to state employees as provided under existing agency plans.

(h)~~(f)~~ The benefits of the insurance authorized by this section shall not be in lieu of any benefits payable under chapter 440, the Workers' Compensation Law. The insurance authorized by this law shall not be

deemed to constitute insurance to secure workers' compensation benefits as required by chapter 440.

(4) PAYMENT OF PREMIUMS; CONTRIBUTION BY STATE; LIMITATION ON ACTIONS TO PAY AND COLLECT PREMIUMS.—

(a) Except as provided in paragraph (e) with respect to law enforcement, correctional, and correctional probation officers, legislative authorization through the appropriations act is required for payment by a state agency of any part of the premium cost of participation in any group insurance plan. However, the state contribution for full-time employees or part-time permanent employees shall continue in the respective proportions for up to 6 months for any such officer or employee who has been granted an approved parental or medical leave of absence without pay.

(b) If a state officer or full-time state employee selects membership in a health maintenance organization as authorized by paragraph (3)*(g)*~~(e)~~, the officer or employee is entitled to a state contribution toward individual and dependent membership as provided by the Legislature through the appropriations act.

(c) During each policy or budget year, no state agency shall contribute a greater percentage of the premium cost for its officers or employees for any type of coverage under the state group insurance program than any other agency, nor shall any greater percentage contribution of premium cost be made for employees in one state collective bargaining unit than for those in any other state collective bargaining unit.

(d) The state contribution for a part-time permanent state employee who elects to participate in the program shall be prorated so that the percentage of the cost contributed for the part-time permanent employee bears that relation to the percentage of cost contributed for a similar full-time employee that the part-time employee's normal workday bears to a full-time employee's normal workday.

(e) No state contribution for the cost of any part of the premium shall be made for retirees or surviving spouses for any type of coverage under the state group insurance program. However, any state agency that employs a full-time law enforcement officer, correctional officer, or correctional probation officer who is killed in the line of duty on or after July 1, 1980, as a result of an act of violence inflicted by another person while the officer is engaged in the performance of law enforcement duties or as a result of an assault against the officer under riot conditions shall pay the entire premium of the state group health insurance plan for the employee's surviving spouse until remarried, and for each dependent child of the employee until the child reaches the age of majority or until the end of the calendar year in which the child reaches the age of 25 if:

1. At the time of the employee's death, the child is dependent upon the employee for support; and

2. The surviving child continues to be a dependent for support, or the surviving child is a full-time or part-time student and is dependent for support.

(f) Pursuant to the request of each state officer, full-time or part-time state employee, or retiree participating in the state group insurance program, and upon certification of the employing agency approved by the *Division of State Group Insurance* ~~Secretary of Management Services~~, the Comptroller shall deduct from the salary or retirement warrant payable to each participant the amount so certified and shall handle such deductions in accordance with rules established by the *division* ~~department~~.

(g) No administrative or civil proceeding shall be commenced to collect an underpayment or refund an overpayment of premiums collected pursuant to this subsection unless such claim is filed with the Division of State *Group* ~~Employees'~~ Insurance within 2 years after the alleged underpayment or overpayment was made. For purposes of this paragraph, a payroll deduction, salary reduction, or contribution by an agency is deemed to be made on the date the salary warrant is issued.

(5) *DIVISION OF STATE GROUP INSURANCE* ~~DEPARTMENT OF MANAGEMENT SERVICES~~; POWERS AND DUTIES.—The *division* ~~Department of Management Services~~ is responsible for the administration of the state group insurance program. The *division* ~~department~~ shall initiate and supervise the program as established by this section and shall adopt such rules as are necessary to perform its responsibilities. To implement this program, the *division* ~~department~~ shall, with prior approval by the Legislature ~~and, for state employee health insurance, by the Agency for Health Care Administration~~:

(a) Determine the benefits to be provided and the contributions to be required for the state group insurance program. Such determinations, whether for a contracted plan or a self-insurance plan pursuant to paragraph (c), do not constitute rules within the meaning of s. 120.52 or final orders within the meaning of s. 120.52. Any physician's fee schedule used in the health and accident plan shall not be available for inspection or copying by medical providers or other persons not involved in the administration of the program. However, in the determination of the design of the program, the *division* ~~department or the Agency for Health Care Administration~~ shall consider existing and complementary benefits provided by the Florida Retirement System and the Social Security System.

(b) Prepare, in cooperation with the Department of Insurance ~~and the Agency for Health Care Administration~~, the specifications necessary to implement the program.

(c) Contract on a competitive proposal basis with an insurance carrier or carriers, or professional administrator, determined by the Department of Insurance to be fully qualified, financially sound, and capable of meeting all servicing requirements. Alternatively, the *division* ~~Department of Management Services~~ may self-insure any plan or plans contained in the state group insurance program subject to approval based on actuarial soundness by the Department of Insurance. The *division* ~~department~~ may contract with an insurance company or professional administrator qualified and approved by the Department of Insurance to administer such plan. Before entering into any contract, the *division* ~~Department of Management Services or, for state employee health insurance, the Agency for Health Care Administration~~ shall advertise for competitive proposals, and such contract shall be let upon the consideration of the benefits provided in relationship to the cost of such benefits. *In determining which entity to contract with, the division shall, at a minimum, consider: the entity's previous experience and expertise in administering group insurance programs of the type it proposes to administer; the entity's ability to specifically perform its contractual obligations in this state and other governmental jurisdictions; the entity's anticipated administrative costs and claims experience; the entity's capability to adequately provide service coverage and sufficient number of experienced and qualified personnel in the areas of claims processing, recordkeeping, and underwriting, as determined by the division; the entity's accessibility to state employees and providers; the financial solvency of the entity, and using accepted business-sector measures of financial performance.* The *division* ~~department, subject to the review and approval of the Agency for Health Care Administration,~~ may contract for medical services which will improve the health or reduce medical costs for employees who participate in the state group insurance plan.

(d) With respect to the state group health insurance plan, be authorized~~, subject to the review and approval of the Agency for Health Care Administration,~~ to require copayments with respect to all providers under the plan.

(e) Have authority to establish~~, subject to the review and approval of the Agency for Health Care Administration,~~ a voluntary program for comprehensive health maintenance, which may include health educational components and health appraisals.

(f) With respect to any contract with an insurance carrier or carriers or professional administrator entered into by the division, require that the state and the enrollees be held harmless and indemnified for any financial loss caused by the failure of the insurance carrier or professional administrator to comply with the terms of the contract.

(g) With respect to any contract with an insurance carrier or carriers, or professional administrator entered into by the division, require that the carrier or professional administrator provide written notice to individual enrollees if any payment due to any health care provider of the enrollee remains unpaid beyond a period of time as specified in the contract.

(h) Have authority to establish a voluntary group long-term care program or other programs to be funded on a pre-tax contribution basis or on a post-tax contribution basis, as the division determines.

Final decisions concerning the existence of coverage or benefits under the state group health insurance plan shall not be delegated or deemed to have been delegated by the *division* ~~department, except that such decisions shall be subject to the review and approval of the Agency for Health Care Administration~~.

(6) DEPOSIT OF PREMIUMS AND REFUNDS.—Premium dollars collected and not required to pay the costs of the program, prior to being paid to the carrier insurance company, shall be invested, and the earnings from such investment shall be deposited in a trust fund to be designated in the State Treasury and utilized for increased benefits or reduced premiums for the participants or may be used to pay for the administration of the state group insurance program. Any refunds paid the state by the insurance carrier from premium dollar reserves held by the carrier and earned on such refunds shall be deposited in the trust fund and used for such purposes.

(7) CONTINUATION OF AGENCY INSURANCE PLANS.—Nothing contained in this section shall require the discontinuation of any insurance plan provided by any state agency; however, no state or agency funds shall be contributed toward the cost of any part of the premium of such agency plans. Such agency plans shall not be deemed to be included in the state group insurance program.

(8) COVERAGE FOR LEGISLATIVE MEMBERS AND EMPLOYEES.—The Legislature may provide coverage for its members and employees under all or any part of the state group insurance program; may provide coverage for its members and employees under a legislative group insurance program in lieu of all or any part of the state group insurance program; and, notwithstanding the provisions of paragraph (4)(c), may assume the cost of any group insurance coverage provided to its members and employees.

(9) PUBLIC RECORDS LAW; EXEMPTION.—Patient medical records and medical claims records of state employees, former employees, and eligible dependents in the custody or control of the state group insurance program are confidential and exempt from the provisions of s. 119.07(1). Such records shall not be furnished to any person other than the employee or the employee's legal representative, except upon written authorization of the employee, but may be furnished in any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice to the employee or the employee's legal representative by the party seeking such records.

(10) STATEMENTS OF PURPOSE AND INTENT AND OTHER PROVISIONS REQUIRED FOR QUALIFICATION UNDER THE INTERNAL REVENUE CODE OF THE UNITED STATES.—Any other provisions in this chapter to the contrary notwithstanding:

(a) Any provision in this chapter relating to a state group insurance program shall be construed and administered to *the extent possible to* qualify such program to be a qualified and nondiscriminatory employee benefit plan under existing or hereafter-enacted provisions of the Internal Revenue Code of the United States.

(b) The *division* ~~department~~ may adopt any rule necessary to accomplish the purposes of this subsection not inconsistent with this chapter.

(c) This subsection is declaratory of the legislative intent upon the original enactment of this section and is deemed to have been in effect since that date.

(11) NOTICE BY HEALTH CARE PROVIDERS.—Any health care provider that has entered into a contract with a carrier or professional administrator that has contracted with the division to administer the self-insurance program under this section shall provide written notification to the enrollee and the carrier or administrator at least 10 days before assigning or transferring the responsibility for collecting any payment or debt related to the plan to a collection agency or to any other third party.

Section 4. Subsections (2) and (3) of section 110.12315, Florida Statutes, are amended to read:

110.12315 Prescription drug program.—

(2)(a) Notwithstanding provisions of statute or agency administrative rules that may have been enacted or adopted prior to April 8, 1992, the *Division of State Group Insurance* ~~Department of Management Services~~, in making provision for reimbursement for prescription medicines dispensed to members of the State Group Health Insurance Plan and their dependents, shall allow prescriptions written by health care providers under the plan to be filled by any licensed pharmacy pursuant to contractual claims-processing provisions. Retail pharmacies participating in this program shall be reimbursed at a uniform rate and subject to uniform conditions, according to the terms and conditions of the plan established by the *Division of State Group Insurance* ~~Department of Management Services~~ and relevant provisions of the annual General Appropriations Act and implementing legislation. Nothing in this section shall be construed as prohibiting a mail order prescription drug program distinct from the service provided by retail pharmacies.

(b) The reimbursement schedule developed by the *Division of State Group Insurance* ~~Department of Management Services~~ for a prescription pharmaceutical shall be based on the cost of the generic equivalent drug if a generic equivalent exists, unless the physician prescribing the pharmaceutical clearly states on the prescription that the brand name drug is medically necessary or that the drug product is included on the formulary of drug products that may not be interchanged as provided in chapter 465. In cases in which the physician indicates that a brand name drug is medically necessary, reimbursement shall be based on the cost of the brand name drug as specified in the reimbursement plan adopted by the *Division of State Group Insurance* ~~Department of Management Services~~.

(c) Not later than October 1, 1992, the Department of Management Services shall implement a prescription utilization review program. All pharmacies dispensing medicines to members of the State Group Health Insurance Plan and their dependents shall be required to make records available for this review as a condition of participation in the State Group Health Insurance Plan.

(d) The *Division of State Group Insurance* ~~Department of Management Services~~ shall assure the prompt implementation of this section and may reject all existing contract bids, rebid a pharmaceutical contract, or amend any existing pharmaceutical contract, and exercise any option for terminating any contract that conflicts with these provisions. The *Division of State Group Insurance* ~~Department of Management Services~~ shall incorporate additional cost savings and adjustments required to balance within appropriations provided, including, but not limited to, a trial or starter dose program and dispensing of long-term maintenance medication in lieu of acute therapy medication. This section does not authorize a reduction in the existing benefit configuration or allow premiums, deductions, or copayments to be raised above the levels specified in the 1992-1993 General Appropriations Act.

(3) The current pharmacy dispensing fee shall remain in effect. Additionally, participating pharmacies are required to use a point-of-sale device or an on-line computer system to verify a participant's coverage. The state is not responsible or liable for payment for the prescription of a person whose eligibility has not been verified by the state's contracted administrator or the Division of State *Group* ~~Employee~~ Insurance.

Section 5. Section 110.1232, Florida Statutes, is amended to read:

110.1232 Health insurance coverage for persons retired under state-administered retirement systems before January 1, 1976, and for spouses.—Notwithstanding any provisions of law to the contrary, the *Division of State Group Insurance* ~~Department of Management Services~~ shall provide health insurance coverage in the State Group Health Insurance Plan for persons who retired prior to January 1, 1976, under any of the state-administered retirement systems and who are not covered by social security and for the spouses and surviving spouses of such retirees who are also not covered by social security. Such health insurance coverage shall provide the same benefits as provided to other retirees who are entitled to participate under s. 110.123. The claims experience of this group shall be commingled with the claims experience of other members covered under s. 110.123.

Section 6. Section 110.1234, Florida Statutes, is amended to read:

110.1234 Health insurance for retirees under the Florida Retirement System; Medicare supplement and fully insured coverage.—

(1) The *Division of State Group Insurance* ~~Department of Management Services~~ shall solicit competitive bids from state-licensed insurance companies to provide and administer a fully insured Medicare

supplement policy for all eligible retirees of a state or local public employer. Such Medicare supplement policy shall meet the provisions of ss. 627.671-627.675. For the purpose of this subsection, "eligible retiree" means any public employee who retired from a state or local public employer who is covered by Medicare, Parts A and B. The department shall authorize one company to offer the Medicare supplement coverage to all eligible retirees. All premiums shall be paid by the retiree.

(2) The *Division of State Group Insurance* ~~Department of Management Services~~ shall solicit competitive bids from state-licensed insurance companies to provide and administer fully insured health insurance coverage for all public employees who retired from a state or local public employer who are not covered by Medicare, Parts A and B. The *division* ~~department~~ may authorize one company to offer such coverage if the proposed benefits and premiums are reasonable. If such coverage is authorized, all premiums shall be paid for by the retiree.

Section 7. Subsections (5), (6), and (7) of section 110.161, Florida Statutes, are amended to read:

110.161 State employees; pretax benefits program.—

(5) The *Division of State Group Insurance* ~~Department of Management Services~~ shall develop rules for the pretax benefits program, which shall specify the benefits to be offered under the program, the continuing tax-exempt status of the program, and any other matters deemed necessary by the department to implement this section. The rules must be approved by a majority vote of the Administration Commission.

(6) The *Division of State Group Insurance* ~~Department of Management Services~~ is authorized to establish a pretax benefits program for all employees whereby employees would receive benefits which are not includable in gross income under the Internal Revenue Code of 1986. The pretax benefits program shall be implemented in phases. Phase one shall allow employee contributions to premiums for the state health program and state life insurance to be paid on a pretax basis unless an employee elects not to participate. Phase two shall allow employees to voluntarily establish expense reimbursement plans from their salaries on a pretax basis to pay for qualified medical and dependent care expenses, including premiums paid by employees for qualified supplemental insurance. Phase two may also provide for the payment of such premiums through a pretax payroll procedure as used in phase one. The Administration Commission and the *Division of State Group Insurance* ~~Department of Management Services~~ are directed to take all actions necessary to preserve the tax-exempt status of the program.

(7) The Legislature recognizes that a substantial amount of the employer savings realized by the implementation of a pretax benefits program will be the result of diminutions in the state's employer contribution to the Federal Insurance Contributions Act tax. There is hereby created the Pretax Benefits Trust Fund in the *Division of State Group Insurance* ~~Department of Management Services~~. Each agency shall transfer to the Pretax Benefits Trust Fund the employer FICA contributions saved by the state as a result of the implementation of the pretax benefits program authorized pursuant to this section. Any moneys forfeited pursuant to employees' salary reduction agreements to participate in phase one or phase two of the program must also be deposited in the Pretax Benefits Trust Fund. Moneys in the Pretax Benefits Trust Fund shall be used for the pretax benefits program, including its administration by the Department of Management Services or a third-party administrator.

Section 8. *All powers, duties, and functions of the Division of State Health Purchasing in the Agency for Health Care Administration relating to its duties described in section 110.123, Florida Statutes, including a proportional allocation of indirect costs and overhead, are transferred by a type two transfer, as defined in section 20.06, Florida Statutes, to the Department of Management Services and shall be assigned to the Division of State Group Insurance.*

Section 9. *It is the Legislature's belief that the state's employees and retirees as well as their dependents are entitled to and deserving of a quality and reliable insurance program. The Legislature also acknowledges that the state has been experiencing performance problems with the present contractor administering the state employees' self insurance program.*

It is the Legislature's intent that the present third party adminstrator should be meeting contract performance standards by June 30, 1997. It is also the intent of the Legislature that the third party administrator shall be capable of sustaining contract performance standards through the remainder of the contract period.

Additionally, it is the Legislature's intent that should the third party administrator fail to meet contract standards by June 30, 1997, or demonstrate inability to sustain contract performance standards, the contract should be terminated and a new, capable, professional administrator should be selected.

Section 10. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, lines 1-31, and on page 2, lines 1-13, remove from the title of the bill all said lines and insert in lieu thereof: An act relating to state group insurance; amending s. 20.22, F.S.; renaming the Division of State Employees' Insurance within the Department of Management Services as the Division of State Group Insurance; creating the Florida State Group Insurance Council within the department; providing its membership; providing its powers and duties; providing for meetings; providing travel and per diem; amending s. 20.42, F.S.; eliminating duties of the Division of State Health Purchasing of the Agency for Health Care Administration with respect to state employee health insurance; amending s. 110.123, F.S.; defining the term "division"; creating the Division of State Group Insurance within the Department of Management Services and requiring that department to provide administrative support and service to the division; excluding the division from control, supervision, or direction by the department; providing for a director of the division; providing requirements; providing for administration of the state group insurance program by the division; providing criteria for division contracts with insuring entities; requiring notice by certain health care providers; authorizing the division to adopt rules; amending s. 110.12315, F.S.; assigning the Division of State Group Insurance duties relating to the prescription drug program; amending s. 110.1232, F.S.; assigning the Division of State Group Insurance duties relating to health insurance coverage for persons retired under state-administered retirement before a specified date; amending s. 110.1234, F.S.; assigning the Division of State Group Insurance duties relating to health insurance for retirees under the Florida Retirement System or Medicare Supplement; amending s. 110.161, F.S.; assigning the Division of State Group Insurance duties relating to the pretax benefits program; providing an effective date.

On motion by Senator Thomas, the Senate concurred in the House amendment.

CS for CS for SB 286 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Madam President	Cowin	Harris	Myers
Bankhead	Crist	Holzendorf	Ostalkiewicz
Bronson	Dantzler	Horne	Rossin
Brown-Waite	Diaz-Balart	Jones	Scott
Burt	Dudley	Kirkpatrick	Silver
Campbell	Dyer	Klein	Sullivan
Casas	Forman	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams

Nays—None

Vote after roll call:

Yea—Grant

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 310, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 310—A bill to be entitled An act relating to criminal punishment; amending s. 825.103, F.S.; imposing a more severe penalty

for the offense of exploiting an elderly person or disabled adult if the value of the property involved is less than a specified amount; amending s. 895.02, F.S.; redefining the term "racketeering activity" for purposes of the the Florida RICO Act to include the offense of abuse, neglect, or exploitation of an elderly person or disabled adult; reenacting ss. 16.56(1)(a), 27.34(1), 655.50(3)(g), 896.101(1)(g), 905.34, F.S., relating to the Office of Statewide Prosecution, salaries and other costs of state attorneys, unlawful financial transactions, and statewide grand juries, to incorporate the amendment to s. 895.02, F.S., in references thereto; amending s. 921.0012, F.S., relating to the sentencing guidelines; revising a penalty to conform to changes made by the act; amending s. 921.0014, F.S., relating to the sentencing guidelines scoresheets; providing requirements for the state attorney in preparing a defendant's scoresheet; deleting a requirement that the Department of Corrections develop revised scoresheets for submittal to the Sentencing Commission; amending s. 947.1405, F.S.; clarifying legislative intent regarding sentences which are eligible for conditional release supervision; providing a legislative finding concerning offenders released from prison who meet conditional release criteria; requiring the Department of Corrections to provide intensive supervision; restricting caseloads of supervising officers; creating s. 948.12, F.S.; providing a legislative finding concerning offenders who are released from prison and who meet the enumerated criteria and have a term of probation to follow incarceration; requiring such offenders to be intensively supervised; restricting caseloads of supervising officers; providing an effective date.

House Amendment 1 (with title amendment)—Remove from the bill everything after the enacting clause and insert in lieu thereof:

Section 1. Section 825.103, Florida Statutes, 1996 Supplement, is amended to read:

825.103 Exploitation of an elderly person or disabled adult; penalties.—

(1) "Exploitation of an elderly person or disabled adult" means:

(a) Knowingly, by deception or intimidation, obtaining or using, or endeavoring to obtain or use, an elderly person's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who:

1. Stands in a position of trust and confidence with the elderly person or disabled adult; or

2. Has a business relationship with the elderly person or disabled adult; or

(b) Obtaining or using, endeavoring to obtain or use, or conspiring with another to obtain or use an elderly person's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who knows or reasonably should know that the elderly person or disabled adult lacks the capacity to consent.

(2)(a) If the funds, assets, or property involved in the exploitation of the elderly person or disabled adult is valued at $100,000 or more, the offender commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If the funds, assets, or property involved in the exploitation of the elderly person or disabled adult is valued at $20,000 or more, but less than $100,000, the offender commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) If the funds, assets, or property involved in the exploitation of an elderly person or disabled adult is valued at ~~$100 or more, but~~ less than $20,000, the offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

~~(d) If the funds, assets, or property involved in the exploitation of an elderly person or disabled adult is valued at less than $100, the offender commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 2. Paragraph (a) of subsection (1) of section 895.02, Florida Statutes, 1996 Supplement, 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 414.39, relating to public assistance fraud.

4. Section 409.920, relating to Medicaid provider fraud.

5. Section 440.105 or s. 440.106, relating to workers' compensation.

6. Part IV of chapter 501, relating to telemarketing.

7. Chapter 517, relating to sale of securities and investor protection.

8. Section 550.235, s. 550.3551, or s. 550.3605, relating to dogracing and horseracing.

9. Chapter 550, relating to jai alai frontons.

10. Chapter 552, relating to the manufacture, distribution, and use of explosives.

11. Chapter 562, relating to beverage law enforcement.

12. 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.

13. Section 655.50, relating to reports of currency transactions, when such violation is punishable as a felony.

14. Chapter 687, relating to interest and usurious practices.

15. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

16. Chapter 782, relating to homicide.

17. Chapter 784, relating to assault and battery.

18. Chapter 787, relating to kidnapping.

19. Chapter 790, relating to weapons and firearms.

20. Section 796.03, s. 796.04, s. 796.05, or s. 796.07, relating to prostitution.

21. Chapter 806, relating to arson.

22. Section 810.02(2)(c), relating to specified burglary of a dwelling or structure.

23. Chapter 812, relating to theft, robbery, and related crimes.

24. Chapter 815, relating to computer-related crimes.

25. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.

26. Chapter 825, relating to abuse, neglect, or exploitation of an elderly person or disabled adult.

27.~~26.~~ Section 827.071, relating to commercial sexual exploitation of children.

28.~~27.~~ Chapter 831, relating to forgery and counterfeiting.

29.~~28.~~ Chapter 832, relating to issuance of worthless checks and drafts.

30.~~29.~~ Section 836.05, relating to extortion.

31.~~30.~~ Chapter 837, relating to perjury.

32.~~31.~~ Chapter 838, relating to bribery and misuse of public office.

33.~~32.~~ Chapter 843, relating to obstruction of justice.

34.~~33.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

35.~~34.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.

36.~~35.~~ Chapter 874, relating to criminal street gangs.

37.~~36.~~ Chapter 893, relating to drug abuse prevention and control.

38.~~37.~~ Chapter 896, relating to offenses related to financial transactions.

39.~~38.~~ Sections 914.22 and 914.23, relating to tampering with a witness, victim, or informant, and retaliation against a witness, victim, or informant.

40.~~39.~~ Sections 918.12 and 918.13, relating to tampering with jurors and evidence.

Section 3. For the purpose of incorporating the amendment made by this act to section 895.02, Florida Statutes, 1996 Supplement, in a reference thereto, paragraph (a) of subsection (1) of section 16.56, Florida Statutes, 1996 Supplement, is reenacted to read:

16.56 Office of Statewide Prosecution.—

(1) There is created in the Department of Legal Affairs an Office of Statewide Prosecution. The office shall be a separate "budget entity" as that term is defined in chapter 216. The office may:

(a) Investigate and prosecute the offenses of:

1. Bribery, burglary, criminal usury, extortion, gambling, kidnapping, larceny, murder, prostitution, perjury, robbery, carjacking, and home-invasion robbery;

2. Any crime involving narcotic or other dangerous drugs;

3. Any violation of the provisions of the Florida RICO (Racketeer Influenced and Corrupt Organization) Act, including any offense listed in the definition of racketeering activity in s. 895.02(1)(a), providing such listed offense is investigated in connection with a violation of s. 895.03 and is charged in a separate count of an information or indictment containing a count charging a violation of s. 895.03, the prosecution of which listed offense may continue independently if the prosecution of the violation of s. 895.03 is terminated for any reason;

4. Any violation of the provisions of the Florida Anti-Fencing Act;

5. Any violation of the provisions of the Florida Antitrust Act of 1980, as amended;

6. Any crime involving, or resulting in, fraud or deceit upon any person; or

7. Any violation of s. 847.0135, relating to computer pornography and child exploitation prevention, or any offense related to a violation of s. 847.0135,

or any attempt, solicitation, or conspiracy to commit any of the crimes specifically enumerated above. The office shall have such power only when any such offense is occurring, or has occurred, in two or more judicial circuits as part of a related transaction, or when any such offense is connected with an organized criminal conspiracy affecting two or more judicial circuits.

Section 4. For the purpose of incorporating the amendment made by this act to section 895.02, Florida Statutes, 1996 Supplement, in a reference thereto, subsection (1) of section 27.34, Florida Statutes, 1996 Supplement, is reenacted to read:

27.34 Salaries and other related costs of state attorneys' offices; limitations.—

(1) No county or municipality shall appropriate or contribute funds to the operation of the various state attorneys, except that a county or municipality may appropriate or contribute funds to pay the salary of one assistant state attorney whose sole function shall be to prosecute violations of special laws or ordinances of the county or municipality and may provide persons employed by the county or municipality to the state attorney to serve as special investigators pursuant to the provisions of s. 27.251. However, any county or municipality may contract with the state attorney of the judicial circuit in which such county or municipality is located for the prosecution of violations of county or municipal ordinances. In addition, a county or municipality may appropriate or contribute funds to pay the salary of one or more assistant state attorneys who are trained in the use of the civil and criminal provisions of the Florida RICO Act, chapter 895, and whose sole function is to investigate and prosecute civil and criminal RICO actions when one or more offenses identified in s. 895.02(1)(a) occur within the boundaries of the municipality or county.

Section 5. For the purpose of incorporating the amendment made by this act to section 895.02, Florida Statutes, 1996 Supplement, in a reference thereto, paragraph (g) of subsection (3) of section 655.50, Florida Statutes, 1996 Supplement, is reenacted to read:

655.50 Florida Control of Money Laundering in Financial Institutions Act; reports of transactions involving currency or monetary instruments; when required; purpose; definitions; penalties.—

(3) As used in this section, the term:

(g) "Specified unlawful activity" means any "racketeering activity" as defined in s. 895.02.

Section 6. For the purpose of incorporating the amendment made by this act to section 895.02, Florida Statutes, 1996 Supplement, in a reference thereto, paragraph (g) of subsection (1) of section 896.101, Florida Statutes, 1996 Supplement, is reenacted to read:

896.101 Offense of conduct of financial transaction involving proceeds of unlawful activity; penalties.—

(1) DEFINITIONS.—As used in this section, the term:

(g) "Specified unlawful activity" means any "racketeering activity" as defined in s. 895.02.

Section 7. For the purpose of incorporating the amendment made by this act to section 895.02, Florida Statutes, 1996 Supplement, in a reference thereto, section 905.34, Florida Statutes, 1996 Supplement, is reenacted to read:

905.34 Powers and duties; law applicable.—The jurisdiction of a statewide grand jury impaneled under this chapter shall extend throughout the state. The subject matter jurisdiction of the statewide grand jury shall be limited to the offenses of:

(1) Bribery, burglary, carjacking, home-invasion robbery, criminal usury, extortion, gambling, kidnapping, larceny, murder, prostitution, perjury, and robbery;

(2) Crimes involving narcotic or other dangerous drugs;

(3) Any violation of the provisions of the Florida RICO (Racketeer Influenced and Corrupt Organization) Act, including any offense listed in the definition of racketeering activity in s. 895.02(1)(a), providing such listed offense is investigated in connection with a violation of s. 895.03 and is charged in a separate count of an information or indictment containing a count charging a violation of s. 895.03, the prosecution of which listed offense may continue independently if the prosecution of the violation of s. 895.03 is terminated for any reason;

(4) Any violation of the provisions of the Florida Anti-Fencing Act;

(5) Any violation of the provisions of the Florida Antitrust Act of 1980, as amended;

(6) Any crime involving, or resulting in, fraud or deceit upon any person;

or any attempt, solicitation, or conspiracy to commit any violation of the crimes specifically enumerated above, when any such offense is occurring, or has occurred, in two or more judicial circuits as part of a related transaction or when any such offense is connected with an organized criminal conspiracy affecting two or more judicial circuits. The statewide grand jury may return indictments and presentments irrespective of the county or judicial circuit where the offense is committed or triable. If an indictment is returned, it shall be certified and transferred for trial to the county where the offense was committed. The powers and duties of, and law applicable to, county grand juries shall apply to a statewide grand jury except when such powers, duties, and law are inconsistent with the provisions of ss. 905.31-905.40.

Section 8. Paragraph (f) of subsection (3) of section 921.0012, Florida Statutes, 1996 Supplement, is amended to read:

921.0012 Sentencing guidelines offense levels; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(f) LEVEL 6
316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
784.048(3)	3rd	Aggravated stalking; credible threat.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
784.081(2)	2nd	Aggravated assault on specified official or employee.
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
790.164(1)	2nd	False report of deadly explosive or act of arson or violence to state property.
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
794.05(1)	2nd	Unlawful sexual activity with specified minor.
806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
812.014(2)(b)	2nd	Property stolen $20,000 or more, but less than $100,000, grand theft in 2nd degree.
812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
817.034(4)(a)1.	1st	Communications fraud, value greater than $50,000.
817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
825.102(1)	3rd	Abuse of an elderly person or disabled adult.
825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at ~~$100 or more, but~~ less than $20,000.
827.03(1)	3rd	Abuse of a child.
827.03(3)(c)	3rd	Neglect of a child.
827.071(2)&(3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
836.05	2nd	Threats; extortion.
836.10	2nd	Written threats to kill or do bodily injury.
843.12	3rd	Aids or assists person to escape.
914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
944.40	2nd	Escapes.
944.46	3rd	Harboring, concealing, aiding escaped prisoners.
944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.

Section 9. Effective October 1, 1997, subsections (3) and (4) of section 921.0014, Florida Statutes, as amended by section 22 of chapter 96-388, Laws of Florida, are amended to read:

921.0014 Sentencing guidelines; worksheet computations; scoresheets.—

(3) A single guidelines scoresheet shall be prepared for each defendant, except that if the defendant is before the court for sentencing for more than one felony and the felonies were committed under more than one version or revision of the guidelines, separate scoresheets must be prepared pursuant to s. 921.001(4)(b). The scoresheet or scoresheets must cover all the defendant's offenses pending before the court for sentencing. *Either the office of the state attorney or* the Department of Corrections, *or both where appropriate,* shall prepare the scoresheet or scoresheets, which must be presented to ~~the state attorney and~~ the defense counsel for review for accuracy in all cases unless the judge directs otherwise. The defendant's scoresheet or scoresheets must be approved and signed by the sentencing judge.

~~(4) The Department of Corrections shall develop and submit the revised sentencing guidelines scoresheet to the Sentencing Commission by June 15 of each year, as necessary. Following the Supreme Court's approval of the revised procedures, the Department of Corrections shall produce the revised scoresheets by no later than December 31 of each year, as necessary. To facilitate the purposes of this subsection, all legislation that affects the sentencing guidelines scoresheet shall have an effective date of January 1.~~

Section 10. Section 947.1405, Florida Statutes, 1996 Supplement, is amended to read:

947.1405 Conditional release program.—

(1) This section and s. 947.141 may be cited as the "Conditional Release Program Act."

(2) Any inmate who:

(a) Is convicted of a crime committed on or after October 1, 1988, and before January 1, 1994, and any inmate who is convicted of a crime committed on or after January 1, 1994, which crime is or was contained in category 1, category 2, category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida Rules of Criminal Procedure (1993), and who has served at least one prior felony commitment at a state or federal correctional institution;

(b) Is sentenced as a habitual or violent habitual offender *or violent career criminal* pursuant to s. 775.084; or

(c) Is found to be a sexual predator under s. 775.21 or former s. 775.23,

shall, upon reaching the tentative release date or provisional release date, whichever is earlier, as established by the Department of Corrections, be released under supervision subject to specified terms and conditions, including payment of the cost of supervision pursuant to s. 948.09. *Such supervision shall be applicable to all sentences within the overall term of sentences if the inmate's overall term of sentences includes one or more conditional release eligible sentences as provided herein.* Effective July 1, 1994, and applicable for offenses committed on or after that date, the commission may require, as a condition of conditional release, that the releasee make payment of the debt due and owing to a county or municipal detention facility under s. 951.032 for medical care, treatment, hospitalization, or transportation received by the releasee while in that detention facility. The commission, in determining whether to order such repayment and the amount of such repayment, shall consider the amount of the debt, whether there was any fault of the institution for the medical expenses incurred, the financial resources of the releasee, the present and potential future financial needs and earning ability of the releasee, and dependents, and other appropriate factors. If an inmate has received a term of probation or community control supervision to be served after release from incarceration, the period of probation or community control must be substituted for the conditional release supervision. A panel of no fewer than two commissioners shall establish the terms and conditions of any such release. If the offense was a controlled substance violation, the conditions shall include a requirement that the offender submit to random substance abuse testing intermittently throughout the term of conditional release supervision, upon the direction of the correctional probation officer as defined in s. 943.10(3). The commission shall also determine whether the terms and conditions of such release have been violated and whether such violation warrants revocation of the conditional release.

(3) As part of the conditional release process, the commission shall determine:

(a) The amount of reparation or restitution.

(b) The consequences of the offense as reported by the aggrieved party.

(c) The aggrieved party's fear of the inmate or concerns about the release of the inmate.

(4) The commission shall provide to the aggrieved party information regarding the manner in which notice of any developments concerning the status of the inmate during the term of conditional release may be requested.

(5) Within 180 days prior to the tentative release date or provisional release date, whichever is earlier, a representative of the commission shall interview the inmate. The commission representative shall review the inmate's program participation, disciplinary record, psychological and medical records, and any other information pertinent to the impending release. A commission representative shall conduct a personal interview with the inmate for the purpose of determining the details of the inmate's release plan, including his planned residence and employment. The results of the interview must be forwarded to the commission in writing.

(6) Upon receipt of notice as required under s. 947.175, the commission shall conduct a review of the inmate's record for the purpose of establishing the terms and conditions of the conditional release. The commission may impose any special conditions it considers warranted from its review of the record. If the commission determines that the inmate is eligible for release under this section, the commission shall enter an order establishing the length of supervision and the conditions attendant thereto. However, an inmate who has been convicted of a violation of chapter 794 or found by the court to be a sexual predator is subject to the maximum level of supervision provided, with the mandatory conditions as required in subsection (7), and that supervision shall continue through the end of the releasee's original court-imposed sentence. The length of supervision must not exceed the maximum penalty imposed by the court.

(7) Any inmate who is convicted of a crime committed on or after October 1, 1995, or has been previously convicted of a crime committed on or after October 1, 1995, and who meets the criteria of s. 775.21 or former s. 775.23(2)(a) or (b) shall have, in addition to any other conditions imposed, the following special conditions imposed by the commission:

(a) A curfew, if appropriate, during hours set by the commission.

(b) If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, day care center, park, playground, or other place where children regularly congregate.

(c) Active participation in and successful completion of a sex offender treatment program, at the releasee's own expense, unless one is not available within a 50-mile radius of the releasee's residence.

(d) A prohibition on any contact with the victim, directly or indirectly, including through a third person, unless approved by the commission.

(e) If the victim was under the age of 18, a prohibition, until successful completion of a sex offender treatment program, on unsupervised contact with a child under the age of 18, unless authorized by the commission without another adult present who is responsible for the child's welfare, has been advised of the crime, and is approved by the commission.

(f) If the victim was under age 18, a prohibition on working for pay or as a volunteer at any school, day care center, park, playground, or other place where children regularly congregate, as prescribed by the commission.

(g) Unless otherwise indicated in the treatment plan provided by the sexual offender treatment program, a prohibition on viewing, owning, or possessing any obscene, pornographic, or sexually explicit material.

(h) A requirement that the releasee must submit two specimens of blood to the Florida Department of Law Enforcement to be registered with the DNA database.

(8) It is the finding of the Legislature that the population of offenders released from state prison into the community who meet the conditional release criteria poses the greatest threat to the public safety of the groups of offenders under community supervision. Therefore, the Department of Corrections is to provide intensive supervision by experienced correctional probation officers to conditional release offenders. Subject to specific appropriation by the Legislature, caseloads may be restricted to a maximum of 40 conditional release offenders per officer to provide for enhanced public safety and to effectively monitor conditions of electronic monitoring or curfews, if so ordered by the commission.

Section 11. Section 948.12, Florida Statutes, is created to read:

948.12 Intensive supervision for post prison release of violent offenders.—It is the finding of the Legislature that the population of violent offenders released from state prison into the community poses the greatest threat to the public safety of the groups of offenders under community supervision. Therefore, for the purpose of enhanced public safety, any offender released from state prison who:

(1) Was most recently incarcerated for an offense that is or was contained in category 1 (murder, manslaughter), category 2 (sexual offenses), category 3 (robbery), or category 4 (violent personal crimes) of Rule 3.701 and Rule 3.988, Florida Rules of Criminal Procedure (1993), and who has served at least one prior felony commitment at a state or federal correctional institution;

(2) Was sentenced as a habitual offender, violent habitual offender, or violent career criminal pursuant to s. 775.084; or

(3) Has been found to be a sexual predator pursuant to s. 775.21,

and who has a term of probation to follow the period of incarceration shall be provided intensive supervision by experienced correctional probation officers. Subject to specific appropriation by the Legislature, caseloads may be restricted to a maximum of 40 offenders per officer to provide for enhanced public safety as well as to effectively monitor conditions of electronic monitoring or curfews, if such was ordered by the court.

Section 12. Paragraph (j) of subsection (4) of section 775.084, Florida Statutes, 1996 Supplement, is amended to read:

775.084 Violent career criminals; habitual felony offenders and habitual violent felony offenders; definitions; procedure; enhanced penalties.—

(4)

(j)1. A defendant sentenced under this section as a habitual felony offender, a habitual violent felony offender, or a violent career criminal is eligible for gain-time granted by the Department of Corrections as provided in *s. 944.275(4)(b)* ~~s. 944.275(4)~~.

2. For an offense committed on or after October 1, 1995, a defendant sentenced under this section as a violent career criminal is not eligible for any form of discretionary early release, other than pardon or executive clemency, or conditional medical release granted pursuant to s. 947.149.

Section 13. Section 921.0017, Florida Statutes, is amended to read:

921.0017 Credit upon recommitment of offender serving split sentence.—Effective for offenses committed on or after January 1, 1994, if an offender's probation or community control is revoked and the offender is serving a split sentence pursuant to s. 948.01, upon recommitment to the Department of Corrections, the court shall order credit for time served *in state prison or county jail* only, without considering any type of gain-time earned before release to supervision, or any type of sentence reduction granted to avoid prison overcrowding, including, but not limited to, any sentence reduction resulting from administrative gain-time, provisional credits, or control release. The court shall determine the amount of jail-time credit to be awarded for time served between the date of arrest as a violator and the date of recommitment, and shall direct the Department of Corrections to compute and apply credit for all other time served previously on the prior sentence for the offense for which the offender is being recommitted. This section does not affect or limit the department's authority to forfeit gain-time under ss. 944.28(1) and 948.06(6).

Section 14. Section 944.279, Florida Statutes, 1996 Supplement, is amended to read:

944.279 *Disciplinary procedures applicable to prisoner* ~~Loss of gain-time~~ for filing frivolous or malicious actions *or bringing false information before court.*—

(1) At any time, and upon its own motion or on motion of a party, a court may conduct an inquiry into whether any action or appeal brought by a prisoner was brought in good faith. A prisoner who is found by a court to have brought a frivolous or malicious suit, action, claim, proceeding, or appeal in any court of this state or in any federal court, which is filed after June 30, 1996, or who knowingly or with reckless disregard for the truth brought false information or evidence before the court, is subject to *disciplinary procedures pursuant to the rules of the Department of Corrections* ~~forfeiture of gain-time and the right to earn gain-time~~. The court shall issue a written finding and direct that a certified copy be forwarded to the appropriate institution or facility for disciplinary *procedures pursuant to the rules of the department* ~~action~~ as provided in s. *944.09* ~~944.28(2)~~.

(2) This section does not apply to a criminal proceeding or a collateral criminal proceeding.

(3) For purposes of this section, "prisoner" means a person who is convicted of a crime and is incarcerated for that crime or who is being held in custody pending extradition or sentencing.

Section 15. Subsection (2) of section 944.35, Florida Statutes, 1996 Supplement, is amended to read:

944.35 Authorized use of force; malicious battery and sexual misconduct prohibited; reporting required; penalties.—

(2) Each employee of the department who either applies physical force or was responsible for making the decision to apply physical force upon an inmate or an offender supervised by the department in the community pursuant to this subsection shall prepare, date, and sign an independent report within 5 working days of the incident. The report shall be delivered to the superintendent or the regional administrator, who shall have an investigation made and shall approve or disapprove the force used. The employee's report, together with the superintendent's or regional administrator's written approval or disapproval of the force used and the reasons therefor, shall be forwarded within 5 working days of the date of the completion of the investigation to the regional director. The regional director shall, in writing, concur in the superintendent's or regional administrator's evaluation or disapprove it. Copies of the employee's report, the superintendent's or regional administrator's evaluation, and the regional director's review shall be kept in the files of ~~both~~ the inmate or the offender supervised by the department in the community~~, and the employee~~. *A notation of each incident involving use of force and the outcome based on the superintendent's or regional director's evaluation and the regional administrator's review shall be kept in the employee's file.*

Section 16. Paragraph (c) of subsection (1) and subsection (2) of section 944.472, Florida Statutes, are amended to read:

944.472 Drug-free corrections; legislative findings and purposes.—

(1) FINDINGS.—The Legislature finds that:

(c) Certain substance abuse testing standards are necessary to ensure uniform and economical application of policy throughout the state's institutions and to protect both inmates and employers participating in random *and reasonable suspicion* substance abuse testing programs.

(2) PURPOSES.—The purposes of the Drug-Free Corrections Act of 1992 are to:

(a) Promote the goal of a drug-free correctional system through fair, economical, and reasonable methods of random *and reasonable suspicion* substance abuse testing of inmates for the protection of inmates, employees, employers, and the public.

(b) Establish an aggressive, routine random substance abuse testing program *and a reasonable suspicion substance abuse testing program* to identify substance-abusing inmates, determine appropriate treatment, and provide a strong deterrent to future substance abuse.

Section 17. Subsections (1) and (3) of section 944.473, Florida Statutes, are amended to read:

944.473 Inmate substance abuse testing program.—

(1) RULES AND PROCEDURES.—The department shall establish *programs* ~~a program~~ for random *and reasonable suspicion* drug and alcohol testing by urinalysis or other noninvasive procedure for inmates to effectively identify those inmates abusing drugs, alcohol, or both. The department shall also adopt rules relating to fair, economical, and accurate operations and procedures of a random inmate substance abuse testing program *and a reasonable suspicion substance abuse testing program* by urinalysis or other noninvasive procedure which enumerate penalties for positive test results, including but not limited to the forfeiture of both basic and incentive gain-time, and which do not limit the number of times an inmate may be tested in any one fiscal or calendar year.

(3) REPORTING REQUIREMENT.—The department shall, as part of its annual report, report the number of random *and reasonable suspicion* substance abuse tests administered in the fiscal year, the number of positive results obtained, the number of negative results obtained, the number of inmates requesting and participating in substance abuse treatment programs as the result of a positive random *or reasonable suspicion* substance abuse test, and the number of repeat substance abuse offenders.

Section 18. Subsection (4) is added to section 944.801, Florida Statutes, 1996 Supplement, to read:

944.801 Education for state prisoners.—

(4) Notwithstanding s. 120.81(3), all inmates under 22 years of age who qualify for special educational services and programs pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. ss. 1400 et seq., and who request a due process hearing as provided by that act shall be entitled to such hearing before the Division of Administrative Hearings. Administrative law judges shall not be required to travel to state or private correctional institutions and facilities in order to conduct these hearings.

Section 19. Section 944.803, Florida Statutes, is created to read:

944.803 Faith-based programs for inmates.—

(1) The Legislature finds and declares that faith-based programs offered in state and private correctional institutions and facilities have the potential to facilitate inmate institutional adjustment, help inmates assume personal responsibility, and reduce recidivism.

(2) It is the intent of the Legislature that the Department of Corrections and the private vendors operating private correctional facilities shall continuously:

(a) measure recidivism rates for inmates who have participated in religious programs;

(b) increase the number of volunteers who minister to inmates from various faith-based institutions in the community;

(c) develop community linkages with churches, synagogues, mosques, and other faith-based institutions to assist inmates in their release back into the community; and

(d) fund through the use of the inmate welfare trust fund pursuant to s. 945.215 an adequate number of chaplains and support staff to operate chaplaincy programs in state correctional institutions.

Section 20. *The Department of Corrections shall conduct an in-depth study to measure the effectiveness of faith-based programs in both public and private correctional institutions and facilities, and shall make recommendations to the Legislature on modifications or improvements to existing programs. The study shall include an examination of innovative faith-based programs existing in other states. The findings and recommendations from the study shall be reported to the Legislature by January 1, 1998.*

Section 21. Subsection (11) of section 948.01, Florida Statutes, 1996 Supplement, is amended to read:

948.01 When court may place defendant on probation or into community control.—

(11) The court may also impose a split sentence whereby the defendant is sentenced to a term of probation which may be followed by a period of incarceration or, with respect to a felony, into community control, as follows:

(a) If the offender meets the terms and conditions of probation or community control, any term of incarceration may be modified by court order to eliminate the term of incarceration.

(b) If the offender does not meet the terms and conditions of probation or community control, the court *may revoke, modify, or continue the probation or community control as provided in s. 948.06. If the probation or community control is revoked, the court may impose any sentence that it could have imposed at the time the offender was placed on probation or community control. The court may not provide credit for time served for any portion of a probation of community control term toward a subsequent term of probation or community control. However, the court may not impose a subsequent term of probation or community control which, when combined with any amount of time served on preceding terms of probation or community control for offenses pending before the court for sentencing, would exceed the maximum penalty allowable as provided in s. 775.082* ~~shall impose a term of incarceration equal to the remaining portion of the order of probation or community control~~. Such term of incarceration shall be served under applicable law or county ordinance governing service of sentences in state or county jurisdiction. This paragraph does not prohibit any other sanction provided by law.

Section 22. Subsection (1) of section 948.03, Florida Statutes, 1996 Supplement, is amended to read:

948.03 Terms and conditions of probation or community control.—

(1) The court shall determine the terms and conditions of probation or community control. Conditions specified in paragraphs (a) through and including *(m)* ~~(n)~~ do not require oral pronouncement at the time of sentencing and may be considered standard conditions of probation. Conditions specified in paragraphs (a) through and including *(m)* ~~(n)~~ and (2)(a) do not require oral pronouncement at sentencing and may be considered standard conditions of community control. These conditions may include among them the following, that the probationer or offender in community control shall:

(a) Report to the probation and parole supervisors as directed.

(b) Permit such supervisors to visit him at his home or elsewhere.

(c) Work faithfully at suitable employment insofar as may be possible.

(d) Remain within a specified place.

(e) Make reparation or restitution to the aggrieved party for the damage or loss caused by his offense in an amount to be determined by the court. The court shall make such reparation or restitution a condition of probation, unless it determines that clear and compelling reasons exist to the contrary. If the court does not order restitution, or orders restitution of only a portion of the damages, as provided in s. 775.089, it shall state on the record in detail the reasons therefor.

(f) Effective July 1, 1994, and applicable for offenses committed on or after that date, make payment of the debt due and owing to a county or municipal detention facility under s. 951.032 for medical care, treatment, hospitalization, or transportation received by the felony probationer while in that detention facility. The court, in determining whether to order such repayment and the amount of such repayment, shall consider the amount of the debt, whether there was any fault of the institution for the medical expenses incurred, the financial resources of the felony probationer, the present and potential future financial needs and earning ability of the probationer, and dependents, and other appropriate factors.

(g) Support his legal dependents to the best of his ability.

(h) Make payment of the debt due and owing to the state under s. 960.17, subject to modification based on change of circumstances.

(i) Pay any attorney's fees and costs assessed under s. 27.56, subject to modification based on change of circumstances.

(j) Not associate with persons engaged in criminal activities.

(k)1. Submit to random testing as directed by the correctional probation officer or the professional staff of the treatment center where he is receiving treatment to determine the presence or use of alcohol or controlled substances.

2. If the offense was a controlled substance violation and the period of probation immediately follows a period of incarceration in the state correction system, the conditions shall include a requirement that the offender submit to random substance abuse testing intermittently throughout the term of supervision, upon the direction of the correctional probation officer as defined in s. 943.10(3).

(l) Be prohibited from possessing, carrying, or owning any firearm unless authorized by the court and consented to by the probation officer.

(m) Be prohibited from using intoxicants to excess or possessing any drugs or narcotics unless prescribed by a physician. The probationer or community controlee shall not knowingly visit places where intoxicants, drugs, or other dangerous substances are unlawfully sold, dispensed, or used.

(n) Attend an HIV/AIDS awareness program consisting of a class of not less than 2 hours or more than 4 hours in length, the cost for which shall be paid by the offender, *if such a program is available in the county of the offender's residence.*

(o) Pay not more than $1 per month during the term of probation or community control to a nonprofit organization established for the sole purpose of supplementing the rehabilitative efforts of the Department of Corrections.

Section 23. Section 948.06, Florida Statutes, is amended to read:

948.06 Violation of probation or community control; revocation; modification; continuance; failure to pay restitution or cost of supervision.—

(1) Whenever within the period of probation or community control there are reasonable grounds to believe that a probationer or offender in community control has violated his probation or community control in a material respect, any parole or probation supervisor may arrest or request any county or municipal law enforcement officer to arrest such probationer or offender without warrant wherever found and forthwith return him to the court granting such probation or community control. Any committing magistrate may issue a warrant, upon the facts being made known to him by affidavit of one having knowledge of such facts, for the arrest of the probationer or offender, returnable forthwith before the court granting such probation or community control. Any parole or probation supervisor, any officer authorized to serve criminal process, or any peace officer of this state is authorized to serve and execute such warrant. The court, upon the probationer or offender being brought before it, shall advise him of such charge of violation and, if such charge is admitted to be true, may forthwith revoke, modify, or continue the probation or community control or place the probationer into a community control program. If probation or community control is revoked, the court shall adjudge the probationer or offender guilty of the offense charged and proven or admitted, unless he has previously been adjudged guilty, and impose any sentence which it might have originally imposed before placing the probationer on probation or the offender into community control. If such violation of probation or community control is not admitted by the probationer or offender, the court may commit him or release him with or without bail to await further hearing, or it may dismiss the charge of probation or community control violation. If such charge is not at that time admitted by the probationer or offender and if it is not dismissed, the court, as soon as may be practicable, shall give the probationer or offender an opportunity to be fully heard on his behalf in person or by counsel. After such hearing, the court may revoke, modify, or continue the probation or community control or place the probationer into community control. If such probation or community control is revoked, the court shall adjudge the probationer or offender guilty of the offense charged and proven or admitted, unless he has previously been adjudged guilty, and impose any sentence which it might have originally imposed before placing the probationer or offender on probation or into community control.

(2) *When the court imposes a subsequent term of supervision following a revocation of probation or community control, it shall not provide credit for time served while on probation or community control toward any subsequent term of probation or community control. However, the court may not impose a subsequent term of probation or community control which, when combined with any amount of time served on preceding terms of probation or community control for offenses before the court for sentencing, would exceed the maximum penalty allowable as provided by s. 775.082.* No part of the time that the defendant is on probation or in community control shall be considered as any part of the time that he *or she* shall be sentenced to serve.

(3) Notwithstanding any other provision of this section, a probationer or an offender in community control who is arrested for violating his probation or community control in a material respect may be taken before the court in the county or circuit in which he was arrested. That court shall advise him of such charge of a violation and, if such charge is admitted, shall cause him to be brought before the court which granted the probation or community control. If such violation is not admitted by the probationer or offender, the court may commit him or release him with or without bail to await further hearing. The court, as soon as is practicable, shall give the probationer or offender an opportunity to be fully heard on his behalf in person or by counsel. After such hearing, the court shall make findings of fact and forward the findings to the court which granted the probation or community control and to the probationer or offender or his attorney. The findings of fact by the hearing court are binding on the court which granted the probation or community control. Upon the probationer or offender being brought before it, the court which granted the probation or community control may revoke, modify, or continue the probation or community control or may place the probationer into community control as provided in this section.

(4) In any hearing in which the failure of a probationer or offender in community control to pay restitution or the cost of supervision as provided in s. 948.09, as directed, is established by the state, if the probationer or offender asserts his inability to pay restitution or the cost of supervision, it is incumbent upon him to prove by clear and convincing evidence that he does not have the present resources available to pay restitution or the cost of supervision despite sufficient bona fide efforts legally to acquire the resources to do so. If the probationer or offender cannot pay restitution or the cost of supervision despite sufficient bona fide efforts, the court shall consider alternate measures of punishment other than imprisonment. Only if alternate measures are not adequate to meet the state's interests in punishment and deterrence may the court imprison a probationer or offender in community control who has demonstrated sufficient bona fide efforts to pay restitution or the cost of supervision.

(5) Any parolee in a community control program who has allegedly violated the terms and conditions of such placement is subject to the provisions of ss. 947.22 and 947.23.

(6) Any provision of law to the contrary notwithstanding, whenever probation, community control, or control release, including the probationary, community control portion of a split sentence, is violated and the probation or community control is revoked, the offender, by reason of his misconduct, may be deemed to have forfeited all gain-time or commutation of time for good conduct, as provided by law, earned up to the date of his release on probation, community control, or control release. This subsection does not deprive the prisoner of his right to gain-time or commutation of time for good conduct, as provided by law, from the date on which he is returned to prison. However, if a prisoner is sentenced to incarceration following termination from a drug punishment program imposed as a condition of probation, the sentence may include incarceration without the possibility of gain-time or early release for the period of time remaining in his treatment program placement term.

Section 24. Section 947.04, Florida Statutes, 1996 Supplement, is amended to read:

947.04 Organization of commission; officers; offices.—

(1) Before July 1 of each even-numbered year, the Governor and Cabinet shall select a chairman who shall serve for a period of 2 years and until a successor is selected and qualified. The Governor and Cabinet shall, at the same time that a chairman is selected, select a vice chairman to serve during the same 2-year period as the chairman, in the absence of the chairman. The chairman may ~~not~~ succeed himself *or herself*. The chairman, as chief administrative officer of the commission, has the authority and responsibility to plan, direct, coordinate, and execute the powers, duties, and responsibilities assigned to the commission, except those of granting and revoking parole as provided for in this chapter. Subject to approval by the Governor and the Cabinet, the chairman may assign consenting retired commissioners or former commissioners to temporary duty when there is a workload need. Any such commissioner shall be paid $100 for each day or portion of a day spent on the work of the commission and shall be reimbursed for travel expenses as provided in s. 112.061. The chairman is authorized to provide or disseminate information relative to parole by means of documents, seminars, programs, or otherwise as he determines necessary. The chairman shall establish, execute, and be held accountable for all administrative policy decisions. However, decisions to grant or revoke parole shall be made in accordance with the provisions of ss. 947.172, 947.174, and 947.23. The commissioners shall be directly accountable to the chairman in the execution of their duties as commissioners, and the chairman has authority to recommend to the Governor suspension of a commissioner who fails to perform the duties provided for by statute.

(2) Notwithstanding the provisions of s. 20.05(1)(g), the chairman shall appoint administrators with responsibility for the management of commission activities in the following functional areas:

(a) Administration.
(b) Operations.
(c) Clemency.

(3) The commissioners shall select from their number a secretary who shall serve for a period of 1 year or until a successor is elected and qualified.

(4) The commission may establish and maintain offices in centrally and conveniently located places in Florida. Headquarters shall be located in Tallahassee. The business of the commission shall be transacted anywhere in the state as provided in s. 947.06. The commission shall keep its official records and papers at the headquarters, which it shall furnish and equip.

(5) Acts and decisions of the chairman may be modified as provided in s. 947.06.

Section 25. Except as otherwise provided herein, this act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 1, through page 2, line 13, remove from the title of the bill and insert in lieu thereof: A bill to be entitled An act relating to criminal punishment and corrections; amending s. 825.103, F.S.; imposing a more severe penalty for the offense of exploiting an elderly person or disabled adult if the value of the property involved is less than a specified amount; amending s. 895.02, F.S.; redefining the term "racketeering activity" for purposes of the the Florida RICO Act to include the offense of abuse, neglect, or exploitation of an elderly person or disabled adult; reenacting ss. 16.56(1)(a), 27.34(1), 655.50(3)(g), 896.101(1)(g), and 905.34, F.S., relating to the Office of Statewide Prosecution, salaries and other costs of state attorneys, unlawful financial transactions, and statewide grand juries, to incorporate the amendment to s. 895.02, F.S., in references thereto; amending s. 921.0012, F.S., relating to the sentencing guidelines; revising a penalty to conform to changes made by the act; amending s. 921.0014, F.S., relating to the sentencing guidelines scoresheets; providing requirements for the state attorney in preparing a defendant's scoresheet; deleting a requirement that the Department of Corrections develop revised scoresheets for submittal to the Sentencing Commission; amending s. 947.1405, F.S.; clarifying the inclusion of violent career criminals as eligible for conditional release supervision; clarifying that conditional release supervision applies to all sentences of an inmate if the inmate's overall sentences include one or more sentences that are eligible for conditional release; providing a legislative finding concerning offenders released from prison who meet conditional release criteria; requiring the Department of Corrections to provide intensive supervision; restricting caseloads of supervising officers; creating s. 948.12, F.S.; providing a legislative finding concerning offenders who are released from prison and who meet the enumerated criteria and have a term of probation to follow incarceration; requiring such offenders to be intensively supervised; restricting caseloads of supervising officers; amending s. 775.084, F.S.; clarifying that the gain-time that the Department of Corrections may award to a habitual felony offender, a habitual violent felony offender, or a violent career criminal is limited to monthly incentive gain-time; amending s. 921.0017, F.S.; clarifying that credit for time served means time spent in state prison or county jail on the same offense; amending s. 944.279, F.S.; providing that a prisoner who is found to have brought a frivolous or malicious action or brought false information before the court is subject to disciplinary procedures; defining the term "prisoner"; amending s. 944.35, F.S., relating to authorized use of force by a departmental employee against an inmate or supervised offender; removing requirement that a report on such use of force be kept in the file of an employee; providing for notation of a use-of-force incident and outcome in the file of an employee; amending s. 944.472, F.S., relating to drug-free corrections; providing legislative findings and purposes with respect to reasonable suspicion of substance-abuse testing programs for inmates; amending s. 944.473, F.S.; providing for adoption of rules for such programs; amending s. 944.801, F.S., relating to education for state prisoners; entitling certain inmates who qualify for special educational services and programs under federal law to request hearings before the Division of Administrative Hearings; providing that administrative law judges are not required to travel to state and private correctional institutions and facilities to conduct such hearings; creating s. 944.803, F.S., relating to faith-based programs for inmates; providing legislative intent; requiring the department to conduct a study measuring the effectiveness of faith-based programs and report its findings to the Legislature; amending s. 948.01, F.S., relating to the court's authority to place a defendant on probation or community control; authorizing the court to revoke, modify, or continue supervision upon violation; providing certain sentencing authority upon violation; prohibiting the court from awarding credit for time served under certain circumstances; providing limitations on the court for subsequent supervision upon violation; amending s. 948.03, F.S., relating to terms and conditions of probation or community control; deleting attendance at an HIV/AIDS awareness program as a standard condition and requiring oral pronouncement at sentencing; authorizing attendance at an HIV/AIDS awareness program as a condition if such program is available as specified; amending s. 948.06, F.S.; prohibiting the award of credit for time served while on probation or community control for subsequent terms of supervision following a revocation of probation or community control; providing limitations on the court for imposing a subsequent term of supervision following revocation; amending s. 947.04, F.S.; authorizing the chairman of the Parole Commission to serve successive terms; providing an effective date.

On motion by Senator Gutman, the Senate concurred in the House amendment.

CS for CS for SB 310 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Sullivan
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—McKay

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 702, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 702—A bill to be entitled An act relating to advisory bodies and other governmental entities; amending s. 20.13, F.S.; deleting a reference to a Bureau of Insurance Systems in the Department of Insurance; transferring, renumbering, and amending s. 14.30, F.S.; transferring the Commission on Government Accountability to the People from the Executive Office of the Governor to the Department of Management Services; transferring commission powers, duties, rules, appropriations, and personnel; amending s. 14.203, F.S., relating to the State Council on Competitive Government; correcting a cross-reference; amending s. 27.36, F.S., to conform to the abolition of the Council on Organized Crime; amending s. 228.0875, F.S.; terminating the Governor's Summer Colleges Council; amending s. 230.71, F.S.; terminating the Intergenerational School Volunteer Advisory Board; amending s. 239.505, F.S.; terminating the Advisory Board on Constructive Youth Programs; repealing ss. 288.971, 288.972, 288.973, 288.974, 288.975, 288.976, 288.977, 288.980, F.S., to terminate the Florida Defense Conversion and Transition Commission and its related duties; amending s. 408.033, F.S., relating to local and state health planning; terminating the Statewide Health Council; amending ss. 186.022, 186.508, 240.5121, 395.604, 408.038, 408.039, 408.0455, F.S., and repealing ss. 186.003(9), 186.503(9), relating to definitions of the council, to conform; repealing chapter 30280, Laws of Florida, 1955, as amended, to terminate the Clay County Hospital District and the Clay County Hospital Authority; repealing chapter 57-700, Laws of Florida, as amended, to terminate the Suwanee River

Authority; repealing chapter 59-1939, Laws of Florida, as amended, to terminate the Union County Development Authority; repealing chapter 67-2027, Laws of Florida, to terminate the Santa Rosa County Airport and Industrial Authority; repealing chapter 71-926, Laws of Florida, to terminate the Sumter County Hospital Authority; repealing s. 79, ch. 90-201, Laws of Florida, to terminate the International Language Institute Advisory Council; repealing s. 1, ch. 90-232, Laws of Florida, to terminate the Task Force on County Contributions to Medicaid; repealing proviso language in s. 1, ch. 91-193, Laws of Florida, to terminate the Commission on Long-Term Care; repealing s. 63, ch. 93-164, Laws of Florida, to terminate the Commission to Study the Safety and Security of Railroad-Highway Grade Crossings; repealing ss. 23, 24, ch. 94-292, Laws of Florida, to terminate the Florida Education Facilities Study Committee; repealing proviso language in s. 1A, ch. 94-357, Laws of Florida, to terminate the Task Force on Productivity Enhancement; providing effective dates.

House Amendment 1 (with title amendment)—Remove from the bill everything after the enacting clause and insert in lieu thereof:

Section 1. Subsection (5) of section 20.13, Florida Statutes, is amended to read:

20.13 Department of Insurance.—There is created a Department of Insurance.

(5) A Bureau of Financial and Support Services ~~and a Bureau of Information Systems~~ is created within the Division of Administration.

Section 2. Section 14.30, Florida Statutes, is transferred, renumbered as section 286.30, Florida Statutes, and amended to read:

286.30 ~~14.30~~ Commission on Government Accountability to the People.—

(1) There is created the Commission on Government Accountability to the People.

(2) The commission shall consist of 15 members appointed by the Governor, subject to confirmation by the Senate, with 9 members from the private sector and 6 members from the public sector. The members shall serve 4-year terms. Of the initial appointees, terms shall be staggered as follows: three members shall hold 1-year terms; four members shall hold 2-year terms; four members shall hold 3-year terms; and four members shall hold 4-year terms. The Governor shall fill all vacancies. Upon the request of the chair of the commission or upon his or her own initiative, the Governor may replace members who are absent from two commission meetings within any calendar year.

(3) The Governor shall appoint the initial chair. Subsequent chairs shall be elected by a majority vote of the commission, shall serve 1-year terms, and shall be eligible for reelection. The commission shall elect the vice chair from its membership.

(4) The commission shall hold a minimum of four regular meetings during the calendar year. Additional meetings may be called by the chair, or upon written request of a majority of the members of the commission. All meetings of the commission are public in accordance with the provisions of s. 286.011.

(5) The commission may establish such committees as it deems necessary to execute its powers and duties.

(6) Members of the commission shall not receive compensation for their service; however, they shall be entitled to per diem and travel expenses pursuant to s. 112.061. Public sector members shall perform their commission duties in addition to fulfilling their regular public duties.

(7) The commission shall be assigned to the *Department of Management Services* ~~Executive Office of the Governor~~ for administrative and fiscal accountability purposes, and the *Department of Management Services* ~~Executive Office of the Governor~~ shall provide administrative support and services to the commission; otherwise, the commission shall function independently of the control and direction of the *Department of Management Services* ~~Governor~~.

(8) The commission shall, by majority vote, employ and set the compensation of an executive director, who shall serve at the pleasure of the commission.

(9) The commission may adopt and enforce reasonable procedures necessary to facilitate the studies and reviews it is authorized to perform.

(10) The commission shall track the impact of state agency actions upon the well-being of Florida citizens by:

(a) Serving as a citizen board to review state agency performance, using agency strategic plans, reports from the Auditor General, the Executive Office of the Governor, and state agency internal auditors and inspectors general, and other sources as needed.

(b) Holding public hearings to allow state agencies which are operating under a performance-based program budget pursuant to s. 216.0172 the opportunity to explain factors which contributed to their success or failure in meeting performance measures.

(c) Receiving testimony from the public as to state agency performance.

(d) Assessing the progress of state agencies in meeting their missions, goals, and objectives.

(e) Making recommendations which could enhance the productivity of agencies, encourage continued agency improvement, ensure achievement of adopted performance standards, and assist state government in improving the efficiency and effectiveness of the services and products it provides.

(f) Preparing and submitting, by July 1 of each year, a report to the Governor and Cabinet, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability a report summarizing the activities and findings of all assessments made by the commission.

State agencies shall cooperate with the commission and shall provide data and information available to enable the commission to perform its functions. The Executive Office of the Governor and the Auditor General may provide assistance, within available resources, to the commission as necessary.

Section 3. *Effective July 1, 1997, the Commission on Government Accountability to the People and all of its statutory powers, duties, and functions and all of its records, personnel, property, and unexpended balances of appropriations, allocations, or other funds are transferred by a type two transfer, as defined in section 20.06, Florida Statutes, from the Executive Office of the Governor to the Department of Management Services. The administrative rules of the commission which are in effect immediately before such transfer shall remain in effect until specifically changed in the manner provided by law.*

Section 4. Subsection (2) of section 14.203, Florida Statutes, as created by section 50 of chapter 94-249, Laws of Florida, is amended to read:

14.203 State Council on Competitive Government.—It is the policy of this state that all state services be performed in the most effective and efficient manner in order to provide the best value to the citizens of the state. The state also recognizes that competition among service providers may improve the quality of services provided, and that competition, innovation, and creativity among service providers should be encouraged.

(2) There is hereby created the State Council on Competitive Government, which shall be composed of the Governor and Cabinet, sitting as the Administration Commission as defined in s. 14.202. The council, on its own initiative, the Office of Program Policy Analysis and Government Accountability, created pursuant to s. 11.51, or the Commission on Government Accountability to the People, created pursuant to *s. 286.30* ~~s. 14.30~~, may identify commercial activities currently being performed by state agencies and, if it is determined that such services may be better provided by requiring competition with private sources or other state agency service providers, may recommend that a state agency engage in any process, including competitive bidding, that creates competition with private sources or other state agency service providers.

Section 5. Subsection (2) of section 27.36, Florida Statutes, is amended to read:

27.36 Office of Prosecution Coordination.—

(2) The office shall coordinate and provide information, assistance, and staff support to the ~~Council on Organized Crime and the~~ various state attorneys.

Section 6. Section 228.0875, Florida Statutes, is amended to read:

228.0875 Governor's Summer Colleges residential programs; scope; objectives~~; colleges council~~.—

(1) There is hereby established the Governor's Summer Colleges, a series of 4-week summer residential programs for highly qualified rising high school seniors to be conducted at selected residential institutions in the state. Each participating student shall be designated as a Governor's Scholar. The Governor's Summer Colleges shall consist of four independent programs in public issues, liberal arts, mathematics and science, and visual and performing arts. Students who are selected to participate in each Governor's Summer College shall be charged no fee for tuition, matriculation, registration, or housing.

(2) The primary educational objectives of each Governor's Summer College shall include, but not be limited to, the following:

(a) Engaging students in active learning projects that will foster intellectual and effective growth, and

(b) Increasing student awareness of problems or issues related to an area of study and encouraging students to address the problems or issues in a manner through which they translate ideas into action.

~~(3)(a) There is created the Governor's Summer Colleges Council. The council shall be composed of eight members, four of whom shall be appointed by the Governor and the Commissioner of Education, respectively. The Governor and the Commissioner of Education shall each appoint a personal representative to the council and one member to represent school districts, one member to represent community colleges, and one member to represent universities. The terms of council members shall be 1 year, and any member may be eligible for reappointment. Members of the council shall receive no compensation, but they shall be entitled to per diem and travel expenses pursuant to s. 112.061. The Governor shall appoint the chair of the council. The council shall meet at the call of the chair or at the request of a majority of the council members.~~

~~(b) The duties of the council shall include, but not be limited to, the following:~~

~~1. Providing general oversight of the programs.~~

~~2. Recommending rules to the State Board of Education regarding procedures for selecting student participants, including the manner in which the number of eligible students shall be assigned to each school district. At least one student from each school district shall be considered for any program conducted within the college.~~

~~3. Recommending rules to the State Board of Education regarding the participation of students who attend nonpublic or developmental research schools.~~

~~4. Recommending rules to the State Board of Education regarding the criteria, requirements, and procedures for selecting participating institutions, including the establishment of the length of the term for which an institution shall host one or more programs. However, an institution shall not consecutively host the same program.~~

~~5. Recommending the selection of participating institutions to the State Board of Education.~~

(3)~~(4)~~ The program shall commence during the 1987-1988 academic year, in the summer of 1988, with a Governor's Summer College of Liberal Arts at New College and a Governor's Summer College of Public Issues at Florida State University. Subsequent locations of each Governor's Summer College shall be designated by the ~~Governor's Summer Colleges Council for selection by the~~ State Board of Education.

Section 7. Section 230.71, Florida Statutes, is amended to read:

230.71 Intergenerational school volunteer programs.—

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature to:

(a) Recognize and unite senior citizens and school children in order to enrich the lives of both.

(b) Promote activities between persons over the age of 50 years and school youth in school and nonschool settings.

(c) Create a mechanism for the development, expansion, and support of effective and innovative intergenerational school volunteer programs in the state.

(2) PROGRAMS.—Intergenerational school volunteer programs for persons over the age of 50 years and school youth from prekindergarten through grade 12 shall be administered, implemented, and conducted by school districts and developmental research schools pursuant to plans developed and approved as provided in this section.

(3) PLANS.—Each school district and developmental research school may submit to the Commissioner of Education ~~and the Intergenerational School Volunteer Advisory Board provided in subsection (6)~~ a plan for conducting an intergenerational school volunteer program. To be considered for approval and funding, each school district and developmental research school plan, or amendment to a plan, shall be submitted to the commissioner ~~and advisory board~~ by January 30 of each year. Each plan shall include the following components:

(a) A description of the program to be implemented, including a statement of the program objectives, activities, target population, number of students and seniors to be served, and identification of all federal, state, local, and other educational and noneducational entities involved in the program development. The program shall include activities for senior volunteer involvement aimed at enriching the lives of students and student activities aimed at enriching the lives of seniors. Program strategies shall include, but not be limited to, inducements as described in subsection (4).

(b) All services to be provided.

(c) The program budget, including identification of all federal, state, local, or other funds which will be used to support the program.

(d) The method of training senior and student volunteers.

(e) The expected results of the program, including a list of advantages and disadvantages to the senior citizens, students, teachers, community, and district school system.

(f) Evaluation procedures and outcome measures.

(4) INTERAGENCY COOPERATION AND COORDINATION.—School district and developmental research school programs shall cooperate and coordinate to the fullest extent possible with other related federal, state, and local educational and noneducational entities to maximize existing human and fiscal resources. The Commissioner of Education ~~and the Intergenerational School Volunteer Advisory Board provided in subsection (6)~~ shall identify, create, and facilitate mechanisms to ensure the coordination of intergenerational school volunteer program inducements, including, but not limited to, meals in schools, free or reduced tuition for courses offered at participating public educational institutions, and free or reduced-price admission to concerts, plays, or other cultural, educational, social, or health-related activities in the community.

(5) INTERGENERATIONAL SCHOOL VOLUNTEER TRUST FUND.—There is hereby created the Intergenerational School Volunteer Trust Fund from funds specifically appropriated by the Legislature for implementing the provisions of this section. The Department of Education is authorized to accept grants and donations from foundations, private sources, and the Federal Government which shall be deposited in the trust fund to carry out the purposes of this section. The department is authorized and directed to award grants annually no later than October 1 on a competitive basis to school districts and developmental research schools.

~~(6) ADVISORY BOARD.—There is created the Intergenerational School Volunteer Advisory Board to assist and advise the Commissioner of Education in the creation and improvement of intergenerational school volunteer programs.~~

~~(a) The board shall be composed of 22 members. The Governor shall appoint three members, one of whom shall be a school district senior~~

~~volunteer program coordinator. The President of the Senate shall appoint three members, one of whom shall be a school district senior volunteer program coordinator. The Speaker of the House of Representatives shall appoint three members, one of whom shall be a school district senior volunteer program coordinator. The president of the Florida Chamber of Commerce shall appoint one member. The chairperson of the Statewide School Volunteer Advisory Council shall appoint three members. The Secretary of Health and Rehabilitative Services shall appoint two members, one of whom shall be a member of the American Association of Retired Persons and one of whom shall be from the retired senior volunteer program. The Commissioner of Education shall appoint four members, to include a representative of the Department of Education's community education program, a school board member, a principal, and a senior participant from an intergenerational school volunteer program. The director of the Division of Cultural Affairs of the Department of State shall appoint one member. The Department of Elderly Affairs shall appoint one member. The director of Grandpeople, Inc., shall appoint one member who shall be a representative of the Foster Grandparent Program.~~

~~(b) The board is assigned to the Department of Education for administrative purposes.~~

~~(c) Board members shall serve for 3-year staggered terms. However, of the initial appointees, seven shall hold 1-year terms, eight shall hold 2-year terms, and seven shall hold 3-year terms. Five members who are appointed for less than a 3-year term may be reappointed.~~

~~(d) A vacancy shall be filled by the official who originally appointed the board member whose seat has become vacant.~~

~~(e) As soon as practicable following appointment of the board, the Commissioner of Education shall call an organizational meeting of the board. By majority vote of all its members, the board shall elect its own chairperson from among its members and adopt bylaws for its own governance. The chairperson shall preside over meetings of the board and perform other duties directed by the board or required by its duly adopted bylaws or operating procedures. Members of the board shall serve without compensation, but shall be reimbursed for per diem and travel expenses while engaged in board duties, as provided in s. 112.061.~~

~~(f) The powers and duties of the board shall begin with the 1990-1991 school year and shall include:~~

~~1. Advising the commissioner on the implementation of the provisions of this section.~~

~~2. Identifying and disseminating information about model intergenerational programs in the state.~~

~~3. Evaluating plans for intergenerational activities.~~

~~4. Making recommendations to the commissioner for approval of intergenerational school volunteer programs and the awarding of grants.~~

~~5. Developing a plan for more effective community awareness and support.~~

~~6. Advising the commissioner on the evaluation of current intergenerational school volunteer programs.~~

~~7. Filing with the Legislature by March 1, 1991, and annually thereafter, a report containing progress toward achieving the goals of this section.~~

(6)~~(7)~~ TECHNICAL ASSISTANCE.—The Department of Education shall develop a clearinghouse for any and all intergenerational material dissemination. The department shall develop manuals and guidelines for the development of school district and developmental research school plans and shall provide technical assistance to assist school districts and developmental research schools. The department shall identify exemplary programs in the state to serve as models and shall disseminate information on these programs to all school districts and developmental research schools.

(7)~~(8)~~ EVALUATION.—The Commissioner of Education shall conduct or contract for a study of the effectiveness of intergenerational school volunteer programs.

(8)~~(9)~~ RULES.—The State Board of Education shall adopt rules necessary to implement the provisions of this section.

Section 8. Subsections (9), (12), (13), and (14) of section 239.505, Florida Statutes, 1996 Supplement, are amended to read:

239.505 Florida constructive youth programs.—

(9) PROGRAM ELIGIBILITY.—Each school board or community college board of trustees requesting funding for a constructive youth program shall submit an application to the ~~Advisory Board on Constructive Youth Programs in accordance with procedures established by the board. The board shall review all applications submitted and forward applications with the board's recommendations to the~~ Department of Education, which is authorized to approve, continue, or terminate constructive youth programs, pursuant to the rules established by the State Board of Education. In addition to other criteria required by this section, each program shall submit continuing data to the department which must include, at a minimum, the following:

(a) Planning data to:

1. Describe the education, training activities and services, and work opportunities that will be provided to participants.

2. Describe the proposed construction or rehabilitation activities to be undertaken and the anticipated schedule for carrying out such activities.

3. Describe the educational services, job training, supportive services, and other services and activities that will be provided to participants.

4. Describe the manner in which participants will be recruited and selected, including a description of arrangements and agreements that will be made with community-based organizations, state and local educational agencies, federal agencies, public assistance agencies, juvenile courts, foster care agencies, and other applicable public and private agencies or organizations.

5. Describe the special outreach efforts that will be undertaken to recruit eligible young women, including women with dependent children.

6. Describe the special outreach efforts that will be undertaken to recruit eligible young farmworkers or migrant workers.

7. Describe how the proposed program will be coordinated with federal, state, and local programs, including vocational and adult education programs, teenage parent programs, job training programs provided with funds available under the Job Training Partnership Act, housing and economic development projects, and activities or projects that receive assistance under federal and state housing and community development statutes.

8. Provide a tentative budget.

9. Provide assurances that there will be a sufficient number of educational support employees, instructional personnel certified by the state pursuant to s. 231.17, and supervisory personnel in each program, and that these supervisory personnel are adequately trained in the skills needed to carry out the program.

10. Describe all activities that will be undertaken to develop the leadership skills of participants.

11. Set forth such other assurances, arrangements, and conditions as the department considers appropriate to carry out the purposes of this section.

(b) Implementation data to:

1. Describe the method of implementing and conducting the program and identify all services that will be made available to participants pursuant to the contents of planning materials submitted pursuant to paragraph (a).

2. Provide a detailed budget.

3. Describe the strategy utilized for interagency coordination in order to maximize existing human and fiscal resources.

4. Provide copies of all contracts and arrangements entered into between the constructive youth program and other agencies or entities.

5. Set forth such other assurances, arrangements, and conditions as the department considers appropriate to carry out the purposes of this program.

(c) Continuation data to:

1. Provide information on evaluation procedures used to measure performance of participants.

2. Provide information on the number of participants who achieve a high school diploma or a high school equivalency diploma prior to completion, upon completion, or within 6 months after completion of the constructive youth program.

3. Provide information on the level of education obtained by participants who do not obtain a high school or high school equivalency diploma.

4. Provide information on the effectiveness of the program, including cost-effectiveness.

5. Provide a detailed anticipated budget for continuation of the program and list all sources of funding requested, both public and private.

6. Describe procedures used for early identification of youths at risk of dropping out of the program and methods for retrieval of these youths.

7. Describe the degree to which the program's objectives and activities are consistent with the goals of this section.

8. Set forth such other assurances, arrangements, and conditions as the department considers appropriate to carry out the purposes of this section.

(d) Dissemination data to:

1. Develop a manual that includes a presentation of the intent and goals of the program, the degree to which the program's objectives have been met, examples of successful practices, identification of resources available to supplement the program's budget, and other information that will assist in the successful implementation of the program by another school district or community college.

2. Provide detailed information on the various programs and activities available to participants and the successful or unsuccessful utilization of the various programs and activities by participants.

3. Provide, in detail, any changes in the basic format of the constructive youth program or its implementation and administration.

~~(12) ADVISORY BOARD.—There is created the Advisory Board on Constructive Youth Programs which shall provide ongoing technical assistance to each school district or community college establishing a constructive youth program. The Commissioner of Education, the Secretary of Health and Rehabilitative Services, the Secretary of Community Affairs, and the Secretary of Labor and Employment Security shall each appoint two members to the advisory board. In addition, a private sector representative of the State Job Training Coordinating Council shall be appointed by the Governor. All members shall be appointed for 4-year terms and may be removed by the State Board of Education for cause or upon the written petition of a majority of the remaining board members. Members shall serve without compensation, but shall be entitled to receive reimbursement for per diem and travel expenses consistent with the provisions of s. 112.061. The purpose and function of the board is as follows:~~

~~(a) To propose rules necessary for the implementation of the provisions of this section to the State Board of Education.~~

~~(b) To establish a unified application procedure to streamline the entire application process.~~

~~(c) To establish criteria for recommending programs for approval to the Commissioner of Education.~~

~~(d) To provide recommendations for ongoing technical assistance to school districts and community colleges establishing constructive youth programs.~~

(12)~~(13)~~ REPORT FROM COMMISSIONER OF EDUCATION.—The Commissioner of Education shall report to the Legislature no later than January 1, 1993, recommendations for modifications of statutes or rules of the State Board of Education which are necessary to remove statutory or regulatory barriers that may affect implementation of constructive youth programs.

(13)~~(14)~~ RULES.—The State Board of Education may amend existing rules and adopt new rules~~, including any proposed rule recommended by the Advisory Board on Constructive Youth Programs,~~ necessary to implement the provisions of this section.

Section 9. *(1) Section 288.973, Florida Statutes, as created by chapter 94-323, Laws of Florida, and amended by chapters 95-148, 96-230, and 96-348, Laws of Florida; and section 288.974, Florida Statutes, as created by chapter 94-323, Laws of Florida, and amended by chapter 96-348, Laws of Florida, are repealed.*

(2) This section shall take effect October 1, 1997.

Section 10. Effective October 1, 1997, paragraph (d) of subsection (6) of section 288.1045, Florida Statutes, 1996 Supplement, is amended to read:

288.1045 Qualified defense contractor tax refund program.—

(6) ADMINISTRATION.—

(d) By *December 1* ~~September 30~~ of each year, the department shall submit a complete and detailed report to the *Governor, the President of the Senate, and the Speaker of the House of Representatives* ~~Defense Conversion and Transition Commission, created under Executive Order 93-118,~~ of all tax refunds paid under this section, including analyses of benefits and costs, types of projects supported, employment and investment created, geographic distribution of tax refunds granted, and minority business participation. The report must indicate whether the moneys appropriated by the Legislature to the qualified applicant tax refund program were expended in a prudent, fiducially sound manner. ~~By December 1 of each year, the Defense Conversion and Transition Commission shall review and comment on the report, and shall submit the report together with the commission's comments to the Governor, the President of the Senate, and the Speaker of the House of Representatives.~~

Section 11. Section 408.033, Florida Statutes, is amended to read:

408.033 Local and state health planning.—

(1) LOCAL HEALTH COUNCILS.—

(a) Local health councils are hereby established as public or private nonprofit agencies serving the counties of a district or regional area of the agency. The members of each council shall be appointed in an equitable manner by the county commissions having jurisdiction in the respective district. Each council shall be composed of a number of persons equal to 1½ times the number of counties which compose the district or 12 members, whichever is greater. Each county in a district shall be entitled to at least one member on the council. The balance of the membership of the council shall be allocated among the counties of the district on the basis of population rounded to the nearest whole number; except that in a district composed of only two counties, no county shall have fewer than four members. The appointees shall be representatives of health care providers, health care purchasers, and nongovernmental health care consumers, but not excluding elected government officials. The members of the consumer group shall include a representative number of persons over 60 years of age. A majority of council members shall consist of health care purchasers and health care consumers. The local health council shall provide each county commission a schedule for appointing council members to ensure that council membership complies with the requirements of this paragraph. The members of the local health council shall elect a chairman. Members shall serve for terms of 2 years and may be eligible for reappointment.

(b) Each local health council may:

1. Develop a district or regional area health plan that is consistent with the objectives and strategies in the state health plan, but that shall

permit each local health council to develop strategies and set priorities for implementation based on its unique local health needs. The district or regional area health plan must contain preferences for the development of health services and facilities, which may be considered by the agency in its review of certificate-of-need applications. The district health plan shall be submitted to the agency and updated periodically. The district health plans shall use a uniform format and be submitted to the agency according to a schedule developed by the agency in conjunction with the ~~Statewide Health Council and the~~ local health councils. The schedule must provide for coordination between the development of the state health plan and the district health plans and for the development of district health plans by major sections over a multiyear period. The elements of a district plan which are necessary to the review of certificate-of-need applications for proposed projects within the district may be adopted by the agency as a part of its rules.

2. Advise the agency on health care issues and resource allocations.

3. Promote public awareness of community health needs, emphasizing health promotion and cost-effective health service selection.

4. Collect data and conduct analyses and studies related to health care needs of the district, including the needs of medically indigent persons, and assist the agency and other state agencies in carrying out data collection activities that relate to the functions in this subsection.

5. Monitor the onsite construction progress, if any, of certificate-of-need approved projects and report council findings to the agency on forms provided by the agency.

6. Advise and assist any regional planning councils within each district that have elected to address health issues in their strategic regional policy plans with the development of the health element of the plans to address the health goals and policies in the State Comprehensive Plan.

7. Advise and assist local governments within each district on the development of an optional health plan element of the comprehensive plan provided in chapter 163, to assure compatibility with the health goals and policies in the State Comprehensive Plan and district health plan. To facilitate the implementation of this section, the local health council shall annually provide the local governments in its service area, upon request, with:

a. A copy and appropriate updates of the district health plan;

b. A report of hospital and nursing home utilization statistics for facilities within the local government jurisdiction; and

c. Applicable agency rules and calculated need methodologies for health facilities and services regulated under s. 408.034 for the district served by the local health council.

8. Monitor and evaluate the adequacy, appropriateness, and effectiveness, within the district, of local, state, federal, and private funds distributed to meet the needs of the medically indigent and other underserved population groups.

9. In conjunction with the *Agency for Health Care Administration* ~~Department of Health and Rehabilitative Services and Statewide Health Council~~, plan for services at the local level for persons infected with the human immunodeficiency virus.

10. Provide technical assistance to encourage and support activities by providers, purchasers, consumers, and local, regional, and state agencies in meeting the health care goals, objectives, and policies adopted by the local health council.

11. Provide the agency with data required by rule for the review of certificate-of-need applications and the projection of need for health services and facilities in the district.

(c) Local health councils may conduct public hearings pursuant to s. 408.039(3)(b).

(d) Each local health council shall enter into a memorandum of agreement with each regional planning council in its district that elects to address health issues in its strategic regional policy plan. In addition, each local health council shall enter into a memorandum of agreement with each local government that includes an optional health element in its comprehensive plan. Each memorandum of agreement must specify the manner in which each local government, regional planning council, and local health council will coordinate its activities to ensure a unified approach to health planning and implementation efforts.

(e) Local health councils may employ personnel to carry out the councils' purposes. Such personnel shall possess qualifications and be compensated in a manner commensurate with comparable positions in the Career Service System. However, such personnel shall not be deemed to be state employees.

(f) Personnel of the local health councils shall provide an annual orientation to council members about council member responsibilities. The orientation shall include presentations and participation by agency staff.

(g) Each local health council is authorized to accept and receive, in furtherance of its health planning functions, funds, grants, and services from governmental agencies and from private or civic sources and to perform studies related to local health planning in exchange for such funds, grants, or services. Each local health council shall, no later than January 30 of each year, render an accounting of the receipt and disbursement of such funds received by it to the agency. The agency shall consolidate all such reports and submit such consolidated report to the Legislature no later than March 1 of each year. Funds received by a local health council pursuant to this paragraph shall not be deemed to be a substitute for, or an offset against, any funding provided pursuant to subsection *(2)* ~~(3)~~.

~~(2) STATEWIDE HEALTH COUNCIL.—The Statewide Health Council is hereby established as a state-level comprehensive health planning and policy advisory board. For administrative purposes, the council shall be located within the agency. The Statewide Health Council shall be composed of: the State Health Officer; the Deputy Director for Health Policy and Cost Control and the Deputy Director for Health Quality Assurance of the department; the director of the Health Care Board; the Insurance Commissioner or his designee; the Vice Chancellor for Health Affairs of the Board of Regents; three chairmen of regional planning councils, selected by the regional planning councils; five chairmen of local health councils, selected by the local health councils; four members appointed by the Governor, one of whom is a consumer over 60 years of age, one of whom is a representative of organized labor, one of whom is a physician, and one of whom represents the nursing home industry; five members appointed by the President of the Senate, one of whom is a representative of the insurance industry in this state, one of whom is the chief executive officer of a business with more than 300 employees in this state, one of whom represents the hospital industry, one of whom is a primary care physician, and one of whom is a nurse, and five members appointed by the Speaker of the House of Representatives, one of whom is a consumer who represents a minority group in this state, one of whom represents the home health care industry in this state, one of whom is an allied health care professional, one of whom is the chief executive officer of a business with fewer than 25 employees in this state, and one of whom represents a county social services program that provides health care services to the indigent. Appointed members of the council shall serve for 2-year terms commencing October 1 of each even-numbered year. The council shall elect a president from among the members who are not state employees. The Statewide Health Council shall:~~

~~(a) Advise the Governor, the Legislature, and the department on state health policy issues, state and local health planning activities, and state health regulation programs;~~

~~(b) Prepare a state health plan that specifies subgoals, quantifiable objectives, strategies, and resource requirements to implement the goals and policies of the health element of the State Comprehensive Plan. The plan must assess the health status of residents of this state; evaluate the adequacy, accessibility, and affordability of health services and facilities; assess government-financed programs and private health care insurance coverages; and address other topical local and state health care issues. Within 2 years after the health element of the State Comprehensive Plan is amended, and by July 1 of every 3rd year, if it is not amended, the Statewide Health Council shall submit the state health plan to the Executive Office of the Governor, the secretary of the department, the President of the Senate, and the Speaker of the House of Representatives;~~

~~(c) Promote public awareness of state health care issues and, in conjunction with the local health councils, conduct public forums throughout the state to solicit the comments and advice of the public on the adequacy, accessibility, and affordability of health care services in this state and other health care issues;~~

~~(d) Consult with local health councils, the Department of Insurance, the Department of Health and Rehabilitative Services, and other appropriate public and private entities, including health care industry representatives regarding the development of health policies;~~

~~(e) Serve as a forum for the discussion of local health planning issues of concern to the local health councils and regional planning councils;~~

~~(f) Review district health plans for consistency with the State Comprehensive Plan and the state health plan;~~

~~(g) Review the health components of agency functional plans for consistency with the health element of the State Comprehensive Plan, advise the Executive Office of the Governor regarding inconsistencies, and recommend revisions to agency functional plans to make them consistent with the State Comprehensive Plan;~~

~~(h) Review any strategic regional plans that address health issues for consistency with the health element of the State Comprehensive Plan, advise the Executive Office of the Governor regarding inconsistencies, and recommend revisions to strategic regional policy plans to make them consistent with the State Comprehensive Plan;~~

~~(i) Assist the Department of Community Affairs in the review of local government comprehensive plans to ensure consistency with policy developed in the district health plans;~~

~~(j) With the assistance of the local health councils, conduct public forums and use other means to determine the opinions of health care consumers, providers, payors, and insurers regarding the state's health care goals and policies and develop suggested revisions to the health element of the State Comprehensive Plan. The council shall submit the proposed revisions to the health element of the State Comprehensive Plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 1993, and shall widely circulate the proposed revisions to affected parties. The council shall periodically assess the progress made in achieving the goals and policies contained in the health element of the State Comprehensive Plan and report to the department, the Governor, the President of the Senate, and the Speaker of the House of Representatives; and~~

~~(k) Conduct any other functions or studies and analyses falling under the duties listed above.~~

(2)~~(3)~~ FUNDING.—

(a) The Legislature intends that the cost of local health councils ~~and the Statewide Health Council~~ be borne by application fees for certificates of need and by assessments on selected health care facilities subject to facility licensure by the Agency for Health Care Administration, including abortion clinics, assisted living facilities, ambulatory surgical centers, birthing centers, clinical laboratories except community nonprofit blood banks, home health agencies, hospices, hospitals, intermediate care facilities for the developmentally disabled, nursing homes, and multiphasic testing centers and by assessments on organizations subject to certification by the agency pursuant to chapter 641, part III, including health maintenance organizations and prepaid health clinics.

(b)1. A hospital licensed under chapter 395, a nursing home licensed under chapter 400, and an assisted living facility licensed under chapter 400 shall be assessed an annual fee based on number of beds.

2. All other facilities and organizations listed in paragraph (a) shall each be assessed an annual fee of $150.

3. Facilities operated by the Department of Health and Rehabilitative Services or the Department of Corrections and any hospital which meets the definition of rural hospital pursuant to s. 395.602 are exempt from the assessment required in this subsection.

(c)1. The agency shall, by rule, establish fees for hospitals and nursing homes based on an assessment of $2 per bed. However, no such facility shall be assessed more than a total of $500 under this subsection.

2. The agency shall, by rule, establish fees for assisted living facilities based on an assessment of $1 per bed. However, no such facility shall be assessed more than a total of $150 under this subsection.

3. The agency shall, by rule, establish an annual fee of $150 for all other facilities and organizations listed in paragraph (a).

(d) The agency shall, by rule, establish a facility billing and collection process for the billing and collection of the health facility fees authorized by this subsection.

(e) A health facility which is assessed a fee under this subsection is subject to a fine of $100 per day for each day in which the facility is late in submitting its annual fee up to maximum of the annual fee owed by the facility. A facility which refuses to pay the fee or fine is subject to the forfeiture of its license.

(f) The agency shall deposit in the Health Care Trust Fund all health care facility assessments that are assessed under this subsection and proceeds from the certificate-of-need application fees which are sufficient to maintain the aggregate funding level for the local health councils ~~and the Statewide Health Council~~ as specified in the General Appropriations Act. The remaining certificate-of-need application fees shall be used only for the purpose of administering the Health Facility and Services Development Act.

(3)~~(4)~~ DUTIES AND RESPONSIBILITIES OF THE *AGENCY* ~~DEPARTMENT~~.—

(a) The *agency* ~~department~~, in conjunction with the ~~Statewide Health Council and the~~ local health councils, is responsible for the planning of all health care services in the state and for ~~assisting the Statewide Health Council in~~ the preparation of the state health plan.

(b) The *agency* ~~department~~ shall develop and maintain a comprehensive health care database for the purpose of health planning and for certificate-of-need determinations. The *agency* ~~department~~ or its contractor is authorized to require the submission of information from health facilities, health service providers, and licensed health professionals which is determined by the *agency* ~~department~~, through rule, to be necessary for meeting the *agency's* ~~department's~~ responsibilities as established in this section.

(c) The *agency* ~~department~~ shall assist personnel of the local health councils in providing an annual orientation to council members about council member responsibilities.

(d) The *agency* ~~department~~ shall contract with the local health councils for the services specified in subsection (1). All contract funds shall be distributed according to an allocation plan developed by the *agency* ~~department~~ that provides for a minimum and equal funding base for each local health council. Any remaining funds shall be distributed based on adjustments for workload. The *agency* ~~department~~ may also make grants to or reimburse local health councils from federal funds provided to the state for activities related to those functions set forth in this section. The *agency* ~~department~~ may withhold funds from a local health council or cancel its contract with a local health council which does not meet performance standards agreed upon by the *agency* ~~department~~ and local health councils.

Section 12. *Subsection (9) of section 186.003, Florida Statutes, as amended by chapter 95-280, Laws of Florida, and subsection (9) of section 186.503, Florida Statutes, as amended by chapter 95-280, Laws of Florida, are repealed.*

Section 13. Subsection (3) of section 186.022, Florida Statutes, 1996 Supplement, is amended to read:

186.022 State agency strategic plans; preparation, form, and review.—

(3) The Executive Office of the Governor shall review the state agency strategic plans to ensure that they are consistent with the state comprehensive plan and other requirements as specified in the written instructions. In its review, the Executive Office of the Governor shall consider all comments received in formulating required revisions. This shall include:

~~(a) The findings of the Statewide Health Council's review of the consistency of the health components of agency strategic plans with the health element of the state comprehensive plan;~~

(a)~~(b)~~ The findings of the review of the Information Resource Commission with respect to the strategic information resources management issues not covered under paragraph (d); and

(b)~~(c)~~ The findings of the Criminal and Juvenile Justice Information Systems Council's review with respect to public safety system strategic information technology resources management issues.

Within 60 days, reviewed plans shall be returned to the agency, together with any required revisions.

Section 14. Subsection (1) of section 186.508, Florida Statutes, 1996 Supplement, is amended to read:

186.508 Strategic regional policy plan adoption; consistency with state comprehensive plan.—

(1) Each regional planning council shall submit to the Executive Office of the Governor its proposed strategic regional policy plan on a schedule adopted by rule by the Executive Office of the Governor to coordinate implementation of the strategic regional policy plans with the evaluation and appraisal reports required by s. 163.3191. The Executive Office of the Governor, or its designee, shall review the proposed strategic regional policy plan for consistency with the adopted state comprehensive plan and shall, within 60 days, return the proposed strategic regional policy plan to the council, together with any revisions recommended by the Governor. ~~The Executive Office of the Governor must consider the findings of the Statewide Health Council's review of the consistency of the health elements of the strategic regional policy plans with the health element of the state comprehensive plan in formulating recommended revisions to the strategic regional policy plans if the regional planning council has elected to address health issues in its strategic regional policy plan.~~ The Governor's recommended revisions shall be included in the plans in a comment section. However, nothing herein shall preclude a regional planning council from adopting or rejecting any or all of the revisions as a part of its plan prior to the effective date of the plan. The rules adopting the strategic regional policy plan shall not be subject to rule challenge under s. 120.56(2) or to drawout proceedings under s. 120.54(3)(c)2., but, once adopted, shall be subject to an invalidity challenge under s. 120.56(3) by substantially affected persons, including the Executive Office of the Governor. The rules shall be adopted by the regional planning councils within 90 days after receipt of the revisions recommended by the Executive Office of the Governor, and shall become effective upon filing with the Department of State, notwithstanding the provisions of s. 120.54(3)(e)6.

Section 15. Paragraph (i) of subsection (4) of section 240.5121, Florida Statutes, is amended to read:

240.5121 Cancer control and research.—

(4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL; CREATION; COMPOSITION.—

(i) The council shall approve each year a program for cancer control and research to be known as the "Florida Cancer Plan" which shall be consistent with the State Health Plan ~~developed by the Statewide Health Council~~ and integrated and coordinated with existing programs in this state.

Section 16. Subsection (1) of section 395.604, Florida Statutes, is amended to read:

395.604 Other rural hospital programs.—

(1) The agency may license rural primary care hospitals subject to federal approval for participation in the Medicare and Medicaid programs. Rural primary care hospitals shall be treated in the same manner as emergency care hospitals and rural hospitals with respect to ss. 395.605(2)-(8)(a), 408.033*(2)*~~(3)~~(b)3., and 408.038.

Section 17. Section 408.038, Florida Statutes, is amended to read:

408.038 Fees.—The department shall assess fees on certificate-of-need applications. Such fees shall be for the purpose of funding ~~the Statewide Health Council,~~ the functions of the local health councils~~,~~ and the activities of the department and shall be allocated as provided in s. 408.033. The fee shall be determined as follows:

(1) A minimum base fee of $5,000.

(2) In addition to the base fee of $5,000, 0.015 of each dollar of proposed expenditure, except that a fee may not exceed $22,000.

Section 18. Paragraph (b) of subsection (4) of section 408.039, Florida Statutes, 1996 Supplement, is amended to read:

408.039 Review process.—The review process for certificates of need shall be as follows:

(4) STAFF RECOMMENDATIONS.—

(b) Within 60 days after all the applications in a review cycle are determined to be complete, the department shall issue its State Agency Action Report and Notice of Intent to grant a certificate of need for the project in its entirety, to grant a certificate of need for identifiable portions of the project, or to deny a certificate of need. The State Agency Action Report shall set forth in writing its findings of fact and determinations upon which its decision is based. If a finding of fact or determination by the department is counter to the district plan of the local health council, the department shall provide in writing its reason for its findings, item by item, to the local health council ~~and the Statewide Health Council~~. If the department intends to grant a certificate of need, the State Agency Action Report or the Notice of Intent shall also include any conditions which the department intends to attach to the certificate of need. The department shall designate by rule a senior staff person, other than the person who issues the final order, to issue State Agency Action Reports and Notices of Intent.

Section 19. Subsection (1) of section 408.0455, Florida Statutes, is amended to read:

408.0455 Effect of ss. 408.031-408.045; rules; health councils and plans; pending proceedings.—

(1) Nothing contained in ss. 408.031-408.045 is intended to repeal or modify any of the existing rules of the Department of Health and Rehabilitative Services, which shall remain in effect and shall be enforceable by the Agency for Health Care Administration; the existing composition of the local health councils ~~and the Statewide Health Council~~; or the state health plan; or any of the local district health plans, unless, and only to the extent that, there is a direct conflict with the provisions of ss. 408.031-408.045.

Section 20. *Chapter 30280, Laws of Florida, 1955, as amended by chapters 77-530, 86-395, and 94-421, Laws of Florida, is repealed.*

Section 21. *Chapter 57-700, Laws of Florida, as amended by chapters 59-875, 61-545, and 67-952, Laws of Florida, is repealed.*

Section 22. *Chapter 59-1939, Laws of Florida, as amended by chapter 83-530, Laws of Florida, is repealed.*

Section 23. *Chapter 67-2027, Laws of Florida, is repealed.*

Section 24. *Chapter 71-926, Laws of Florida, is repealed.*

Section 25. *Section 79 of chapter 90-201, Laws of Florida, is repealed.*

Section 26. *Section 1 of chapter 90-232, Laws of Florida, is repealed.*

Section 27. *The following proviso of section 1 of chapter 91-193, Laws of Florida, is repealed:*

~~There is hereby created a nine (9) member task force on Productivity Enhancement which shall consist of three members appointed by the Governor, three members appointed by the Speaker of the House, and three members appointed by the President of the Senate. The task force shall review all agency productivity plans and make recommendations. Elements of productivity plans that involve automation or innovative technologies, that are on approved IRC plans may be recommended for release by the task force as soon as practicable. Recommendations on productivity enhancement that involve training, salaries and benefits shall be made by January 1, 1992.~~

~~The Productivity Enhancement Plans submitted in accordance with the 1991-92 Governor's Recommended Budget will serve as the catalyst for the task force review, and specific focus shall be given, but~~

~~not limited to, the areas of automation and innovative technologies, employee training, and salary and benefits issues. Each agency shall amend their productivity enhancement plan in accordance with the actual agency budget reduction contained in the 1991-92 General Appropriations Act.~~

~~Each agency may choose to participate in a vacant position reserve pool to increase the resources available for the purpose of implementing their productivity enhancement plans. If a position becomes vacant after July 1, 1991, an agency may request the Office of Planning and Budgeting to place the position, rate, and dollars in a reserve pool to be credited towards the agency's productivity plan. The task force shall consider the funds available in the reserve pool when making recommendations to the Executive Office of the Governor.~~

Section 28. *Section 63 of chapter 93-164, Laws of Florida, is repealed.*

Section 29. *Sections 23 and 24 of chapter 94-292, Laws of Florida, are repealed.*

Section 30. *The proviso following line item 1417A of section 1A of chapter 94-357, Laws of Florida, is repealed:*

~~Funds in Specific Appropriation 1417A are provided to create the Commission on Long-Term Care in Florida, which for administrative purposes, is assigned to the Joint Legislative Management Committee. The commission shall consist of 18 members with the President of the Senate, the Speaker of the House of Representatives, and the Governor appointing four members each. In addition to these appointments, the Director of the Agency for Health Care Administration, the Chairperson of the State Long-Term Care Ombudsman Council and the Secretaries of the Department of Elderly Affairs, the Department of Health and Rehabilitative Services, the Department of Insurance, and the Department of Labor and Employment Security, or a designee of any of these officials, shall serve as members of the commission. A chairperson and vice chairperson shall be elected by the members. Members of the commission shall serve without compensation but are entitled to receive reimbursement for per diem and travel as provided in section 112.061, F.S. The commission must submit its first report on December 1, 1994, to the President of the Senate, Speaker of the House of Representatives, and the chairpersons of relevant substantive and appropriations committees of each house of the Legislature.~~

Section 31. Except as otherwise provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Remove from the title of the bill the entire title and insert in lieu thereof: A bill to be entitled An act relating to advisory bodies and other governmental entities; amending s. 20.13, F.S.; deleting a reference to a Bureau of Insurance Systems in the Department of Insurance; transferring, renumbering, and amending s. 14.30, F.S.; transferring the Commission on Government Accountability to the People from the Executive Office of the Governor to the Department of Management Services; transferring commission powers, duties, rules, appropriations, and personnel; amending s. 14.203, F.S., relating to the State Council on Competitive Government; correcting a cross-reference; amending s. 27.36, F.S., to conform to the abolition of the Council on Organized Crime; amending s. 228.0875, F.S.; terminating the Governor's Summer Colleges Council; amending s. 230.71, F.S.; terminating the Intergenerational School Volunteer Advisory Board; amending s. 239.505, F.S.; terminating the Advisory Board on Constructive Youth Programs; repealing ss. 288.973, 288.974, F.S., to terminate the Florida Defense Conversion and Transition Commission and its powers and duties; amending s. 288.1045, F.S., to conform; amending s. 408.033, F.S., relating to local and state health planning; terminating the Statewide Health Council; amending ss. 186.022, 186.508, 240.5121, 395.604, 408.038, 408.039, 408.0455, F.S., and repealing ss. 186.003(9), 186.503(9), relating to definitions of the council, to conform; repealing chapter 30280, Laws of Florida, 1955, as amended, to terminate the Clay County Hospital District and the Clay County Hospital Authority; repealing chapter 57-700, Laws of Florida, as amended, to terminate the Suwanee River Authority; repealing chapter 59-1939, Laws of Florida, as amended, to terminate the Union County Development Authority; repealing chapter 67-2027, Laws of Florida, to terminate the Santa Rosa County Airport and Industrial Authority; repealing chapter 71-926, Laws of Florida, to terminate the Sumter County Hospital Authority; repealing s. 79, ch. 90-201, Laws of Florida, to terminate the International Language Institute Advisory Council; repealing s. 1, ch. 90-232, Laws of Florida, to terminate the Task Force on County Contributions to Medicaid; repealing proviso language in s. 1, ch. 91-193, Laws of Florida, to terminate the Task Force on Productivity Enhancement; repealing s. 63, ch. 93-164, Laws of Florida, to terminate the Commission to Study the Safety and Security of Railroad-Highway Grade Crossings; repealing ss. 23, 24, ch. 94-292, Laws of Florida, to terminate the Florida Education Facilities Study Committee; repealing proviso language in s. 1A, ch. 94-357, Laws of Florida, to terminate the Commission on Long-Term Care in Florida; providing effective dates.

On motion by Senator Williams, the Senate concurred in the House amendment.

SB 702 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Madam President	Diaz-Balart	Jenne	Ostalkiewicz
Bankhead	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Gutman	Kurth	Sullivan
Casas	Hargrett	Latvala	Turner
Clary	Harris	Lee	Williams
Crist	Holzendorf	Meadows	
Dantzler	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Bronson, Childers, Cowin, Grant, McKay, Thomas

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 948, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 948—A bill to be entitled An act relating to medical practitioners; requiring physicians, osteopathic physicians, podiatrists, and chiropractors to furnish specified biographical and other data to the Department of Health; requiring the department to verify certain of the information and compile the information submitted and other public record information into a practitioner profile of each licensee and to make the profiles available to the public; providing for rules; providing duties of practitioners to update information and duties of the department to update profiles; providing for retention of information in superseded profiles; amending ss. 458.311, 458.313, 458.319, F.S.; requiring applicants for licensure or relicensure as physicians to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 459.0055, 459.008, F.S.; requiring applicants for licensure or relicensure as osteopathic physicians to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 460.406, 460.407, F.S.; requiring applicants for licensure or relicensure as chiropractors to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 461.006, 461.007, F.S.; requiring applicants for licensure or relicensure as podiatrists to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending s. 455.225, F.S.; providing legislative intent; revising procedures to discipline professionals; requiring the Agency for Health Care Administration or appropriate regulatory boards to establish plans to resolve incomplete investigations or disciplinary proceedings; amending ss. 458.320, 459.0085, F.S.; requiring the agency to issue an emergency order suspending the license of a physician or osteopathic physician for certain violations; amending s. 455.2285, F.S.; requiring additional information in the annual report by the department and by the agency; creating s. 455.2478, F.S.; providing that reports on professional liability actions and information relating to bankruptcy proceedings of specified health care practitioners which are

in the possession of the Department of Health are public records; requiring the department to make such information available to persons who request it; amending s. 627.912, F.S.; providing for insurer reporting of professional liability claims and actions; revising the timeframe for reporting; providing penalties; providing for a toll-free telephone number for reporting complaints relating to medical care; providing applicability; amending ss. 458.316, 458.3165, 458.317, F.S.; conforming cross-references; providing an effective date.

House Amendment 1 (with title amendment)—On page 3, between line(s) 5 and 6 of the bill insert:

Section 1. Subsection (3) of section 20.43, Florida Statutes, 1996 Supplement, is amended to read:

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

(3) The following divisions of the Department of Health are established:

(a) Division of Administration.

(b) Division of Environmental Health.

(c) Division of Disease Control.

(d) Division of Family Services.

(e) Division of Children's Medical Services.

(f) ~~Effective July 1, 1997,~~ Division of Medical Quality Assurance, which is responsible for the following boards and professions established within the division:

1. Nursing assistants, as provided under s. 400.211.

2. Health care services pools, as provided under s. 402.48.

3. The Board of Acupuncture, created under chapter 457.

4. The Board of Medicine, created under chapter 458.

5. The Board of Osteopathic Medicine, created under chapter 459.

6. The Board of Chiropractic, created under chapter 460.

7. The Board of Podiatric Medicine, created under chapter 461.

8. Naturopathy, as provided under chapter 462.

9. The Board of Optometry, created under chapter 463.

10. The Board of Nursing, created under chapter 464.

11. The Board of Pharmacy, created under chapter 465.

12. The Board of Dentistry, created under chapter 466.

13. Midwifery, as provided under chapter 467.

14. The Board of Speech-Language Pathology and Audiology, created under part I of chapter 468.

15. The Board of Nursing Home Administrators, created under part II of chapter 468.

16. Occupational therapy, as provided under part III of chapter 468.

17. Respiratory therapy, as provided under part V of chapter 468.

18. Dietetics and nutrition practice, as provided under part X of chapter 468.

19. Athletic trainers, as provided under part XIV of chapter 468.

20. Electrolysis, as provided under chapter 478.

21. The Board of Massage, created under chapter 480.

22. The Board of Clinical Laboratory Personnel, created under part IV of chapter 483.

23. Medical physicists, as provided under part V of chapter 483.

24. The Board of Opticianry, created under part I of chapter 484.

25. The Board of Hearing Aid Specialists, created under part II of chapter 484.

26. The Board of Physical Therapy Practice, created under chapter 486.

27. The Board of Psychology, created under chapter 490.

28. The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491.

The department *may* ~~shall~~ contract with the Agency for Health Care Administration who shall provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

Section 2. Section 11 of Chapter 96-403, Laws of Florida, is amended to read:

Section 11. Effective July 1, 1997, the regulation of nursing assistants, as provided under s. 400.211, Florida Statutes; health care services pools, as provided under s. 402.48, Florida Statutes; the Board of Acupuncture, created under chapter 457, Florida Statutes; the Board of Medicine, created under chapter 458, Florida Statutes; the Board of Osteopathic Medicine, created under chapter 459, Florida Statutes; the Board of Chiropractic, created under chapter 460, Florida Statutes; the Board of Podiatric Medicine, created under chapter 461, Florida Statutes; naturopathy, as provided under chapter 462, Florida Statutes; the Board of Optometry, created under chapter 463, Florida Statutes; the Board of Nursing, created under chapter 464, Florida Statutes; the Board of Pharmacy, created under chapter 465, Florida Statutes; the Board of Dentistry, created under chapter 466, Florida Statutes; midwifery, as provided under chapter 467, Florida Statutes; the Board of Speech-Language Pathology and Audiology, created under part I of chapter 468, Florida Statutes; the Board of Nursing Home Administrators, created under part II of chapter 468, Florida Statutes; occupational therapy, as provided under part III of chapter 468, Florida Statutes; respiratory therapy, as provided under part V of chapter 468, Florida Statutes; dietetics and nutrition practice, as provided under part X of chapter 468, Florida Statutes; electrolysis, as provided under chapter 478, Florida Statutes; the Board of Clinical Laboratory Personnel, created under part IV of chapter 483, Florida Statutes; medical physicists, as provided under part V of chapter 483, Florida Statutes; the Board of Opticianry, created under part I of chapter 484, Florida Statutes; the Board of Physical Therapy Practice, created under chapter 486, Florida Statutes; the Board of Psychology, created under chapter 490, Florida Statutes; and the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491, Florida Statutes, under the Division of Health Quality Assurance of the Agency for Health Care Administration, or under the agency, within the Department of Business and Professional Regulation, *but not including personnel, property, and unexpended balances of appropriations related to consumer complaints, investigative and prosecutorial services,* ~~including all licensing, examination, publication, administrative, and management information services, but not consumer complaint, investigative, or prosecutorial services, provided by the Agency for Health Care Administration,~~ is transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, and assigned to the Division of Medical Quality Assurance within the Department of Health, as created by this act.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 2, insert after the semicolon: amending s. 20.43, F.S.; providing for the transfer of the functions for complaints, investigations, and prosecutions to the Department of Health; amending s. 11 of chapter 96-403, L.O.F.; providing for the transfer of the functions for complaints, investigations; and prosecutions to the Department of Health;

House Amendment 2—On page 47, line(s) 17-25, remove from the bill all of said lines and insert in lieu thereof:

(4) There shall be no liability on the part of, and no cause of action of any nature shall arise against, any insurer reporting hereunder or its agents or employees or the department or its employees for any action

taken by them *under* ~~pursuant to~~ this section. *The department may impose a fine of $250 per day per case, but not to exceed a total of $1,000 per case against an insurer that violates the requirements of this section. This subsection applies to claims accruing on or after October 1, 1997.*

On motion by Senator Brown-Waite, the Senate concurred in the House amendments.

CS for SB 948 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Madam President	Dantzler	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Jenne	Rossin
Bronson	Dudley	Jones	Scott
Brown-Waite	Dyer	Kirkpatrick	Silver
Burt	Forman	Klein	Sullivan
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Latvala	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB's 1306 and 1934, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB's 1306 and 1934—A bill to be entitled An act relating to brownfields redevelopment; creating s. 376.77, F.S.; providing a short title; creating s. 376.78, F.S.; providing legislative intent; creating s. 376.79, F.S.; defining terms; creating s. 376.80, F.S.; providing for a brownfield program administration process; creating s. 376.81, F.S.; providing for brownfield site contamination cleanup criteria; creating s. 376.82, F.S.; providing for eligibility criteria and liability protection; creating s. 376.83, F.S.; providing penalties; providing for pilot projects; providing appropriations; requiring the Department of Environmental Protection to report annually to the Legislature; providing an exception to deadline for receipt of reimbursement applications received pursuant to s. 376.3071, F.S.; providing an effective date.

House Amendment 1—On page 3, line 28, through page 4, line 28, remove from the bill all of said lines and insert in lieu thereof:

376.79 Definitions.—As used in ss. 376.77-376.85, the term:

(1) "Additive effects" means a scientific principle that the toxicity that occurs as a result of exposure is the sum of the toxicities of the individual chemicals to which the individual is exposed.

(2) "Antagonistic effects" means a scientific principle that the toxicity that occurs as a result of exposure is less than the sum of the toxicities of the individual chemicals to which the individual is exposed.

(3) "Brownfield sites" means sites that are generally abandoned, idled, or under-used industrial and commercial properties where expansion or redevelopment is complicated by actual or perceived environmental contamination.

(4) "Brownfield area" means a contiguous area of one or more brownfield sites, some of which may not be contaminated, and which has been designated by a local government by resolution. Such areas may include all or portions of community redevelopment areas, enterprise zones, empowerment zones, other such designated economically deprived communities and areas, and Environmental Protection Agency-designated brownfield pilot projects.

(5) "Contaminated site" means any contiguous land, surface water, or groundwater areas that contain contaminants that may be harmful to human health or the environment.

(6) "Department" means the Department of Environmental Protection.

(7) "Engineering controls" means modifications to a site to reduce or eliminate the potential for exposure to contaminants. Such modifications may include, but are not limited to, physical or hydraulic control measures, capping, point of use treatments, or slurry walls.

(8) "Environmental justice" means the fair treatment of all people of all races, cultures, and incomes with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

(9) "Institutional controls" means the restriction on use of or access to a site to eliminate or minimize exposure to contaminants. Such restrictions may include, but are not limited to, deed restrictions, use restrictions, or restrictive zoning.

(10) "Local pollution control program" means a local pollution control program that has received delegated authority from the Department of Environmental Protection under s. 403.182.

(11) "Natural attenuation" means the verifiable reduction of contaminants through natural processes, which may include diffusion, dispersion, absorption, and biodegradation.

(12) "Person responsible for brownfield site rehabilitation" means the individual or entity that is designated by the local government in its resolution establishing a brownfield area to enter into the brownfield site rehabilitation agreement with the department and enters into an agreement with the local government for redevelopment of the site.

(13) "Person" means any individual, partner, joint venture, or corporation; any group of the foregoing, organized or united for a business purpose; or any governmental entity.

(14) "Site rehabilitation" means the assessment of site contamination and the remediation activities that reduce the levels of contaminants at a site through accepted treatment methods to meet the cleanup target levels established for that site.

(15) "Source removal" means the removal of free product or contaminants from soil that has been contaminated to the extent that leaching to groundwater has or is occurring.

(16) "Synergistic effects" means a scientific principle that the toxicity that occurs as a result of exposure is more than the sum of the toxicities of the individual chemicals to which the individual is exposed.

House Amendment 2—On page 5, line 4, through page 12, line 2; remove from the bill all of said lines and insert in lieu thereof: *purposes of ss. 376.77-376.84. The notification must include a resolution, by the local government body, to which is attached a map adequate to clearly delineate exactly which parcels are to be included in the brownfield area or alternatively a less-detailed map accompanied by a detailed legal description of the brownfield area. If a property owner within the area proposed for designation by the local government requests in writing to have his or her property removed from the proposed designation, the local government shall grant the request. For municipalities, the governing body shall adopt the resolution in accordance with the procedures outlined in s. 166.041, except that the notice for the public hearings on the proposed resolution must be in the form established in s. 166.041(3)(c)2. For counties, the governing body shall adopt the resolution in accordance with the procedures outlined in s. 125.66, except that the notice for the public hearings on the proposed resolution shall be in the form established in s. 125.66(4)(b)2.*

(2)(a) If a local government proposes to designate a brownfield area that is outside community redevelopment areas, enterprise zones, empowerment zones, or designated brownfield pilot project areas, the local government must conduct at least one public hearing in the area to be designated to provide an opportunity for public input on the size of the area, the objectives for rehabilitation, job opportunities and economic developments anticipated, neighborhood residents' considerations, and other relevant local concerns. Notice of the public hearing must be made in a newspaper of general circulation in the area and the notice must be at least 16 square inches in size, must be in ethnic newspapers or local community bulletins, must be posted in the affected area, and must be announced at a scheduled meeting of the local governing body before the

actual public hearing. In determining the areas to be designated, the local government must consider:

1. Whether the brownfield area warrants economic development and has a reasonable potential for such activities;

2. Whether the proposed area to be designated represents a reasonably focused approach and is not overly large in geographic coverage;

3. Whether the area has potential to interest the private sector in participating in rehabilitation; and

4. Whether the area contains sites or parts of sites suitable for limited recreational open space, cultural, or historical preservation purposes.

(b) A local government shall designate a brownfield area under the provisions of this act provided that:

1. A person who owns or controls a potential brownfield site is requesting the designation and has agreed to rehabilitate and redevelop the brownfield site;

2. The rehabilitation and redevelopment of the proposed brownfield site will result in economic productivity of the area, along with the creation of at least ten new jobs, full-time or part-time, which are not associated with the implementation of the rehabilitation agreement or an agreement, between the person responsible for site rehabilitation and the local government with jurisdiction, which contains terms for the redevelopment of the brownfield site or brownfield area;

3. The redevelopment of the proposed brownfield site is consistent with the local comprehensive plan and is a permittable use under the applicable local land development regulations;

4. Notice of the proposed rehabilitation of the brownfield area has been provided to neighbors and nearby residents of the proposed area to be designated and the person proposing the area for designation has afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation. Notice pursuant to this subsection must be made in a newspaper of general circulation in the area, at least 16 square inches in size, and the notice must be posted in the affected area; and

5. The person proposing the area for designation has provided reasonable assurance that he or she has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment plan.

(c) The designation of a brownfield area and the identification of a person responsible for brownfield site rehabilitation simply entitles the identified person to negotiate a brownfield rehabilitation agreement with the department or approved local government.

(3) The local government must at the time of the adoption of the resolution notify the department of the entity that it is designating as the person responsible for brownfield site rehabilitation. If the agency or person who will be responsible for the coordination changes during the approval process specified in subsections (4), (5), and (6), the department or the affected approved local pollution control program must notify the affected local government when the change occurs.

(4) Local governments or persons responsible for rehabilitation and redevelopment of brownfield areas must establish an advisory committee for the purpose of improving public participation and receiving public comments on rehabilitation and redevelopment of the brownfield area, future land use, local employment opportunities, community safety, and environmental justice. Such advisory committee should include residents within or adjacent to the brownfield area, businesses operating within the brownfield area, and others deemed appropriate. The advisory committee must review and provide recommendations to the board of the local government with jurisdiction on the proposed site rehabilitation agreement provided in s. 376.80(5).

(5) The person responsible for brownfield site rehabilitation must enter into a brownfield site rehabilitation agreement with the department or an approved local environmental program. The brownfield site rehabilitation agreement must include:

(a) A brownfield site rehabilitation schedule, including milestones for completion of site rehabilitation tasks and submittal of technical reports and rehabilitation plans as agreed upon by the parties to the agreement;

(b) A commitment to conduct site rehabilitation activities under the observation of professional engineers or geologists who are registered in accordance with the requirements of chapter 471 or chapter 492, respectively. Submittals provided by the person responsible for brownfield site rehabilitation must be signed and sealed by a professional engineer registered under chapter 471, or a professional geologist registered under chapter 492, certifying that the submittal and associated work comply with the law and rules of the department and those governing the profession. In addition, upon completion of the approved remedial action, the department shall require a professional engineer registered under chapter 471 or a professional geologist registered under chapter 492 to certify that the corrective action was, to the best of his or her knowledge, completed in substantial conformance with the plans and specifications approved by the department;

(c) A commitment to conduct site rehabilitation in accordance with an approved comprehensive quality assurance plan under department rules;

(d) A commitment to conduct site rehabilitation consistent with state, federal, and local laws and consistent with the brownfield site contamination cleanup criteria in s. 376.81, including any applicable requirements for risk-based corrective action;

(e) Timeframes for the department's review of technical reports and plans submitted in accordance with the agreement. The department shall make every effort to adhere to established agency goals for reasonable timeframes for review of such documents;

(f) A commitment to secure site access for the department or approved local environmental program to all brownfield sites within the eligible brownfield area for activities associated with site rehabilitation;

(g) Other provisions that the person responsible for brownfield site rehabilitation and the department agree upon, that are consistent with ss. 376.77-376.84, and that will improve or enhance the brownfield site rehabilitation process;

(h) A commitment to consider appropriate pollution prevention measures and to implement those that the person determines are reasonable and cost-effective, taking into account the ultimate use or uses of the brownfield site. Such measures may include improved inventory or production controls and procedures for preventing a loss, spills, and leaks of hazardous waste and materials, and include goals for the reduction of releases of toxic materials;

(i) An agreement between the person responsible for site rehabilitation and the local government with jurisdiction over the brownfield. Such agreement shall contain terms for the redevelopment of the brownfield.

(6) Any contractor performing site rehabilitation program tasks must demonstrate to the department that the contractor:

(a) Meets all certification and license requirements imposed by law; and

(b) Has obtained approval for the comprehensive quality-assurance plan prepared under department rules.

(7) The contractor must certify to the department that the contractor:

(a) Complies with applicable OSHA regulations.

(b) Maintains workers' compensation insurance for all employees as required by the Florida Workers' Compensation Law.

(c) Maintains comprehensive general liability and comprehensive automobile liability insurance with minimum limits of at least $1 million per occurrence and $1 million annual aggregate, sufficient to protect it from claims for damage for personal injury, including accidental death, as well as claims for property damage which may arise from performance of work under the program, designating the state as an additional insured party.

(d) Maintains professional liability insurance of at least $1 million per occurrence and $1 million annual aggregate.

(e) Has the capacity to perform or directly supervise the majority of the work at a site in accordance with s. 489.113(9).

(8) Any professional engineer or geologist providing professional services relating to site rehabilitation program tasks must carry professional liability insurance with a coverage limit of at least $1 million.

(9) During the cleanup process, if the department or local program fails to complete review of a technical document within the timeframe specified in the brownfield site rehabilitation agreement, the person responsible for brownfield site rehabilitation may proceed to the next site rehabilitation task. However, the person responsible for brownfield site rehabilitation does so at its own risk and may be required by the department or local program to complete additional work on a previous task. Exceptions to this subsection include requests for "no further action," "monitoring only proposals," and feasibility studies, which must be approved prior to implementation.

(10) If the person responsible for brownfield site rehabilitation fails to comply with the brownfield site rehabilitation agreement, the department shall allow 90 days for the person responsible for brownfield site rehabilitation to return to compliance with the provision at issue or to negotiate a modification to the brownfield site rehabilitation agreement with the department for good cause shown. If an imminent hazard exists, the 90-day grace period shall not apply. If the project is not returned to compliance with the brownfield site rehabilitation agreement and a modification cannot be negotiated, the immunity provisions of s. 376.82 are revoked.

(11) The department is specifically authorized and encouraged to enter into delegation agreements with local pollution control programs approved under s. 403.182 to administer the brownfield program within their jurisdictions, thereby maximizing the integration of this process with the other local development processes needed to facilitate redevelopment of a brownfield area. When determining whether a delegation pursuant to this subsection of all or part of the brownfields program to a local pollution control program is appropriate, the department shall consider the following. The local pollution control program must:

(a) Have and maintain the administrative organization, staff, financial and other resources to effectively and efficiently implement and enforce the statutory requirements of the delegated brownfields program; and

(b) Provide for the enforcement of the requirements of the delegated brownfields program, and for notice and a right to challenge governmental action, by appropriate administrative and judicial process, which shall be specified in the delegation.

The local pollution control program shall not be delegated authority to take action on or to make decisions regarding any brownfield on land owned by the local government. Any delegation agreement entered into pursuant to this subsection shall contain such terms and conditions necessary to ensure the effective and efficient administration and enforcement of the statutory requirements of the brownfields program as established by the act and the relevant rules and other criteria of the department.

House Amendment 3—On page 18, line 5, through page 24, line 3, remove from the bill all of said lines and insert in lieu thereof:

(1) ELIGIBILITY.—Any person who has not caused or contributed to the contamination of a brownfield site after July 1, 1997, is eligible to participate in the brownfield rehabilitation program established in ss. 376.77-376.84, subject to the following:

(a) Potential brownfield sites that are subject to an ongoing formal judicial or administrative enforcement action or corrective action pursuant to federal authority, including, but not limited to, the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. ss. 9601, et seq., as amended; the Safe Drinking Water Act, 42 U.S.C. ss. 300f-300i, as amended; the Clean Water Act, 33 U.S.C. ss. 1251-1387, as amended, or under an order from the United States Environmental Protection Agency pursuant to s. 3008(h) of the Resource Conservation and Recovery Act, as amended (42 U.S.C.A. s. 6928(h)), or that have obtained or are required to obtain a permit for the operation of a hazardous waste treatment, storage, or disposal facility, a postclosure permit, or a permit pursuant to the federal Hazardous and Solid Waste Amendments of 1984, are not eligible for participation unless specific exemptions are secured by a memorandum of agreement with the United States Environmental Protection Agency pursuant to paragraph (2)(e). A brownfield site within an eligible brownfield area that subsequently becomes subject to formal judicial or administrative enforcement action or corrective action under such federal authority shall have its eligibility revoked unless specific exemptions are secured by a memorandum of agreement with the United States Environmental Protection Agency pursuant to paragraph (2)(g).

(b) Persons who have not caused or contributed to the contamination of a brownfield site after July 1, 1997, and who, prior to the department's approval of a brownfield site rehabilitation agreement, are subject to ongoing corrective action or enforcement under state authority established in chapter 376 or chapter 403, including those persons subject to a pending consent order with the state, are eligible for participation in a brownfield corrective action if:

1. The proposed brownfield site is currently idle or underutilized as a result of the contamination, and participation in the brownfield program will immediately, after cleanup or sooner, result in increased economic productivity at the site, including at a minimum the creation of ten new jobs, whether permanent or part-time, which are not associated with implementation of the brownfield site corrective-action plan; and

2. The person is complying in good faith with the terms of an existing consent order or department-approved corrective-action plan, or responding in good faith to an enforcement action, as evidenced by a determination issued by the department or an approved local pollution control program.

(c) Potential brownfield sites owned by the state or a local government which contain contamination for which a governmental entity is potentially responsible and which are already designated as federal brownfield pilot projects or have filed an application for designation to the United States Environmental Protection Agency are eligible for participation in a brownfield corrective action.

(d) Petroleum and dry cleaning contamination sites shall not receive both restoration funding assistance available for the discharge under chapter 376 and any state assistance available under s. 288.107. Nothing in this act shall affect the cleanup criteria, priority ranking, and other rights and obligations inherent in petroleum contamination and dry cleaning contamination site rehabilitation under ss. 376.30-376.319, or the availability of economic incentives otherwise provided for by law.

(2) LIABILITY PROTECTION.—

(a) Any person, including his or her successors and assigns, who executes and implements to successful completion a brownfield site rehabilitation agreement, shall be relieved of further liability for remediation of the contaminated site or sites to the state and to third parties and of liability in contribution to any other party who has or may incur cleanup liability for the contaminated site or sites.

(b) This section shall not be construed as a limitation on the right of a third party other than the state to pursue an action for damages to property or person; however, such an action may not compel site rehabilitation in excess of that required in the approved brownfield site rehabilitation agreement or otherwise required by the department or approved local pollution control program.

(c) This section shall not affect the ability or authority to seek contribution from any person who may have liability with respect to the contaminated site and who did not receive cleanup liability protection under this act.

(d) The liability protection provided under this section shall become effective upon execution of a brownfield site rehabilitation agreement and shall remain effective, provided the person responsible for brownfield site rehabilitation complies with the terms of the site rehabilitation agreement. Any statute of limitations that would bar the department from pursuing relief in accordance with its existing authority is tolled from the time the agreement is executed until site rehabilitation is completed or immunity is revoked pursuant to s. 376.80(10).

(e) Completion of the performance of the remediation obligations at the brownfield shall be evidenced by a site rehabilitation completion letter or a "no further action" letter issued by the department or the approved local pollution control program, which letter shall include the following statement: "Based upon the information provided by (property owner) concerning property located at (address), it is the opinion of (the

Florida Department of Environmental Protection or approved local pollution control program) that (party) has successfully and satisfactorily implemented the approved brownfield site rehabilitation agreement schedule and, accordingly, no further action is required to assure that any land use identified in the brownfield site rehabilitation agreement is consistent with existing and proposed uses."

(f) Compliance with the agreement referenced in s. 376.80(5)(i) must be evidenced by a finding by the local government with jurisdiction over the brownfield that the terms of the agreement have been met.

(g) The Legislature recognizes its limitations in addressing cleanup liability under federal pollution control programs. In an effort to secure federal liability protection for persons willing to undertake remediation responsibility at a brownfield, the department shall attempt to negotiate a memorandum of agreement or similar document with the United States Environmental Protection Agency, whereby the United States Environmental Protection Agency agrees to forego enforcement of federal corrective-action authority at brownfields that have received a site rehabilitation completion or "no further action" determination from the department or the approved local pollution control program or that are in the process of implementing a brownfield site rehabilitation agreement in accordance with this act.

(h) No unit of state or local government may be held liable for implementing corrective actions at a contaminated site within an eligible brownfield as a result of the involuntary ownership of the site through bankruptcy, tax delinquency, abandonment, or other circumstances in which the state or local government involuntarily acquires title by virtue of its function as a sovereign, or as a result of ownership from donation or gift, unless the state or local government has otherwise caused or contributed to a release of a contaminant at the brownfield site.

(i) The Legislature finds and declares that certain brownfields may be redeveloped for open space, or limited recreational, cultural, or historical preservation purposes, and that such facilities enhance the redeveloped environment, attract visitors, and provide wholesome activities for employees and residents of the area. Further, the Legislature finds that purchasers of contaminated sites who are nonprofit conservation organizations acting for the public interest and who did not cause or contribute to the release of contamination on the site warrant protection from liability.

(j) Notwithstanding any provision of this chapter, chapter 403, other laws, or ordinances of local governments, a nonprofit, charitable, federal tax exempt, 501(c)(3) national land conservation corporation which purchases title to property in the state for the purpose of conveying such land to any governmental entity for conservation, historical preservation or cultural resource, park, greenway, or other similar uses shall not be liable to the state, local government, or any third party for penalties or remediation costs in connection with environmental contamination found in the soil or groundwater of such property, provided that such corporation did not cause the original deposit or release of the environmental contaminants, and provided the department and local pollution control program and responsible parties have access to the land for investigation, remediation, or monitoring purposes.

(3) REOPENERS.—Upon completion of site rehabilitation in compliance with ss. 376.77-376.84, no additional site rehabilitation shall be required unless it is demonstrated:

(a) That fraud was committed in demonstrating site conditions or completion of site rehabilitation;

(b) That new information confirms the existence of an area of previously unknown contamination which exceeds the site-specific rehabilitation levels established in accordance with s. 376.81, or which otherwise poses the threat of real and substantial harm to public health, safety, or the environment in violation of the terms of ss. 376.77-376.84;

(c) That the remediation efforts failed to achieve the site rehabilitation criteria established under s. 376.81;

(d) That the level of risk is increased beyond the acceptable risk established under s. 376.81 due to substantial changes in exposure conditions, such as a change in land use from nonresidential to residential use. Any person who changes the land use of the brownfield site thus causing the level of risk to increase beyond the acceptable risk level may be required by the department to undertake additional remediation measures to assure that human health, public safety, and the environment are protected to levels consistent with s. 376.81; or

(e) That a new release occurs at the brownfield site subsequent to a determination of eligibility for participation in the brownfield program established under s. 376.80.

(4) ADDITIONAL LIABILITY PROTECTION FOR LENDERS.—

(a) The Legislature declares that, in order to achieve the economic redevelopment and site rehabilitation of brownfields in accordance with this act, it is imperative to encourage financing of real property transactions involving brownfield site rehabilitation plans. Accordingly, lenders, including those serving as a trustee, personal representative, or in any other fiduciary capacity, in connection with a loan, are entitled to the liability protection established in subsection (2) if they have not caused or contributed to a release of a contaminant at the brownfield.

(b) Lenders who hold indicia of ownership of a parcel within a brownfield primarily to protect a security interest or who own a parcel within a brownfield as a result of foreclosure or a deed in lieu of foreclosure of a security interest and who seek to sell, transfer, or otherwise divest the parcel via sale at the earliest practicable time are not liable for the release or discharge of a contaminant from the parcel; for the failure of the person responsible for brownfield site rehabilitation to comply with the brownfield site rehabilitation agreement; or for future site rehabilitation activities required pursuant to a reopener provision established in subsection (3) where the lender has not divested the borrower of, or otherwise engaged in, decisionmaking control of the site rehabilitation or site operations or undertaken management activities beyond those required to protect its financial interest while making a good faith effort to sell the site as soon as practicable and when an act or omission of the lender has not otherwise caused or contributed to a release of a contaminant at the brownfield.

(c) The economic incentives that were granted to a person responsible for site rehabilitation by state or local governments shall not accrue to a lender who obtains ownership of the brownfield by one of the methods described in this subsection. The economic incentives are abated during the lender's ownership but they may be transferred and reinstated upon the sale of the brownfield.

House Amendment 4—On page 24, line 22, through page 26, line 21 of the bill, remove from the bill all of said lines and insert in lieu thereof:

Section 8. Section 376.84, Florida Statutes, is created to read:

376.84 Brownfield redevelopment economic incentives.—It is the intent of the Legislature that brownfield redevelopment activities be viewed as opportunities to significantly improve the utilization, general condition, and appearance of these sites. Different standards than those in place for new development, as allowed under current state and local laws, should be used to the fullest extent to encourage the redevelopment of a brownfield. State and local governments are encouraged to offer redevelopment incentives for this purpose, as an ongoing public investment in infrastructure and services, to help eliminate the public health and environmental hazards, and to promote the creation of jobs in these areas. Such incentives may include financial, regulatory, and technical assistance to persons and businesses involved in the redevelopment of the brownfield pursuant to this act.

(1) Financial incentives and local incentives for redevelopment may include, but not be limited to:

(a) Tax increment financing through community redevelopment agencies pursuant to part III of chapter 163.

(b) Enterprise zone tax exemptions for businesses pursuant to chapter 196 and chapter 290.

(c) Safe neighborhood improvement districts as provided in ss. 163.501-163.523.

(d) Waiver, reduction, or limitation by line of business with respect to occupational license taxes pursuant to chapter 205.

(e) Tax exemption for historic properties as provided in s. 196.1997.

(f) Residential electricity exemption of up to the first 500 kilowatts of use may be exempted from the municipal public service tax pursuant to s. 166.231.

(g) Minority business enterprise programs as provided in s. 287.0943.

(h) Electric and gas tax exemption as provided in s. 166.231(6).

(i) Economic development tax abatement as provided in s. 196.1995.

(j) Grants, including community development block grants.

(k) Pledging of revenues to secure bonds.

(l) Low-interest revolving loans and zero-interest loan pools.

(m) Local grant programs for facade, storefront, signage, and other business improvements.

(n) Governmental coordination of loan programs with lenders, such as microloans, business reserve fund loans, letter of credit enhancements, gap financing, land lease and sublease loans, and private equity.

(o) Payment schedules over time for payment of fees, within criteria, and marginal cost pricing.

(2) Regulatory incentives may include, but not be limited to:

(a) Cities' absorption of developers' concurrency needs.

(b) Developers' performance of certain analyses.

(c) Exemptions and lessening of state and local review requirements.

(d) Water and sewer regulatory incentives.

(e) Waiver of transportation impact fees and permit fees.

(f) Zoning incentives to reduce review requirements for redevelopment changes in use and occupancy; establishment of code criteria for specific uses; and institution of credits for previous use within the area.

(g) Flexibility in parking standards and buffer zone standards.

(h) Environmental management through specific code criteria and conditions allowed by current law.

(i) Maintenance standards and activities by ordinance and otherwise, and increased security and crime prevention measures available through special assessments.

(j) Traffic-calming measures.

(k) Historic preservation ordinances, loan programs, and review and permitting procedures.

(l) One-stop permitting and streamlined development and permitting process.

(3) Technical assistance incentives may include, but not be limited to:

(a) Expedited development applications.

(b) Formal and informal information on business incentives and financial programs.

(c) Site design assistance.

(d) Marketing and promotion of projects or areas.

Section 9. *(1) The Legislature recognizes that the United States Environmental Protection Agency has created several pilot projects for redevelopment of brownfield areas to gather information on the best ways to return old industrial and commercial sites to productive use in situations where redevelopment is complicated by potential environmental contamination. These pilot project areas will perform initial work to seek developers to restore the sites, and will also incorporate the efforts of lenders, regulators, and other groups. The Environmental Protection Agency initiative is flexible, allowing local governments to use a variety of approaches to rehabilitate abandoned or underutilized sites, neighborhoods, and small regional areas.*

(2) The Legislature has determined that it would be beneficial to provide similar incentives in this state for the rehabilitation and redevelopment of brownfields. Accordingly, the department shall, contingent upon funds being available in the General Appropriations Act for fiscal year 1997-1998, award grants to each United States Environmental Protection national or regional brownfield pilot project.

Section 10. Paragraphs (a), (b), and (d) of subsection (3) of section 288.095, Florida Statutes, 1996 Supplement, are amended to read:

288.095 Economic Development Trust Fund.—

(3)(a) Contingent upon an annual appropriation by the Legislature, the Office of Tourism, Trade, and Economic Development may approve not more than the lesser of $10 million in tax refunds pursuant to ss. 288.104, ~~and~~ 288.106, *and 288.107* or the amount appropriated to the Economic Development Incentives Account for such tax refunds, for a fiscal year pursuant to paragraph (b).

(b) The total amount of tax refunds approved by the Office of Tourism, Trade, and Economic Development pursuant to ss. 288.104, ~~and~~ 288.106, *and 288.107* shall not exceed the amount appropriated to the Economic Development Incentives Account for such purposes for the fiscal year. In the event the Legislature does not appropriate an amount sufficient to satisfy projections by the department for tax refunds under ss. 288.104, ~~and~~ 288.106, *and 288.107* in a fiscal year, the Office of Tourism, Trade, and Economic Development shall, not later than July 15 of such year, determine the proportion of each refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the projected total of refund claims for the fiscal year. The amount of each claim for a tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, funds remain in the Economic Development Incentives Account for tax refunds, the secretary shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

(d) Moneys in the Economic Development Incentives Account may be used only to pay tax refunds and other payments authorized under s. 288.104, ~~or~~ s. 288.106, *or s. 288.107.*

Section 11. Section 288.107, Florida Statutes, is created to read:

288.107 Brownfield redevelopment bonus refunds.—

(1) DEFINITIONS.—As used in this section:

(a) "Account" means the Economic Development Incentives Account as authorized in s. 288.095.

(b) "Brownfield" or "brownfield site" means a parcel or a contiguous area of one or more parcels, which have been designated by local government by resolution, that are generally abandoned, idled, or underused industrial and commercial properties where expansion or redevelopment is complicated by actual or perceived environmental contamination. Such areas may include, but are not limited to, portions of community redevelopment areas, enterprise zones, empowerment zones, other such designated economically deprived communities and areas, and United States Environmental Protection Agency designated brownfield pilot projects.

(c) "Director" means the director of the Office of Tourism, Trade, and Economic Development.

(d) "Eligible business" means a qualified target industry business as defined in s. 288.106(2)(o).

(e) "Jobs" means full-time equivalent positions, consistent with the use of such terms by the Department of Labor and Employment Security for the purpose of unemployment compensation tax, resulting directly from a project in this state. This number does not include temporary construction jobs involved with the construction of facilities for the project and which are not associated with the implementation of the site rehabilitation as provided in s. 376.80.

(f) "Office" means the Office of Tourism, Trade, and Economic Development.

(g) "Project" means the creation of a new business or the expansion of an existing business as defined in s. 288.106.

(2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—There shall be allowed from the account a bonus refund of $2,500 to any qualified target industry business for each new Florida job created in a brownfield which is claimed on the qualified target industry business's annual refund claim authorized in s. 288.106(6) and approved by the office as specified in the final order issued by the director.

(3) CRITERIA.—The minimum criteria for participation in the brownfield redevelopment bonus refund are:

(a) The creation of at least 10 new full-time permanent jobs. Such jobs shall not include construction or site rehabilitation jobs associated with the implementation of a brownfield site agreement as described in s. 376.80(5).

(b) That the designation as a brownfield will diversify and strengthen the economy of the area surrounding the site.

(c) That the designation as a brownfield will promote capital investment in the area beyond that contemplated for the rehabilitation of the site.

(4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

(a) To be eligible to receive a bonus refund for new Florida jobs created in a brownfield, a business must have been certified as a qualified target industry business under s. 288.106 and must have indicated on the qualified target industry tax refund application form submitted in accordance with s. 288.106(4) that the project for which the application is submitted is or will be located in a brownfield and that the business is applying for certification as a qualified brownfield business under this section, and must have signed a qualified target industry tax refund agreement with the office which indicates that the business has been certified as a qualified target industry business located in a brownfield and specifies the schedule of brownfield redevelopment bonus refunds that the business may be eligible to receive in each fiscal year.

(b) To be considered to receive an eligible brownfield redevelopment bonus refund payment, the business meeting the requirements of paragraph (a) must submit a claim once each fiscal year on a claim form approved by the office which indicates the location of the brownfield, the address of the business facility's brownfield location, the name of the brownfield in which it is located, the number of jobs created, and the average wage of the jobs created by the business within the brownfield as defined in s. 288.106 and the administrative rules and policies for that section.

(c) The bonus refunds shall be available on the same schedule as the qualified target industry tax refund payments scheduled in the qualified target industry tax refund agreement authorized in s. 288.106.

(d) After entering into a tax refund agreement as provided in s. 288.106, an eligible business may receive brownfield redevelopment bonus refunds from the account pursuant to s. 288.106(3)(c).

(e) An eligible business that fraudulently claims a refund under this section:

1. Is liable for repayment of the amount of the refund to the account, plus a mandatory penalty in the amount of 200 percent of the tax refund, which shall be deposited into the General Revenue Fund.

2. Commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(f) The office shall review all applications submitted under s. 288.106 which indicate that the proposed project will be located in a brownfield and determine, with the assistance of the Department of Environmental Protection, that the project location is within a brownfield as provided in this act.

(g) The office shall approve all claims for a brownfield redevelopment bonus refund payment that are found to meet the requirements of paragraphs (b) and (d).

(h) The director, with such assistance as may be required from the office and the Department of Environmental Protection, shall specify by written final order the amount of the brownfield redevelopment bonus refund that is authorized for the qualified target industry business for the fiscal year within 30 days after the date that the claim for the annual tax refund is received by the office.

(i) The total amount of the bonus refunds approved by the director under this section in any fiscal year must not exceed the total amount appropriated to the Economic Development Incentives Account for this purpose for the fiscal year. In the event that the Legislature does not appropriate an amount sufficient to satisfy projections by the office for brownfield redevelopment bonus refunds under this section in a fiscal year, the office shall, not later than July 15 of such year, determine the proportion of each brownfield redevelopment bonus refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the projected total of brownfield redevelopment bonus refund claims for the fiscal year. The amount of each claim for a brownfield redevelopment bonus tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, funds remain in the Economic Development Incentives Account for brownfield redevelopment tax refunds, the office shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

(j) Upon approval of the brownfield redevelopment bonus refund, payment shall be made for the amount specified in the final order. If the final order is appealed, payment may not be made for a refund to the qualified target industry business until the conclusion of all appeals of that order.

(5) ADMINISTRATION.—

(a) The office is authorized to verify information provided in any claim submitted for tax credits under this section with regard to employment and wage levels or the payment of the taxes to the appropriate agency or authority, including the Department of Revenue, the Department of Labor and Employment Security, or any local government or authority.

(b) To facilitate the process of monitoring and auditing applications made under this program, the office may provide a list of qualified target industry businesses to the Department of Revenue, to the Department of Labor and Employment Security, to the Department of Environmental Protection, or to any local government authority. The office may request the assistance of those entities with respect to monitoring the payment of the taxes listed in 288.106(3).

Section 12. *From funds available in the 1997-1998 General Appropriations Act for Brownfields Redevelopment grants shall be made as follows:*

(a) For United States Environmental Protection Agency brownfield pilot projects designated as of May 1, 1997, grants shall be issued in the amount of $500,000 per pilot.

(b) For United States Environmental Protection Agency brownfield pilot projects designated by the effective date of this act grants shall be issued in the amount of $200,000 per pilot. Should funds be insufficient to meet this provision than a pro-rata distribution shall be made among eligible pilot projects.

(c) Remaining funds shall be split on a pro-rata basis to those pilot projects that applied but did not receive the United States Environmental Protection Agency designation. Such grants shall not exceed $200,000.

(d) Should the United States Environmental Protection Agency fail to designate pilot projects by the effective date of this act then remaining funds shall be distributed on a pro-rata share to those pilot projects that applied.

(e) Should funds remain after satisfying the provisions of (a), (b), (c), and (d) then distribution shall be done on a pro-rata basis to sites that applied or have been designated on or before May 1, 1997.

(f) Grant funds awarded pursuant to this section shall be used by local governments to set up and implement a program which promotes brownfield redevelopment.

House Amendment 5—On page 26, lines 25-26, remove from the bill all of said lines and insert in lieu thereof: *the number, size and locations of brownfield sites: that have been remediated under the provisions of this act; that are currently under rehabilitation pursuant to a*

negotiated site rehabilitation agreement with the department or a delegated local program; where alternative cleanup target levels have been established pursuant to s. 376.81(1)(g)3.; and, where engineering and institutional control strategies are being employed as conditions of a "no further action order" to maintain the protections provided in s. 376.81(1)(g)1. and 2.

Substitute House Amendment 6—On page 26, line(s) 27, through page 27, line 14, remove from the bill all of said lines and insert in lieu thereof:

Section 10. The introductory paragraph and paragraph (k) of subsection (12) and paragraph (g) of subsection (13) of section 376.3071, Florida Statutes, 1996 Supplement, are amended to read:

376.3071 Inland Protection Trust Fund; creation; purposes; funding.—

(12) REIMBURSEMENT FOR CLEANUP EXPENSES.—Except as provided in s. 2(3), chapter 95-2, Laws of Florida, this subsection shall not apply to any site rehabilitation program task initiated after March 29, 1995. Effective August 1, 1996, no further site rehabilitation work on sites eligible for state-funded cleanup from the Inland Protection Trust Fund shall be eligible for reimbursement pursuant to this subsection. The person responsible for conducting site rehabilitation may seek reimbursement for site rehabilitation program task work conducted after March 28, 1995, in accordance with s. 2(2) and (3), chapter 95-2, Laws of Florida, regardless of whether the site rehabilitation program task is completed. A site rehabilitation program task shall be considered to be initiated when actual onsite work or engineering design, pursuant to chapter 62-770, Florida Administrative Code, which is integral to performing a site rehabilitation program task has begun and shall not include contract negotiation and execution, site research, or project planning. All reimbursement applications pursuant to this subsection must be submitted to the department by *January 3, 1997* ~~December 31, 1996~~. The department shall not accept any applications for reimbursement or pay any claims on applications for reimbursement received after that date*; provided, however if an application filed on or prior to January 3, 1997 was returned by the department on the grounds of untimely filing, it shall be refiled within 30 days after the effective date of this act in order to be processed*.

(k) Audits.—

1. The department is authorized to perform financial and technical audits in order to certify site restoration costs and ensure compliance with this chapter. The department shall seek recovery of any overpayments based on the findings of these audits. The department must commence any audit within 5 years after the date of reimbursement, except in cases where the department alleges specific facts indicating fraud.

2. Upon determination by the department that any portion of costs which have been reimbursed are disallowed, the department shall give written notice to the applicant setting forth with specificity the allegations of fact which justify the department's proposed action and ordering repayment of disallowed costs within 60 days of notification of the applicant.

3. In the event the applicant does not make payment to the department within 60 days of receipt of such notice, the department shall seek recovery in a court of competent jurisdiction to recover reimbursement overpayments made to the person responsible for conducting site rehabilitation, unless the department finds the amount involved too small or the likelihood of recovery too uncertain.

4. In addition to the amount of any overpayment, the applicant shall be liable to the department for interest of 1 percent per month or the prime rate, whichever is less, on the amount of overpayment, from the date of overpayment by the department until the applicant satisfies the department's request for repayment pursuant to this paragraph. The calculation of interest shall be tolled during the pendency of any litigation.

5. Financial and technical audits frequently are conducted under this section many years after the site rehabilitation activities were performed and the costs examined in the course of the audit were incurred by the person responsible for site rehabilitation. During the intervening span of years, the department's rule requirements and its related guidance and other nonrule policy directives may have changed significantly. The Legislature finds that it may be appropriate for the department to provide relief to persons subject to such requirements in financial and technical audits conducted pursuant to this section.

a. The department is authorized to grant variances and waivers from the documentation requirements of subparagraph (e)2. and from the requirements of rules applicable in technical and financial audits conducted under this section. Variances and waivers shall be granted when the person responsible for site rehabilitation demonstrates to the department that application of a financial or technical auditing requirement would create a substantial hardship or would violate principles of fairness. For purposes of this subsection, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this subsection, "principles of fairness" are violated when the application of a requirement affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are affected by the requirement or when the requirement is being applied retroactively without due notice to the affected parties.

b. A person whose reimbursed costs are subject to a financial and technical audit under this section may file a written request to the department for grant of a variance or waiver. The request shall specify:

(I) The requirement from which a variance or waiver is requested.

(II) The type of action requested.

(III) The specific facts which would justify a waiver or variance.

(IV) The reason or reasons why the requested variance or waiver would serve the purposes of this section.

c. Within 90 days after receipt of a written request for variance or waiver under this subsection, the department shall grant or deny the request. If the request is not granted or denied within 90 days of receipt, the request shall be deemed approved. An order granting or denying the request shall be in writing and shall contain a statement of the relevant facts and reasons supporting the department's action. The department's decision to grant or deny the petition shall be supported by competent substantial evidence and is subject to ss. 120.569 and 120.57. Once adopted, model rules promulgated by the Administration Commission under s. 120.542 shall govern the processing of requests under this provision; however, the department may process requests prior to the adoption of those model rules.

6. The Comptroller may audit the records of persons who receive or who have received payments pursuant to this chapter in order to verify site restoration costs, ensure compliance with this chapter, and verify the accuracy and completeness of audits performed by the department pursuant to this paragraph. The Comptroller may contract with entities or persons to perform audits pursuant to this subparagraph. The Comptroller shall commence any audit within 1 year after the department's completion of an audit conducted pursuant to this paragraph, except in cases where the department or the Comptroller alleges specific facts indicating fraud.

(13) PETROLEUM CLEANUP PARTICIPATION PROGRAM.—To encourage detection, reporting, and cleanup of contamination caused by discharges of petroleum or petroleum products, the department shall, within the guidelines established in this subsection, implement a cost-sharing cleanup program to provide rehabilitation funding assistance for all property contaminated by discharges of petroleum or petroleum products occurring before January 1, 1995, subject to a copayment provided for in a preapproved site rehabilitation agreement. Eligibility shall be subject to an annual appropriation from the Inland Protection Trust Fund. Additionally, funding for eligible sites shall be contingent upon annual appropriation in subsequent years. Such continued state funding shall not be deemed an entitlement or a vested right under this subsection. Eligibility in the program shall be notwithstanding any other provision of law, consent order, order, judgment, or ordinance to the contrary.

(g) The following shall be excluded from participation in the program:

1. Sites at which the department has been denied reasonable site access to implement the provisions of this section.

2. Sites that were active facilities when owned or operated by the Federal Government.

3. Sites that are identified by the United States Environmental Protection Agency to be on, or which qualify for listing on, the National Priorities List under Superfund. This exception does not apply to those sites for which eligibility has been requested or granted as of the effective date of this act under the Early Detection Incentive Program established pursuant to s. 15, chapter 86-159, Laws of Florida.

4. The contamination is covered under the Early Detection Incentive Program, the Abandoned Tank Restoration Program or the Petroleum Liability and Restoration Insurance Program, in which case site rehabilitation funding assistance shall continue under the respective program.

5. Any person who knowingly acquires title to contaminated property shall not be eligible for restoration funding pursuant to this subsection. The provisions of this subsection do not relieve any person who has acquired title subsequent to July 1, 1992, from the duty to establish by a preponderance of the evidence that he or she undertook, at the time of acquisition, all appropriate inquiry into the previous ownership and use of the property consistent with good commercial or customary practice in an effort to minimize liability, as required by s. 376.308(1)(c). *The provisions of this subparagraph do not apply to any person who acquires title by succession or devise.*

Section 11. Subsections (2) and (7) of section 376.30711, Florida Statutes, 1996 Supplement, are amended to read:

376.30711 Preapproved site rehabilitation, effective March 29, 1995.—

(2)(a) *Competitive bidding pursuant to this section shall not be subject to the requirements of s. 287.055.* The department is authorized to use competitive bid procedures or negotiated contracts for preapproving all costs and rehabilitation procedures for site-specific rehabilitation projects through performance-based contracts. Site rehabilitation shall be conducted according to the priority ranking order established pursuant to s. 376.3071(5).

(7) The department shall conduct a pilot project to determine the effectiveness and feasibility of utilizing competitive bid procedures for procuring the services necessary to perform site rehabilitation. *During fiscal year 1997-1998, the department is directed to use competitive bid procedures to procure site rehabilitation services on a minimum of 25 priority sites within availability of funding, where the department has requested that the property owner designate a qualified contractor and a qualified contractor has not been designated or assigned to a state cleanup site prior to July 1, 1997. The provisions of this subsection do not apply to those sites managed by a contracted local program pursuant to s. 376.3073.* ~~The department is directed to select a representative sample of sites such that the results of the project can be compared to other procurement methods.~~ The department shall submit a report, by March 1, 1998, to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Such report shall contain, at a minimum: the cost-effectiveness of utilizing competitive bid procedures; a feasibility review on the department's experience with competitive bidding; a cost comparison of competitive bidding and negotiated contracts for site rehabilitation tasks; and recommendations concerning the use of competitive bidding.

Section 12. Subsection (3) of section 376.3072, Florida Statutes, 1996 Supplement, is amended to read:

376.3072 Florida Petroleum Liability and Restoration Insurance Program.—

(3) Sites that were certified as insured facilities and that were denied coverage for a discharge under the Petroleum Liability and Restoration Insurance Program may request a reevaluation under the criteria in subsection (2). Such request shall be made by December 31, 1996. If the contamination is redetermined to be eligible, the deductible and coverage limit in effect at the time the discharge was reported shall be applicable. The redetermination shall not affect the department's authority for assessing supplemental deductibles or civil penalties. The department shall not assess a supplemental deductible or civil penalty for alleged failure to report or abate a discharge when the owner or operator can establish no discharge occurred. *Notwithstanding any department order to the contrary, the supplemental deductibles in subparagraph (2)(d)2.f. shall not be applied cumulatively but, rather, the highest applicable supplemental deductible shall be applied.*

Section 13. Subsection (1) of section 403.767, Florida Statutes, is amended to read:

403.767 Certification of used oil transporters.—

(1) Any person who transports over public highways after January 1, 1990, more than 500 gallons annually of used oil must be a certified transporter. *This subsection does not apply to:*

(a) Local governments or private solid waste haulers under contract to a local government that transport used oil collected from households to a public used oil collection center.

(b) Persons who transport less than 55 gallons of used oil at one time that is stored in tightly closed containers which are secured in a totally enclosed section of the transport vehicle.

(c) Persons who transport their own used oil, which is generated at their own noncontiguous facilities, to their own central collection facility for storage, processing, or engery recovery. However, such persons shall provide the same proof of liability insurance or other means of financial responsibility for liability which may be incurred in the transport of used oil as provided by certified transporters under subsection (3).

(Renumber subsequent sections.)

House Amendment 7—In the title, on page 1, line(s) 2-20, remove from the bill all of said lines and insert in lieu thereof: An act relating to environmental protection; creating s. 376.77, F.S.; providing a short title; creating s. 376.78, F.S.; providing legislative intent; creating s. 376.79, F.S.; defining terms; creating s. 376.80, F.S.; providing for a brownfield program administration process; providing duties of a local government that designates a brownfield for rehabilitation and redevelopment; providing for notice to the Department of Environmental Protection; providing for public hearings; providing requirements for such designation and specifying effect thereof; requiring establishment of an advisory committee; providing for a brownfield site rehabilitation agreement and providing requirements with respect thereto; providing requirements for contractors performing site rehabilitation; providing consequences of failure to comply with a rehabilitation agreement; authorizing the Department of Environmental Protection to enter into delegation agreements with local pollution control program; providing requirements for local pollution control programs; creating s. 376.81, F.S.; providing for brownfield contamination cleanup criteria; directing the Department of Environmental Protection to establish by rule criteria for determining tasks that comprise a site rehabilitation program and the level at which tasks and programs may be deemed completed; providing that source removal may be required under certain conditions; creating s. 376.82, F.S.; providing eligibility requirements for participation in brownfield rehabilitation; providing liability protection for persons who successfully complete a rehabilitation agreement; providing requirements for the issuance of a "no further action" letter evidencing completion of rehabilitation; authorizing negotiation with the United States Environmental Protection Agency regarding enforcement; providing certain liability protection for state and local governments and for certain nonprofit land conservation corporations; providing conditions under which further rehabilitation may be required; providing liability protection for certain lenders; creating s. 376.83, F.S.; specifying violations and providing penalties; providing for pilot projects; creating s. 376.84, F.S.; specifying financial, local, regulatory, and technical assistance incentives that may be included; amending s. 288.095, F.S.; to conform; creating s. 288.107, F.S.; creating a brownfield bonus refund program; providing for refunds from the Economic Development Incentive Account to certain qualified target industry businesses for jobs created in a brownfield; providing criteria for participation; providing procedures and requirements for refunds; providing penalties; providing for administration; providing for the disbursement of funds; requiring the Department of Environmental Protection to report annually; amending s. 376.3071, F.S.; revising application deadlines for cleanup reimbursement from the Inland Protection Trust Fund; providing for audits by the Comptroller; revising eligibility criteria relating to the petroleum cleanup participation program; amending s. 376.30711, F.S.; providing for competitive bidding for certain site rehabilitations; amending s. 376.3072, F.S.; specifying the process for applying certain supplemental deductibles; providing an effective date.

House Amendment 8 (with title amendment)—On page 27, between line(s) 14 and 15, of the bill insert:

Section 11. Subparagraph 7. of subsection (11)(a) of section 403.0872, Florida Statutes, is amended to read:

403.0872 Operation permits for major sources of air pollution; annual operation license fee.—Provided that program approval pursuant to 42 U.S.C. s. 7661a has been received from the United States Environmental Protection Agency, beginning January 2, 1995, each major source of air pollution, including electrical power plants certified under s. 403.511, must obtain from the department an operation permit for a major source of air pollution under this section, which is the only department operation permit for a major source of air pollution required for such source. Operation permits for major sources of air pollution, except general permits issued pursuant to s. 403.814, must be issued in accordance with the following procedures and in accordance with chapter 120; however, to the extent that chapter 120 is inconsistent with the provisions of this section, the procedures contained in this section prevail:

(11) Commencing in 1993, each major source of air pollution permitted to operate in this state must pay between January 15 and March 1 of each year, upon written notice from the department, an annual operation license fee in an amount determined by department rule. The annual operation license fee shall be terminated immediately in the event the United States Environmental Protection Agency imposes annual fees solely to implement and administer the major source air-operation permit program in Florida under 40 C.F.R. s. 70.10(d).

(a) The annual fee must be assessed based upon the source's previous year's emissions and must be calculated by multiplying the applicable annual operation license fee factor times the tons of each regulated air pollutant (except carbon monoxide) allowed to be emitted per hour by specific condition of the source's most recent construction or operation permit, times the annual hours of operation allowed by permit condition; provided, however, that:

7. If the department has not received the fee by February 15 of the calendar year, the permittee must be sent a written warning of the consequences for failing to pay the fee by March 1. If ~~the department has not received~~ the fee *is not postmarked* by March 1 of the calendar year, *commencing with calendar year 1997,* the department shall impose, in addition to the fee, a penalty of 50 percent of the amount of the fee, plus interest on such amount computed in accordance with s. 220.807. The department may not impose such penalty or interest on any amount underpaid, provided that the permittee has timely remitted payment of at least 90 percent of the amount determined to be due and remits full payment within 60 days after receipt of notice of the amount underpaid. The department may waive the collection of underpayment and shall not be required to refund overpayment of the fee, if the amount due is less than 1 percent of the fee, up to $50. The department may revoke any major air pollution source operation permit if it finds that the permitholder has failed to timely pay any required annual operation license fee, penalty, or interest.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 20, remove from the title of the bill all of said line and insert in lieu thereof: amending s. 403.0872, F.S.; clarifying permit filing deadlines;

House Amendment 9—On page 12, line 13, through page 17, line 30, remove from the bill all of said lines and insert in lieu thereof:

(1) It is the intent of the Legislature to protect the health of all people under actual circumstances of exposure. By July 1, 1998, the secretary of the department shall establish criteria by rule for the purpose of determining, on a site-specific basis, the rehabilitation program tasks that comprise a site rehabilitation program and the level at which a rehabilitation program task and a site rehabilitation program may be deemed completed. In establishing the rule, the department shall incorporate, to the maximum extent feasible, risk-based corrective-action principles to achieve protection of human health and safety and the environment in a cost-effective manner as provided in this subsection. The rule shall also include protocols for the use of natural attenuation and the issuance of "no further action" letters. The criteria for determining what constitutes a rehabilitation program task or completion of a site rehabilitation program task or site rehabilitation program must:

(a) Consider the current exposure and potential risk of exposure to humans and the environment, including multiple pathways of exposure. The physical, chemical, and biological characteristics of each contaminant must be considered in order to determine the feasibility of risk-based corrective-action assessment.

(b) Establish the point of compliance at the source of the contamination. However, the department is authorized to temporarily move the point of compliance to the boundary of the property, or to the edge of the plume when the plume is within the property boundary, while cleanup, including cleanup through natural attenuation processes in conjunction with appropriate monitoring, is proceeding. The department also is authorized, pursuant to criteria provided for in this section, to temporarily extend the point of compliance beyond the property boundary with appropriate monitoring, if such extension is needed to facilitate natural attenuation or to address the current conditions of the plume, provided human health, public safety, and the environment are protected. When temporarily extending the point of compliance beyond the property boundary, it cannot be extended further than the lateral extent of the plume at the time of execution of the brownfield site rehabilitation agreement, if known, or the lateral extent of the plume as defined at the time of site assessment. Temporary extension of the point of compliance beyond the property boundary, as provided in this paragraph, must include actual notice by the person responsible for brownfield site rehabilitation to local governments and the owners of any property into which the point of compliance is allowed to extend and constructive notice to residents and business tenants of the property into which the point of compliance is allowed to extend. Persons receiving notice pursuant to this paragraph shall have the opportunity to comment within 30 days of receipt of the notice.

(c) Ensure that the site-specific cleanup goal is that all contaminated brownfield sites and brownfield areas ultimately achieve the applicable cleanup target levels provided in this section. In the circumstances provided below, and after constructive notice and opportunity to comment within 30 days from receipt of the notice to local government, to owners of any property into which the point of compliance is allowed to extend, and to residents on any property into which the point of compliance is allowed to extend, the department may allow concentrations of contaminants to temporarily exceed the applicable cleanup target levels while cleanup, including cleanup through natural attenuation processes in conjunction with appropriate monitoring, is proceeding, if human health, public safety, and the environment are protected.

(d) Allow brownfield site and brownfield area rehabilitation programs to include the use of institutional or engineering controls, where appropriate, to eliminate or control the potential exposure to contaminants of humans or the environment. The use of controls must be preapproved by the department and only after constructive notice and opportunity to comment within 30 days from receipt of notice is provided to local governments, to owners of any property into which the point of compliance is allowed to extend, and to residents on any property into which the point of compliance is allowed to extend. When institutional or engineering controls are implemented to control exposure, the removal of the controls must have prior department approval and must be accompanied by the resumption of active cleanup, or other approved controls, unless cleanup target levels under this section have been achieved.

(e) Consider the additive effects of contaminants. The synergistic and antagonistic effects shall also be considered when the scientific data become available.

(f) Take into consideration individual site characteristics, which shall include, but not be limited to, the current and projected use of the affected groundwater and surface water in the vicinity of the site, current and projected land uses of the area affected by the contamination, the exposed population, the degree and extent of contamination, the rate of contaminant migration, the apparent or potential rate of contaminant degradation through natural attenuation processes, the location of the plume, and the potential for further migration in relation to site property boundaries.

(g) Apply state water quality standards as follows:

1. Cleanup target levels for each contaminant found in groundwater shall be the applicable state water quality standards. Where such standards do not exist, the cleanup target levels for groundwater shall be based on the minimum criteria specified in department rule. The department shall consider the following, as appropriate, in establishing the applicable minimum criteria: calculations using a lifetime cancer risk level of

1.0E-6; a hazard index of 1 or less; the best achievable detection limit; the naturally occurring background concentration; or nuisance, organoleptic, and aesthetic considerations.

2. Where surface waters are exposed to contaminated groundwater, the cleanup target levels for the contaminants shall be based on the surface water standards as established by department rule. The point of measuring compliance with the surface water standards shall be in the groundwater immediately adjacent to the surface water body.

3. The department may set alternative cleanup target levels based upon an applicant's demonstration, using site-specific modeling and risk assessment studies, that human health, public safety, and the environment are protected to the same degree as provided in subparagraphs 1. and 2. Where a state water quality standard is applicable, a deviation may not result in the application of cleanup target levels more stringent than the standard. In determining whether it is appropriate to establish alternative cleanup target levels at a site, the department must consider the effectiveness of source removal that has been completed at the site and the practical likelihood of the use of low-yield or poor quality groundwater, the use of groundwater near marine surface water bodies, the current and projected use of the affected groundwater in the vicinity of the site, or the use of groundwater in the immediate vicinity of the contaminated area, where it has been demonstrated that the groundwater contamination is not migrating away from such localized source, provided human health, public safety, and the environment are protected.

(h) Provide for the department to issue a "no further action order" when alternative cleanup target levels established pursuant to subparagraph (g)3. have been achieved.

(i) Provide for the department to issue a "no further action order" with conditions, where appropriate, when alternative cleanup target levels established pursuant to subparagraph (g)3. have been achieved, or when the person responsible for brownfield site rehabilitation can demonstrate that the cleanup target level is unachievable within available technologies. Prior to issuing such an order, the department shall consider the feasibility of an alternative site rehabilitation technology in the brownfield area.

(j) Establish appropriate cleanup target levels for soils.

1. In establishing soil cleanup target levels for human exposure to each contaminant found in soils from the land surface to 2 feet below land surface, the department shall consider the following, as appropriate: calculations using a lifetime cancer risk level of 1.0E-6; a hazard index of 1 or less; the best achievable detection limit; or the naturally occurring background concentration. Institutional controls or other methods shall be used to prevent human exposure to contaminated soils more than 2 feet below the land surface. Any removal of such institutional controls shall require such contaminated soils to be remediated.

2. Leachability-based soil target levels shall be based on protection of the groundwater cleanup target levels or the alternate cleanup target levels for groundwater established pursuant to this paragraph, as appropriate. Source removal and other cost-effective alternatives that are technologically feasible shall be considered in achieving the leachability soil target levels established by the department. The leachability goals shall not be applicable if the department determines, based upon individual site characteristics, that contaminants will not leach into the groundwater at levels which pose a threat to human health, public safety, and the environment.

3. The department may set alternative cleanup target levels based upon an applicant's demonstration, using site-specific modeling and risk assessment studies, that human health, public safety, and the environment are protected.

(2) The department shall require source removal, if warranted and cost-effective. Once source removal at a site is complete, the department shall reevaluate the site to determine the degree of active cleanup needed to continue. Further, the department shall determine if the reevaluated site qualifies for monitoring only or if no further action is required to rehabilitate the site. If additional site rehabilitation is necessary to reach "no further action" status, the department is encouraged to utilize natural attenuation and monitoring where site conditions warrant.

On motion by Senator Latvala, the Senate concurred in the House amendments.

CS for CS for SB's 1306 and 1934 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Dantzler	Jenne	Rossin
Bronson	Diaz-Balart	Jones	Scott
Brown-Waite	Dyer	Kirkpatrick	Silver
Burt	Forman	Klein	Sullivan
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Latvala	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Dudley, McKay

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB's 566 and 626, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB's 566 and 626—A bill to be entitled An act relating to the WAGES Program; amending s. 414.0252, F.S.; revising definitions; conforming terminology to reflect the reorganization of the Department of Health and Rehabilitative Services and the creation of the Department of Children and Family Services; amending s. 414.026, F.S.; revising membership of the WAGES Program State Board of Directors; providing immunity from liability for board members, agents, and employees; deleting obsolete provisions; amending s. 414.027, F.S., relating to the WAGES Program statewide implementation plan; conforming terminology to reflect the redesignation of the Enterprise Florida Jobs and Education Partnership as the workforce development board; amending s. 414.028, F.S., relating to local WAGES coalitions; deleting a provision that allowed a member of a local coalition to benefit financially from transactions of the coalition under certain circumstances; requiring the local coalition to select an entity to administer the program and financial plan; prescribing grounds for removal of local coalition members; providing additional duties for the local WAGES coalitions with respect to improving the process for establishing paternity for noncustodial parents and providing work activities for noncustodial parents; providing immunity from liability for coalition members, agents, and employees; amending s. 414.029, F.S.; specifying certain tax exemptions allowed to a business that provides jobs for program participants; amending s. 414.065, F.S., relating to work requirements; clarifying duties of the Department of Children and Family Services and the Department of Labor and Employment Security with respect to program implementation; specifying the age limit for qualifying to receive continuing support through a protective payee in circumstances involving a family member's repeated noncompliance with work requirements of the act; deleting obsolete provisions for implementing the program if the Federal Government failed to enact welfare-reform legislation; amending ss. 414.075, 414.085, 414.095, F.S., relating to resource and income eligibility standards and the determination of eligibility; clarifying certain requirements under which a person is eligible to participate in the WAGES Program; amending s. 414.105, F.S., relating to time limitations for receiving temporary cash assistance under the WAGES Program; deleting a future repeal of such provisions; amending s. 414.115, F.S.; clarifying circumstances under which assistance is limited if additional children are born to a family that receives temporary cash assistance; amending s. 414.122, F.S.; revising procedures for the department in withholding payments based on evidence of fraud; amending s. 414.125, F.S.; providing for sanctions to be imposed if a participant fails to attend a conference with a school official as required under the Learnfare Program; amending s. 414.15, F.S., relating to diversion assistance; clarifying provisions for determining eligibility; amending s. 414.16, F.S., relating to emergency assistance; correcting a cross-reference; amending s. 414.175, F.S., relating to the review of waivers granted by the Federal

Government; clarifying provisions; amending s. 414.20, F.S.; clarifying the duties of the Department of Labor and Employment Security with respect to support services provided under the WAGES Program; amending ss. 414.21, 414.22, 414.23, 414.24, F.S., relating to transitional benefits, evaluations, and the integrated delivery of services; clarifying the duties of the Department of Labor and Employment Security; amending s. 414.25, F.S., relating to an exemption from requirements for leasing real property; correcting provisions to reflect the creation of the Department of Children and Family Services; amending s. 414.27, F.S.; clarifying provisions for paying temporary cash assistance upon the death of the recipient; amending s. 414.28, F.S.; clarifying procedures for making a claim against the estate of a recipient of public assistance; amending s. 414.29, F.S.; providing that lists of persons who have received temporary cash assistance are a public record; amending s. 414.32, F.S.; clarifying provisions under which a person's food stamp allotment is reduced or terminated; amending s. 414.35, F.S., relating to emergency relief; clarifying provisions; amending s. 414.36, F.S.; clarifying requirements for the Department of Children and Family Services with respect to recovering overpayments of public assistance; amending s. 414.38, F.S.; clarifying duties of the department with respect to a pilot work experience and job training program for noncustodial parents; amending ss. 414.39, 414.40, F.S., relating to penalties for fraudulently obtaining public assistance and the Stop Inmate Fraud Program; revising provisions to reflect changes in terminology and the transfer of responsibility for persons receiving temporary cash assistance to the Department of Children and Family Services; amending s. 414.41, F.S., relating to the recovery of payments; requiring the Department of Children and Family Services to initiate an administrative disqualification hearing in certain instances; providing for a disqualification period; clarifying duties of the Agency for Health Care Administration with respect to collecting overpayments of Medicaid funds; amending s. 414.42, F.S.; revising provisions to reflect the responsibilities of the Department of Children and Family Services with respect to public assistance programs; amending ss. 414.44, 414.45, F.S.; authorizing the Department of Labor and Employment Security to collect data, make reports required under federal law, and adopt rules; amending s. 414.55, F.S.; requiring that the Governor take certain actions with respect to implementing a community work program; providing requirements for determining eligibility for individuals assigned to an ongoing evaluation; providing for the evaluation agreement to continue regardless of federal waivers; amending s. 402.313, F.S.; providing requirements for standards established for family day care homes that provide subsidized child care; amending s. 409.2554, F.S.; redefining the term "public assistance" to conform; repealing s. 112 of ch. 96-175, Laws of Florida, that provides that certain authorized positions and funds may be transferred by the Executive Office of the Governor; providing an effective date.

House Amendment 1 (with title amendment)—Remove from the bill everything after the enacting clause and insert in lieu thereof:

Section 1. Subsections (3), (7), and (8) of section 414.0252, Florida Statutes, 1996 Supplement, are amended, and subsection (10) is added to that section, to read:

414.0252 Definitions.—As used in ss. 414.015-414.45, the term:

(3) "Department" means the Department of *Children and Family* ~~Health and Rehabilitative~~ Services.

(7) "Participant" means an individual who *has applied for or* receives temporary assistance or services under the WAGES Program.

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

(10) "Temporary cash assistance" means cash assistance provided under the state program certified under Title IV-A of the Social Security Act, as amended.

Section 2. Subsection (1) and paragraph (a) of subsection (2) of section 414.026, Florida Statutes, 1996 Supplement, are amended to read:

414.026 WAGES Program State Board of Directors.—

(1) There is created within the Executive Office of the Governor the WAGES Program State Board of Directors, which shall oversee the operation of the WAGES Program and shall advise and assist state agencies in implementing the WAGES Program. *There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member of the WAGES Program State Board of Directors or its employees or agents for any action taken by the board in the performance of its powers and duties under this chapter.*

(2)(a) The board of directors shall be composed of the following members:

1. The Commissioner of Education, or the commissioner's designee.

2. The Secretary of *Children and Family* ~~Health and Rehabilitative~~ Services.

3. The Secretary of Health.

4.~~3.~~ The Secretary of Labor and Employment Security.

5.~~4.~~ The Secretary of Community Affairs.

6. The director of the Office of Tourism, Trade, and Economic Development.

~~5. The Secretary of Commerce.~~

7.~~6.~~ The president of *the* Enterprise Florida *workforce development board* ~~Jobs and Education Partnership~~, established under *s. 288.9620* ~~s. 288.0475~~.

8. The chief executive officer of the Florida Tourism Industry Marketing Corporation, established under s. 288.1226.

9.~~7.~~ Nine members appointed by the Governor, as follows:

a. Six members shall be appointed from a list of ten nominees, of which five must be submitted by the President of the Senate and five must be submitted by the Speaker of the House of Representatives. The list of five nominees submitted by the President of the Senate and the Speaker of the House of Representatives must each contain at least three individuals employed in the private sector, two of whom must have management experience. One of the five nominees submitted by the President of the Senate and one of the five nominees submitted by the Speaker of the House of Representatives must be an elected local government official who shall serve as an ex officio *nonvoting* member.

b. Three members shall be at-large members appointed by the Governor.

c. Of the nine members appointed by the Governor, at least six must be employed in the private sector and of these, at least five must have management experience.

The members appointed by the Governor shall be appointed to 4-year, staggered terms. Within 60 days after a vacancy occurs on the board, the Governor shall fill the vacancy of a member appointed from the nominees submitted by the President of the Senate and the Speaker of the House of Representatives for the remainder of the unexpired term from one nominee submitted by the President of the Senate and one nominee submitted by the Speaker of the House of Representatives. Within 60 days after a vacancy of a member appointed at-large by the Governor occurs on the board, the Governor shall fill the vacancy for the remainder of the unexpired term. The composition of the board must generally reflect the racial, gender, and ethnic diversity of the state as a whole. ~~The list of initial five nominees shall be submitted by the President of the Senate and the Speaker of the House of Representatives by July 1, 1996, and the initial appointments by the Governor shall be made by September 1, 1996.~~

Section 3. Subsection (1) of section 414.027, Florida Statutes, 1996 Supplement, is amended to read:

414.027 WAGES Program statewide implementation plan.—

(1) ~~By December 31, 1996,~~ The WAGES Program State Board of Directors shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a statewide plan for implementing the WAGES Program established under this chapter. At a minimum, the statewide implementation plan must include:

(a) Performance standards, measurement criteria, and contract guidelines for all services provided under the WAGES Program whether by state employees or contract providers.

(b) Directives for creating and chartering local WAGES coalitions to plan and coordinate the delivery of services under the WAGES Program at the local level.

(c) The approval of the implementation plans submitted by local WAGES coalitions.

(d) Recommendations for clarifying, or if necessary, modifying the roles of the state agencies charged with implementing the WAGES Program so that all unnecessary duplication is eliminated.

(e) Recommendations for modifying compensation and incentive programs for state employees in order to achieve the performance outcomes necessary for successful implementation of the WAGES Program.

(f) Criteria for allocating WAGES Program resources to local WAGES coalitions. Such criteria must include weighting factors that reflect the relative degree of difficulty associated with securing employment placements for specific subsets of the welfare transition caseload.

(g) The development of a performance-based payment structure to be used for all WAGES Program services, which takes into account the following:

1. The degree of difficulty associated with placing a WAGES Program participant in a job;

2. The quality of the placement with regard to salary, benefits, and opportunities for advancement; and

3. The employee's retention of the placement.

The payment structure shall provide not more than 40 percent of the cost of services provided to a WAGES participant prior to placement, 50 percent upon employment placement, and 10 percent if employment is retained for at least 6 months. The payment structure should provide bonus payments to providers that experience notable success in achieving long-term job retention with WAGES Program participants. The board shall consult with *the* Enterprise Florida *workforce development board* ~~Jobs and Education Partnership~~ in developing the WAGES Program statewide implementation plan.

Section 4. Section 414.028, Florida Statutes, 1996 Supplement, is amended to read:

414.028 Local WAGES coalitions.—The WAGES Program State Board of Directors shall create and charter local WAGES coalitions to plan and coordinate the delivery of services under the WAGES Program at the local level. The boundaries of the service area for a local WAGES coalition shall conform to the boundaries of the service area for the ~~jobs and education~~ regional *workforce development* board established under the Enterprise Florida *workforce development board* ~~Jobs and Education Partnership~~. The local delivery of services under the WAGES Program shall be coordinated, to the maximum extent possible, with the local services and activities of the local service providers designated by the regional workforce development boards.

(1)(a) Each local WAGES coalition must have a minimum of 11 members, of which at least one-half must be from the business community. The composition of the coalition membership must generally reflect the racial, gender, and ethnic diversity of the community as a whole. All members shall be appointed to 3-year terms. The membership of each coalition must include:

1. Representatives of the principal entities that provide funding for the employment, education, training, and social service programs that are operated in the service area, including, but not limited to, representatives of local government, the regional workforce development board, and the United Way.

2. A representative of the health and human services board.

3. A representative of a community development board.

4. Three representatives of the business community who represent a diversity of sizes of businesses.

5. Representatives of other local planning, coordinating, or service-delivery entities.

6. A representative of a grassroots community or economic development organization that serves the poor of the community.

(b) A representative of an agency or entity that could benefit financially from funds appropriated under the WAGES Program may not be a member of a local WAGES coalition.

(c) A member of the board of a public or private educational institution may not serve as a member of a local WAGES coalition.

(d) A representative of any county *or municipal* governing body that elects to provide services through the local WAGES coalition shall be an ex officio, nonvoting member of the coalition.

(2) A local WAGES coalition and a ~~jobs and education~~ regional *workforce development* board may be combined into one board if the membership complies with subsection (1), and if the membership of the combined board meets the requirements of Pub. L. No. 97-300, the federal Job Training Partnership Act, as amended, and with any law delineating the membership requirements for the regional workforce development boards. Notwithstanding paragraph (1)(b), in a region in which the duties of the two boards are combined, a person may be a member of the WAGES coalition even if the member, or the member's principal, could benefit financially from transactions of the coalition. *However, members must recuse themselves from voting on all matters from which they or their principals could benefit financially. Failure to recuse on any such vote will constitute grounds for immediate removal from the local WAGES coalition.*

(3) The statewide implementation plan prepared by the WAGES Program State Board of Directors shall prescribe and publish the process for chartering the local WAGES coalitions.

(4) Each local WAGES coalition shall perform the planning, coordination, and oversight functions specified in the statewide implementation plan, including, but not limited to:

(a) Developing a program and financial plan to achieve the performance outcomes specified by the WAGES Program State Board of Directors for current and potential program participants in the service area. The plan must reflect the needs of service areas for seed money to create programs that assist children of WAGES participants.

(b) Developing a funding strategy to implement the program and financial plan which incorporates resources from all principal funding sources.

(c) Identifying employment, service, and support resources in the community which may be used to fulfill the performance outcomes of the WAGES Program.

(d) In cooperation with the ~~jobs and education~~ regional *workforce development* board, coordinating the implementation of one-stop career centers.

(e) Advising the Department of *Children and Family* ~~Health and Rehabilitative~~ Services *and the Department of Labor and Employment Security* with respect to the competitive procurement of services under the WAGES Program.

(f) Selecting an entity to administer the program and financial plan, such as a unit of a political subdivision within the service area, a not-for-profit private organization or corporation, or any other entity agreed upon by the local WAGES coalition.

(5) The WAGES Program State Board of Directors may not approve the program and financial plan of a local coalition unless the plan provides a teen pregnancy prevention component that includes, but is not necessarily limited to, a plan for implementing the Florida Education Now and Babies Later (ENABL) program under s. 411.242 and the Teen Pregnancy Prevention Community Initiative within each segment of the service area in which the childhood birth rate is higher than the state average. *In developing and coordinating the program and financial plan, the local WAGES coalition shall consider issues related to the responsibility of fathers to support noncustodial children. Such consideration shall include, but need not be limited to:*

(a) Activities that will improve the process for establishing paternity, which shall be developed in cooperation with the Division of Child Support Enforcement of the Department of Revenue, the Healthy Start Coalition, the Department of Health, the Commission on Responsible Fatherhood, and the Florida Coalition Against Domestic Violence.

(b) Work activities for noncustodial parents described in s. 414.065(8). In addition to court-ordered activities, the plan may include work activities that facilitate employment of noncustodial parents for whom a court order has not been issued.

To the extent permitted by federal law and determined appropriate by the local WAGES coalition, WAGES Program resources may be used for activities that are designed to encourage noncustodial parents to provide support for their children and that are consistent with program and financial guidelines established by the WAGES Program State Board of Directors. A local WAGES coalition is encouraged to use funding approaches that leverage other federal, state, or local funds, including, but not limited to, funds provided under workforce development programs, teen parent programs, and the Healthy Start Program.

(6) Local employees of the department and the Department of Labor and Employment Security shall provide staff support for the local WAGES coalitions. At the option of the local WAGES coalition, staff support may be provided by another agency or entity if it can be provided at no cost to the state and if the support is not provided by an agency or other entity that could benefit financially from funds appropriated to implement the WAGES Program.

(7) There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member of a local WAGES coalition or its employees or agents for any lawful action taken by them in the performance of their powers and duties under ss. 414.028-414.029.

Section 5. Section 414.029, Florida Statutes, 1996 Supplement, is amended to read:

414.029 WAGES Program Business Registry.—Each local WAGES coalition created pursuant to s. 414.028 must establish a business registry for business firms committed to assist in the effort of finding jobs for WAGES program participants. Registered businesses agree to work with the coalition and to hire WAGES program participants to the maximum extent possible consistent with the nature of their business. Each quarter, the coalition must publish a list of businesses registered as a prerequisite for receiving a tax exemption *provided under s. 212.08(5)(b) or s. 212.08(7)(ii)* and the number of jobs each has provided for program participants.

Section 6. Paragraphs (b), (d), (e), (f), and (h) of subsection (1), and subsections (2), (3), (4), (5), (6), (7), (9), (10), and (11) of section 414.065, Florida Statutes, 1996 Supplement, are amended to read:

414.065 Work requirements.—

(1) WORK ACTIVITIES.—The following activities may be used individually or in combination to satisfy the work requirements for a participant in the WAGES Program:

(b) Subsidized private sector employment.—Subsidized private sector employment is employment in a private for-profit enterprise or a private not-for-profit enterprise which is directly supplemented by federal or state funds. A subsidy may be provided in one or more of the forms listed in this paragraph.

1. Work supplementation.—A work supplementation subsidy diverts a participant's *temporary cash* assistance under the program to the employer. The employer must pay the participant wages that equal or exceed the applicable federal minimum wage. Work supplementation may not exceed 6 months. At the end of the supplementation period, the employer is expected to retain the participant as a regular employee without receiving a subsidy for at least 12 months. The work supplementation agreement must provide that if the employee is dismissed at any time within 12 months after termination of the supplementation period due in any part to loss of the supplement, the employer shall repay some or all of the supplement previously paid as a subsidy to the employer under the WAGES Program.

2. On-the-job training.—On-the-job training is full-time, paid employment in which the employer provides training needed for the participant to perform the skills required for the position. The employer receives a subsidy to offset the cost of the training provided to the participant. Upon satisfactory completion of the training, the employer is expected to retain the participant as a regular employee without receiving a subsidy. The on-the-job training agreement must provide that in the case of dismissal of a participant due to loss of the subsidy, the employer shall repay some or all of the subsidy previously provided by the department *and the Department of Labor and Employment Security.*

3. Incentive payments.—The department *and the Department of Labor and Employment Security* may provide additional incentive payments to encourage employers to employ program participants. Incentive payments may include payments to encourage the employment of hard-to-place participants, in which case the amount of the payment shall be weighted proportionally to the extent to which the participant has limitations associated with the long-term receipt of welfare and difficulty in sustaining employment. In establishing incentive payments, the department *and the Department of Labor and Employment Security* shall consider the extent of prior receipt of welfare, lack of employment experience, lack of education, lack of job skills, and other appropriate factors. A participant who has complied with program requirements and who is approaching the time limit for receiving temporary *cash* assistance may be defined as "hard-to-place." Incentive payments may include payments in which an initial payment is made to the employer upon the employment of a participant, and the majority of the incentive payment is made after the employer retains the participant as a full-time employee for at least 12 months. The incentive agreement must provide that if the employee is dismissed at any time within 12 months after termination of the incentive payment period due in any part to loss of the incentive, the employer shall repay some or all of the payment previously paid as an incentive to the employer under the WAGES Program.

4. Tax credits.—An employer who employs a program participant may qualify for enterprise zone property tax credits under s. 220.182, the tax refund program for qualified target industry businesses under s. 288.106, or other federal or state tax benefits. The department *and the Department of Labor and Employment Security* shall provide information and assistance, as appropriate, to use such credits to accomplish program goals.

(d) Community service work experience.—Community service work experience is job training experience at a supervised public or private not-for-profit agency. A participant shall receive temporary *cash* assistance in the form of wages, *which, when combined with the value of food stamps awarded to the participant, is* ~~that are~~ proportional to the amount of time worked. A participant *in the WAGES Program or the Food Stamp Employment and Training program* assigned to community service work experience shall be deemed an employee of the state for purposes of workers' compensation coverage and is subject to the requirements of the drug-free workplace program. As used in this paragraph, the terms "community service experience," "community work," and "workfare" are synonymous.

(e) Job search and job readiness assistance.—Job search assistance may include supervised or unsupervised job-seeking activities. Job readiness assistance provides support for job-seeking activities, which may include:

1. Orientation to the world of work and basic job-seeking and job retention skills.

2. Instruction in completing an application for employment and writing a resume.

3. Instruction in conducting oneself during a job interview, including appropriate dress.

Job readiness assistance may also include providing a participant with access to an employment resource center that contains job listings, telephones, facsimile machines, typewriters, and word processors. Job search and job readiness activities may be used in conjunction with other program activities, such as work experience, but may not be the primary work activity *for*~~, may not be used in conjunction with other program activities such as work experience, and may not continue~~ longer than the length of time permitted under federal law.

(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. To the maximum extent possible, a provider of vocational education or training shall use funds provided by funding sources other than the department *or the Department of Labor and Employment Security. Either* ~~The~~ department may provide additional funds to a vocational education or training provider only if payment is made pursuant to a performance-based contract. Under a performance-based contract, the provider may be partially paid when a participant completes education or training, but the majority of payment shall be made following the participant's employment at a specific wage or job retention for a specific duration. Performance-based payments made under this subparagraph are limited to education or training for targeted occupations identified by the Occupational Forecasting Conference under s. 216.136, or other programs identified by the Enterprise Florida *workforce development board* ~~Jobs and Education Partnership~~. A contract with a community college or school district must conform to the provisions of ss. 239.249 and 240.40685.

(h) Education services related to employment for participants 19 years of age or younger.—Education services provided under this paragraph are designed to prepare a participant for employment in an occupation. *The department and* the Department of Labor and Employment Security shall coordinate education services with the school-to-work activities provided under s. 229.595. Activities provided under this paragraph are restricted to participants 19 years of age or younger who have not completed high school or obtained a high school equivalency diploma.

(2) WORK ACTIVITY REQUIREMENTS.—Each adult participant who is not otherwise exempt must participate in a work activity*, except for community service work experience,* for the maximum number of hours allowable under federal law provided that no participant be required to work more than 40 hours per week or less than the minimum number of hours required by federal law. *The maximum number of hours each month that a participant may be required to participate in community service activities is the greater of: the number of hours that would result from dividing the family's monthly amount for temporary cash assistance and food stamps by the federal minimum wage and then dividing that result by the number of participants in the family who participate in community service activities; or the minimum required to meet federal participation requirements. However, in no case shall the maximum hours required per week for community work experience exceed 40 hours.* An applicant shall be referred for employment at the time of application if the applicant is eligible to participate in the WAGES Program.

(3) EXEMPTION FROM WORK ACTIVITY REQUIREMENTS.—The following individuals are exempt from work activity requirements:

(a) A minor child under age 16, except that a child exempted from this provision shall be subject to the requirements of *paragraph (1)(i) and* s. 414.125.

(b) An individual who *receives* ~~is eligible for~~ benefits under the *Supplemental* ~~Social~~ Security Income ~~(SSI)~~ program *or the Social Security Disability Insurance program* ~~due to age or disability~~.

(c) Adults who are not included in the calculation of *temporary cash assistance* ~~benefits~~ in child-only cases.

(d) One custodial parent with a child under 3 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.

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

(a) First noncompliance: temporary *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 *temporary cash* assistance.

(b) Second noncompliance: temporary *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, *temporary cash* assistance *and food stamps* 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: temporary *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 *temporary cash* assistance *and food stamps*.

If a participant fully complies with work activity requirements for at least 6 months, the participant shall be reinstated as being in full compliance with program requirements for purpose of sanctions imposed under this section.

(5) CONTINUATION OF *TEMPORARY CASH* ASSISTANCE FOR CHILDREN; PROTECTIVE PAYEES.—

(a) Upon the second or third occurrence of noncompliance, *temporary cash* assistance *and food stamps* for the child or children in a family who are under age *16* ~~12~~ may be continued. Any such payments must be made through a protective payee *or, in the case of food stamps, through an authorized representative.* Under no circumstances shall *temporary cash* ~~such~~ assistance *or food stamps* 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 assistance 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 assistance 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 assistance in the best interest of the child or children.

(c) The protective payee designated by the department shall be the authorized representative for purposes of receiving food stamps on behalf of a child or children under age 16. The authorized representative must agree in writing to use the food stamps in the best interest of the child or children.

(d)~~(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 *or authorized representative,* such designation may be made, except that a protective payee *or authorized representative* must not be any individual involved in determining eligibility

for *temporary cash* assistance *or food stamps* for the family, staff handling any fiscal processes related to issuance of *temporary cash* assistance *or food stamps*, or landlords, grocers, or vendors of goods, services, or items dealing directly with the participant.

(e)~~(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.

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

(6) PROPORTIONAL REDUCTION OF *TEMPORARY CASH* ASSISTANCE RELATED TO PAY AFTER PERFORMANCE.—Notwithstanding the provisions of subsection (4), if an individual is receiving *temporary cash* assistance under a pay-after-performance arrangement and the individual participates, but fails to meet the full participation requirement, then the *temporary cash assistance* ~~benefit~~ received shall be reduced and shall be proportional to the actual participation. *Food stamps may be included in a pay-after-performance arrangement if permitted under federal law.*

(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 *temporary cash* assistance:

(a) Noncompliance related to child care.—*Temporary cash* assistance *may* ~~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 *or to the Department of Labor and Employment Security* 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. A participant may not be excused from work activity requirements unless the participant's medical incapacity is verified by a physician licensed under chapter 458 or chapter 459, in accordance with procedures established by rule of the Department *of Labor and Employment Security*.

(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 *of Labor and Employment Security* may define *by rule* situations that would constitute good cause. These situations *must* ~~shall~~ include caring for a disabled family member when the need for the care has been verified and alternate care is not available.

(9) PRIORITIZATION OF WORK REQUIREMENTS.—The Department *of Labor and Employment Security* shall require participation in work activities to the maximum extent possible, subject to federal and state funding. If funds are projected to be insufficient to allow full-time work activities by all program participants who are required to participate in work activities, the Department *of Labor and Employment Security* shall screen participants and assign priority based on the following:

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

(b) Among single-parent families, a family that has older preschool children or school-age children shall be assigned priority for work activities.

(c) A participant who has access to nonsubsidized child care may be assigned priority for work activities.

(d) Priority may be assigned based on the amount of time remaining until the participant reaches the applicable time limit for program participation or may be based on requirements of a case plan.

The Department *of Labor and Employment Security* may limit a participant's weekly work requirement to the minimum required to meet federal work activity requirements in lieu of the level defined in subsection (2). The department *and the Department of Labor and Employment Security* may develop screening and prioritization procedures within service districts or within counties based on the allocation of resources, the availability of community resources, or the work activity needs of the service district.

(10) USE OF CONTRACTS.—The Department *of Labor and Employment Security* shall provide work activities, training, and other services, as appropriate, through contracts. In contracting for work activities, training, or services, the following applies:

(a) All education and training provided under the WAGES Program shall be provided through agreements with ~~jobs and education~~ regional *workforce development* boards.

(b) A contract must 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 tied to completion of training or education or any other phase of the program participation process.

(c) A contract may include performance-based incentive payments that may vary according to the extent to which the participant is more difficult to place. Contract payments may be weighted proportionally to reflect the extent to which the participant has limitations associated with the long-term receipt of welfare and difficulty in sustaining employment. The factors may include the extent of prior receipt of welfare, lack of employment experience, lack of education, lack of job skills, and other factors determined appropriate by the Department *of Labor and Employment Security*.

(d) Notwithstanding the exemption from the competitive sealed bid requirements provided in s. 287.057(3)(f) for certain contractual services, each contract awarded under this chapter must be awarded on the basis of a competitive sealed bid, except for a contract with a governmental entity as determined by the department *or the Department of Labor and Employment Security*.

(e) The department *or the Department of Labor and Employment Security* may contract with commercial, charitable, or religious organizations. A contract must comply with federal requirements with respect to nondiscrimination and other requirements that safeguard the rights of participants. Services may be provided under contract, certificate, voucher, or other form of disbursement.

(f) The administrative costs associated with a contract ~~of the department~~ for services provided under this section may not exceed the applicable administrative cost ceiling established in federal law. An agency or entity that is awarded a contract under this section may not charge more than 7 percent of the value of the contract for administration, unless an exception is approved by the local WAGES coalition. A list of any exceptions approved must be submitted to the WAGES Program State Board of Directors for review, and the board may rescind approval of the exception. The WAGES Program State Board of Directors may also approve exceptions for any statewide contract for services provided under this section.

(g) The Department *of Labor and Employment Security* may enter into contracts to provide short-term work experience for the chronically unemployed as provided in this section.

(h) A tax-exempt organization under s. 501(c) of the Internal Revenue Code of 1986 which receives funds under this chapter must disclose receipt of federal funds on any advertising, promotional, or other material in accordance with federal requirements.

(11) *PROTECTIONS FOR PARTICIPANTS* ~~IMPLEMENTATION.~~—

(a) Each participant is subject to the same health, safety, and nondiscrimination standards established under federal, state, or local laws that otherwise apply to other individuals engaged in similar activities who are not participants in the WAGES Program.

(b) The Department of Labor and Employment Security shall recommend to the Legislature by December 30, 1997, policies to protect participants from discrimination, unreasonable risk, and unreasonable expectations related to work experience and community service requirements. ~~If federal welfare reform legislation as described in this chapter is not enacted by the Congress, the department shall revise the state AFDC program and the Job Opportunities and Basic Skills Training (JOBS) Plan to conform to the provisions of this section and s. 414.15 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) Plan requirements, the department shall implement changes made to the state AFDC program and the Job Opportunities and Basic Skills Training (JOBS) Plan 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) Plan 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 AFDC program and the Job Opportunities and Basic Skills Training (JOBS) Plan.~~

~~(c) In pursuing such waiver, the department may agree to modifications to the waiver terms and conditions that include penalties for noncompliance 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 subsection shall be effective not later than July 1, 1996, and shall be implemented in accordance with changes to the state AFDC program and the Job Opportunities and Basic Skills Training (JOBS) Plan and changes to federal waivers as specified in this section.~~

Section 7. Section 414.075, Florida Statutes, 1996 Supplement, is amended to read:

414.075 Resource eligibility standards.—For purposes of program simplification and effective program management, certain resource definitions, as outlined in the food stamp regulations at 7 C.F.R. s. 273.8, shall be applied to the WAGES Program as determined by the department to be consistent with federal law regarding temporary *cash* assistance *and Medicaid* for needy families, except *that* ~~as to the following~~:

(1) The maximum allowable resources, including liquid and nonliquid resources, of all members of the family may not exceed $2,000.

(2) In determining the resources of a family, the following shall be excluded:

(a) Licensed vehicles needed for *individuals* ~~adults~~ subject to the work participation requirement, not to exceed a combined value of $8,500, and needed for training, employment, or education purposes. For any family without an *individual* ~~adult~~ subject to the work participation requirement, one vehicle valued at not more than $8,500 shall be excluded. Any vehicle that is necessary to transport a physically disabled family member shall be excluded. A vehicle shall be considered necessary for the transportation of a physically disabled family member if the vehicle is specially equipped to meet the specific needs of the disabled person or if the vehicle is a special type of vehicle and makes it possible to transport the disabled person.

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

(3) A vacation home that annually produces income consistent with its fair market value, and that is excluded as a resource in determining eligibility for food stamps under federal regulations, may not be excluded as a resource in determining a family's eligibility for temporary *cash* assistance.

(4) An individual and the assistance group in which the individual is a current member will be ineligible for a period of 2 years from the original date of a transfer of an asset made for the purpose of qualifying for or maintaining eligibility for temporary cash assistance.

Section 8. Section 414.085, Florida Statutes, 1996 Supplement, is amended to read:

414.085 Income eligibility standards.—For purposes of program simplification and effective program management, certain income definitions, as outlined in the food stamp regulations at 7 C.F.R. s. 273.9, shall be applied to the WAGES Program as determined by the department to be consistent with federal law regarding temporary *cash* assistance *and Medicaid* for needy families, except as to the following:

(1) Participation in the WAGES Program shall be limited to those families whose gross family income is equal to or less than 130 percent of the federal poverty level established in s. 673(2) of the Community Services Block Grant Act, 42 U.S.C. s. 9901(2).

(2) Income security payments, including payments funded under part B of Title IV of the Social Security Act, as amended; supplemental security income under Title *XVI* ~~XCI~~ of the Social Security Act, as amended; or other income security payments as defined by federal law shall be included as income to the extent required or permitted by federal law.

(3) The first $50 of child support paid to a *custodial* ~~noncustodial~~ parent receiving temporary *cash* assistance may not be disregarded in calculating the amount of temporary *cash* assistance for the family, unless such exclusion is required by federal law.

Section 9. Subsections (1), (2), and (3), paragraph (a) of subsection (4), subsections (5), (6), (7), and (8), paragraphs (a), (c), (e), and (f) of subsection (10), and subsections (11), (13), (14), (15), and (17) of section 414.095, Florida Statutes, are amended to read:

414.095 Determining eligibility for the WAGES Program.—

(1) ELIGIBILITY.—An applicant must meet eligibility requirements of this section before receiving services or temporary *cash* assistance under this chapter, *except that an applicant shall be required to engage in work activities in accordance with s. 414.065 and may receive support services or child care assistance in conjunction with such requirement.* The department shall make a determination of eligibility based on the criteria listed in this chapter. The department shall monitor continued eligibility for temporary *cash* assistance through *periodic reviews consistent with* the food stamp eligibility process. *Benefits shall not be denied to an individual solely based on a felony drug conviction, unless the conviction is for trafficking pursuant to s. 893.135. To be eligible under this section, an individual convicted of a drug felony must be satisfactorily meeting the requirements of the WAGES Program, including all substance abuse treatment requirements. Within the limits specified in this chapter, the state opts out of the provision of s. 115 of Pub. L. No. 104-193 that eliminates eligibility for temporary cash assistance and food stamps for any individual convicted of a controlled substance felony.*

(2) ADDITIONAL ELIGIBILITY REQUIREMENTS.—

(a) To be eligible for services or temporary *cash* assistance *and Medicaid* under the WAGES Program:

1. An applicant must be a United States citizen, or a qualified noncitizen, as defined in this section.

2. An applicant must be a legal resident of the state.

3. Each member of a family must provide to the department the member's social security number or shall provide proof of application for a social security number. An individual who fails to provide to the department a social security number, or proof of application for a social security number, is not eligible to participate in the program.

4. A minor child must reside with a custodial parent or parents or with a relative caretaker who is within the specified degree of blood relationship as defined under the WAGES Program, or in a setting approved by the department.

5. Each family must have a minor child and meet the income and resource requirements of the program. All minor children who live in the

family, as well as the parents of the minor children, shall be included in the eligibility determination unless specifically excluded.

(b) The following members of a family are eligible to participate in the program 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 needs and income included in the family.

4. Unwed minor children and their children if the unwed minor child lives at home or in an adult-supervised setting and if temporary *cash* assistance is paid to an alternative payee.

5. A pregnant woman.

(3) ELIGIBILITY FOR NONCITIZENS.—A qualified noncitizen is an individual who is lawfully present in the United States as a refugee or who is granted asylum under ss. 207 and 208 of the Immigration and Nationality Act, an alien whose deportation is withheld under s. 243(h) of the Immigration and Nationality Act, or an alien who has been admitted as a permanent resident and meets specific criteria under federal law. A nonqualified noncitizen is a nonimmigrant alien, including a tourist, business visitor, foreign student, exchange visitor, temporary worker, or diplomat. In addition, a nonqualified noncitizen includes an individual paroled into the United States for less than 1 year. A qualified noncitizen who is otherwise eligible may receive temporary *cash* assistance to the extent permitted by federal law. The income or resources of a sponsor and the sponsor's spouse shall be included in determining eligibility to the maximum extent permitted by federal law.

(a) A child born in the United States to an illegal or ineligible alien is eligible for temporary *cash* assistance under this chapter if the family meets all eligibility requirements.

(b) If the parent may legally work in this country, the parent must participate in the work activity requirements provided in s. 414.065, *to the extent permitted under federal law*.

(c) The department shall participate in the Systematic Alien Verification for Entitlements Program (SAVE) 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.

(d) The income of an illegal alien or ineligible alien, less a pro rata share for the illegal alien or ineligible alien, counts in determining a family's eligibility to participate in the program.

(e) The entire assets of an ineligible alien or a disqualified individual who is a mandatory member of a family shall be included in determining the family's eligibility.

(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 *cash* 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 ~~of Health and Rehabilitative Services~~ 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.

(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 *level of temporary cash* assistance ~~level~~ for the minor child shall be based on the shelter obligation *paid to* ~~of~~ the caretaker relative.

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

(7) CHILD SUPPORT ENFORCEMENT.—As a condition of eligibility for temporary *cash* assistance, the family must cooperate with the state agency responsible for administering the child support enforcement program in establishing the paternity of the child, if the child is born out of wedlock, and in obtaining support for the child or for the parent or caretaker relative and the child. 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 a child of a family member.

(8) ASSIGNMENT OF RIGHTS TO SUPPORT.—As a condition of receiving temporary *cash* assistance, the family must assign to the department any rights a member of a family may have to support from any other person. This applies to any family member; however, the assigned amounts must not exceed the total amount of temporary *cash* assistance provided to the family. The assignment of child support does not apply if the family leaves the program.

(10) PARTICIPANT OPPORTUNITIES AND OBLIGATIONS.—An applicant or participant in the WAGES Program has the following opportunities and obligations:

(a) To participate in establishing eligibility by providing facts with respect to circumstances that affect eligibility and by obtaining, or authorizing the department *and the Department of Labor and Employment Security* to obtain, documents or information from others in order to establish eligibility.

(c) To be advised of any reduction or termination of *temporary cash assistance or food stamps* ~~benefits~~.

(e) To keep the department *and the Department of Labor and Employment Security* informed of any changes that could affect eligibility.

(f) To use temporary *cash* assistance *and food stamps* for the purpose for which the assistance is intended.

(11) DETERMINATION OF LEVEL OF *TEMPORARY CASH* ASSISTANCE.—Temporary *cash* assistance shall be based on a standard determined by the Legislature, subject to availability of funds. There shall be three assistance levels for a family that contains a specified number of eligible members, based on the following criteria:

(a) A family that does not have a shelter obligation.

(b) A family that has a shelter obligation greater than zero but less than or equal to $50.

(c) A family that has a shelter obligation greater than $50 or that is homeless.

The following chart depicts the *levels of temporary cash* assistance ~~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

(13) CALCULATION OF *LEVELS OF TEMPORARY CASH* ASSISTANCE ~~LEVELS~~.—

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

(b) A deduction may not be allowed for child care payments.

(14) METHODS OF PAYMENT OF *TEMPORARY CASH* ASSISTANCE.—Temporary *cash* assistance may be paid as follows:

(a) Direct payment through state warrant, electronic ~~assistance~~ transfer *of temporary cash assistance*, or voucher.

(b) Payment to an alternative payee.

(c) Payment for subsidized employment.

(d) Pay-after-performance arrangements with public or private not-for-profit agencies.

(15) PROHIBITIONS AND RESTRICTIONS.—

(a) A family without a minor child living in the home is not eligible to receive temporary *cash* assistance or services under this chapter. However, a pregnant woman is eligible for temporary *cash* assistance in the ninth month of pregnancy if all eligibility requirements are otherwise satisfied.

(b) Temporary *cash* assistance, without shelter expense, may be available for a teen parent who is less than 19 years of age and for the child. Temporary *cash* 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. The alternative payee may not use the temporary *cash* assistance for any purpose other than paying for food, clothing, shelter, and medical care for the teen parent and child and for other necessities required to enable the teen parent to attend school or a training program. In order for the child of the teen parent and the teen parent to be eligible for temporary *cash* assistance, the teen parent must:

1. Attend school or an approved alternative training program, unless the child is less than 12 weeks of age or the teen parent has completed high school; and

2. Reside with a parent, legal guardian, or other adult caretaker relative. The income and resources of the parent shall be included in calculating the *temporary cash* assistance available to the teen parent since the parent is responsible for providing support and care for the child living in the home.

3. Attend parenting and family classes that provide a curriculum specified by the department, *the Department of Labor and Employment Security, or the Department of Health*, 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 that:

1. The teen parent has suffered or might suffer harm in the home of the parent, legal guardian, or adult caretaker relative.

2. The requirement is not in the best interest of the teen parent or the child. If the department determines that it is not in the best interest of the teen parent or child to reside with a parent, legal guardian, or other adult caretaker relative, the department shall provide or assist the teen parent in finding a suitable home, a second-chance home, a maternity home, or other appropriate adult-supervised supportive living arrangement.

The department may not delay providing *temporary cash* assistance to the teen parent through the alternative payee designated by the department 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 *temporary cash* assistance so long as the teen parent cooperates with the department, *the Department of Labor and Employment Security, and the Department of Health*. 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) *Notwithstanding any law to the contrary*, if a parent or caretaker relative *without good cause* does not cooperate with the state agency responsible for administering the child support enforcement program in establishing, modifying, or enforcing a support order with respect to a child of a teen parent or other family member, or a child of a family member who is in the care of an adult relative, *temporary cash* assistance to the entire family shall be denied until the state agency indicates that cooperation by the parent or caretaker relative has been satisfactory.

(e) If a parent or caretaker relative does not assign any rights a family member may have to support from any other person as required by subsection (8), *temporary cash* assistance to the entire family shall be denied until the parent or caretaker relative assigns the rights to the department.

(f) An individual who is convicted in federal or state court of receiving benefits under this chapter, Title XIX, the Food Stamp Act of 1977, or Title XVI (Supplemental Security Income), in two or more states simultaneously may not receive *temporary cash* assistance or services under this chapter for 10 years following the date of conviction.

(g) An individual is ineligible to receive *temporary cash* assistance or services under this chapter during any period when the individual is fleeing to avoid prosecution, custody, or confinement after committing a crime, attempting to commit a crime that is a felony under the laws of the place from which the individual flees or a high misdemeanor in the State of New Jersey, or violating a condition of probation or parole imposed under federal or state law.

(h) The parent or other caretaker relative must report to the department by the end of the 5-day period that begins on the date it becomes clear to the parent or caretaker relative that a minor child will be absent from the home for 30 or more consecutive days. A parent or caretaker relative who fails to report this information to the department shall be disqualified from receiving temporary *cash* assistance for 30 days for the first occurrence, 60 days for the second occurrence, and 90 days for the third or subsequent occurrence.

(i) If the parents of a minor child live apart and equally share custody and control of the child, a parent is ineligible for temporary *cash* assistance unless the parent clearly demonstrates to the department that the parent provides primary day-to-day custody.

(17) PROPORTIONAL REDUCTION.—If the Social Services Estimating Conference forecasts an increase in the temporary *cash* assistance caseload and there is insufficient funding, a proportional reduction as determined by the department shall be applied to the *levels of temporary cash* assistance ~~levels~~ in subsection (11).

Section 10. Section 414.105, Florida Statutes, 1996 Supplement, is amended to read:

414.105 Time limitations of temporary *cash* assistance.—Unless otherwise expressly provided in this chapter, an applicant or current participant shall receive temporary *cash* assistance for episodes of not more than 24 cumulative months in any consecutive 60-month period

that begins with the first month of participation and for not more than a lifetime cumulative total of 48 months as an adult.

(1) The time limitation for episodes of temporary *cash* assistance may not exceed 36 cumulative months in any consecutive 72-month period that begins with the first month of participation and may not exceed a lifetime cumulative total of 48 months of *temporary cash assistance as an* adult ~~benefits~~, for cases in which the participant:

(a) Has received aid to families with dependent children or temporary *cash* 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 chapter shall be limited to 10 percent of participants in the first year of implementation of this chapter, 15 percent of participants in the second year of implementation of this chapter, and 20 percent of participants in all subsequent years. 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 *for temporary cash assistance.* The recommendation must be the result of a review which determines that the termination of the child's *temporary cash* assistance would be likely to result in the child being placed into emergency shelter or foster care. *Temporary cash* assistance shall be provided through a protective payee. Staff of the Children and Family Services Program Office of the department shall conduct all assessments in each case in which it appears a child may require continuation of *temporary cash* assistance through a protective payee.

Temporary cash assistance under a hardship exemption ~~benefits~~ for a participant who is eligible for work activities and who is not working shall be reduced by 10 percent. Upon the employment of the participant, full benefits shall be restored.

(3) The department shall establish a procedure for reviewing and approving hardship exemptions, and the local WAGES coalitions may assist in making these determinations. The composition of any review panel must generally reflect the racial, gender, and ethnic diversity of the community as a whole. Members of a review panel shall serve without compensation, but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.016.

(4) The cumulative total of all hardship exemptions may not exceed 12 months, may include reduced benefits at the option of the community review panel, and shall, in combination with other periods of temporary *cash* assistance as an adult, total no more than 48 months of temporary *cash* assistance. 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 temporary *cash* assistance shall be the shorter of the respective time limitations used in the two states, and months in which *temporary cash* assistance was received *under a block grant program that provided temporary assistance for needy families* in any state shall count towards the cumulative 48-month benefit limit *for temporary cash assistance.*

(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 *temporary cash* assistance was received through the family transition program shall count towards the time limitations under this chapter.

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

(8) Child-only cases *are* ~~shall~~ not ~~be~~ subject to time limitations, and *temporary cash assistance* ~~benefits~~ received while *an individual is* a minor child shall not count towards time limitations.

(9) An individual who *receives* ~~is eligible for~~ benefits under the *Supplemental* ~~Social~~ Security Income ~~(SSI)~~ program *or the Social Security Disability Insurance program* ~~due to age or disability~~ is not subject to time limitations.

(10) A member of the WAGES Program staff shall interview and assess the employment prospects and barriers of each participant who is within 6 months of reaching the 24-month time limit. The staff member shall assist the participant in identifying actions necessary to become employed prior to reaching the benefit time limit *for temporary cash assistance* and, if appropriate, shall refer the participant for services that could facilitate employment.

~~(11) This section shall be repealed on July 1, 2001, unless reenacted by the Legislature.~~

Section 11. Section 414.115, Florida Statutes, 1996 Supplement, is amended to read:

414.115 Limited *temporary cash* assistance for children born to families receiving *temporary cash* assistance.—

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

(a) An existing *temporary-cash-assistance* ~~temporary-assistance~~ case due to the birth of a child when the birth occurs more than 10 months after *August 1, 1996* ~~the implementation date of this act~~; or

(b) A new *temporary-cash-assistance* ~~temporary-assistance~~ case when the birth occurs more than 10 months after *August 1, 1996,* ~~both the implementation date of this act~~ and the application or reapplication for temporary *cash* assistance.

For purposes of this subsection, "an existing *temporary-cash-assistance* ~~temporary-assistance~~ case" means a case that is receiving temporary assistance on *August 1, 1996,* ~~the implementation date of this act~~ and, if it closes any time after *August 1, 1996* ~~the implementation date~~, is closed for less than 6 continuous months; "a new *temporary-cash-assistance* ~~temporary-assistance~~ case" means a case that was not receiving benefits on *August 1, 1996* ~~the implementation date of this act~~; "reapplication" means a new application by a parent or other caretaker relative who has previously received temporary *cash* assistance in a case that has been closed for 6 continuous months or more prior to the new application.

(2) Subsection (1) *does* ~~shall~~ not apply:

(a) To a program participant who is a victim of rape or incest if she files a police report on the rape or incest within 30 days after the incident;

(b) To children who are the firstborn, including all children in the case of multiple birth, of minors included in a temporary *cash* assistance group who as minors become first-time 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 *temporary cash* 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 assistance~~ recipient *of temporary cash assistance* for all purposes, including Medicaid eligibility.

(4) For the first child born to a recipient under subsection (1), the department shall provide temporary *cash* assistance equal to 50 percent of the maximum allowable amount for an individual. This provision *does* ~~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 *cash* assistance.

Section 12. Section 414.122, Florida Statutes, 1996 Supplement, is amended to read:

414.122 Withholding of payments based on evidence of fraud.—The department shall withhold payment from a ~~financial assistance~~ recipient *of temporary cash assistance* 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 *representative of the department* ~~financial assistance program supervisor~~ by a specified date, which *must* ~~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 *of temporary cash assistance.*

Section 13. Section 414.125, Florida Statutes, 1996 Supplement, is amended to read:

414.125 Learnfare program.—

(1) The department shall reduce the temporary *cash* assistance for a participant's eligible dependent child or for an eligible teenage participant who has not been exempted from education participation requirements during a grading period in which the child or teenage participant has accumulated a number of unexcused absences from school that is sufficient to jeopardize the student's academic progress, in accordance with rules adopted by the department with input from the Department of Education. The temporary *cash* assistance must be reinstituted after a subsequent grading period in which the child has substantially improved the child's attendance. Good cause exemptions from the rule of unexcused absences include the following:

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

~~(b) The teen has a child under 6 months of age.~~

(b)~~(c)~~ No licensed day care is available for a child of teen parents subject to Learnfare.

(c)~~(d)~~ Prohibitive transportation problems exist (e.g., to and from day care).

(d)~~(e)~~ The teen is over 16 years of age and not expected to graduate from high school by age 20.

Within 10 ~~Fifteen~~ days after sanction notification, the participant parent of a dependent child or the teenage participant may file an internal fair hearings process review procedure appeal, and no sanction shall be imposed until the appeal is resolved.

(2) Each *participant* ~~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 assure that the *participant* ~~recipient~~ is involved in the child's educational progress and is aware of any existing attendance or academic problems. *A participant who without good cause fails to attend a conference with a school official is subject to the sanction provided in subsection (1).*

Section 14. Subsections (1), (3), (4), (5), and (6) of section 414.15, Florida Statutes, 1996 Supplement, are amended to read:

414.15 Diversion.—

(1) A segment of applicants do not need ongoing *temporary cash* ~~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.

(3) *Before finding an applicant family* ~~To be~~ eligible for up-front diversion funds, *the department must determine that* all requirements of eligibility *would likely* ~~shall~~ be met.

(4) The department shall screen each applicant family on a case-by-case basis for barriers to obtaining or retaining employment. The screening shall identify barriers that, if corrected, may prevent the family from receiving *temporary 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' *temporary cash* assistance, based on family size.

(6) The family receiving up-front diversion *must* ~~shall~~ sign an agreement restricting the family from applying for temporary *cash* assistance for 3 months, unless an emergency is demonstrated to the department. If a demonstrated emergency forces the family to reapply for *temporary cash* assistance with in 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 *of temporary cash assistance* for which the applicant may be eligible.

Section 15. Paragraph (a) of subsection (4) of section 414.16, Florida Statutes, 1996 Supplement, is amended to read:

414.16 Emergency assistance program.—

(4) RENTAL SECURITY DEPOSIT ASSISTANCE.—

(a) The department shall develop criteria necessary to implement a recoupment program related to security deposit assistance provided under paragraph *(3)(d)* ~~(2)(d)~~. 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. The family shall repay to the department the cost of any damages assessed which exceed normal wear and tear. The total amount owed to the department shall be prorated and subtracted from any temporary *cash* assistance for which the family may be eligible.

Section 16. Subsection (1) of section 414.175, Florida Statutes, 1996 Supplement, is amended to read:

414.175 Review of existing waivers.—

(1) The Department of *Children and Family* ~~Health and Rehabilitative~~ Services shall review existing waivers granted to the department by the Federal Government and determine if such waivers continue to be necessary based on the flexibility granted to states by federal law. If *it is determined* ~~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 alternatives.

Section 17. Section 414.20, Florida Statutes, 1996 Supplement, is amended to read:

414.20 Other support services.—Support services shall be provided, if resources permit, to assist participants in complying with work activity requirements outlined in s. 414.065. If resources do not permit the provision of needed support services, the department *and the Department of Labor and Employment Security* may prioritize or otherwise limit provision of support services. This section does not constitute an entitlement to support services. Lack of provision of support services may be considered as a factor in determining whether good cause exists for failing 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 *cash* assistance or the provision of services under this chapter. Support services shall include, but need not be limited to:

(1) TRANSPORTATION.—Transportation expenses may be provided to any participant when the assistance is needed to comply with work activity requirements or employment requirements, including transportation to and from a child care provider. 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 small enterprise development.

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

(3) MEDICAL SERVICES.—A family that meets the eligibility requirements for Medicaid ~~assistance~~ shall receive medical services under the Medicaid program.

(4) PERSONAL AND FAMILY COUNSELING AND THERAPY.—Counseling may be provided to participants who have a personal or family problem or problems caused by substance abuse that is a barrier to compliance with work activity requirements or employment requirements. In providing these services, the department *and the Department of Labor and Employment Security* shall use services that are available in the community at no additional cost. If these services are not available, the department *and the Department of Labor and Employment Security* may use support services funds. Personal or family counseling not available through Medicaid may not be considered a medical service for purposes of the required statewide implementation plan or use of federal funds.

Section 18. Section 414.21, Florida Statutes, 1996 Supplement, is amended to read:

414.21 Transitional medical benefits.—

(1) A family that loses its temporary *cash* ~~family~~ assistance due to earnings shall remain eligible for Medicaid without reapplication during the immediately succeeding 12-month period if private medical insurance is unavailable from the employer or is unaffordable.

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

(b) The family shall be denied Medicaid if*, during the second 6 months of the 12-month period,* the family's average gross monthly earnings during the preceding month exceed 185 percent of the federal poverty level.

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

Section 19. Section 414.22, Florida Statutes, 1996 Supplement, is amended 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, or training, support services may be provided to a participant for up to 2 years after the participant is no longer eligible to participate in the program. This section does not constitute an entitlement to transitional education and training. If funds are not sufficient to provide services under this section, the Department *of Labor and Employment Security* may limit or otherwise prioritize transitional education and training.

(1) Education or training resources available in the community at no additional cost to the Department *of Labor and Employment Security* shall be used whenever possible.

(2) The Department *of Labor and Employment Security* may authorize child care or other support services in addition to services provided in conjunction with employment. For example, a participant who is 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 the participant's skills.

(3) Transitional education or training must be job-related, but may include training to improve job skills in a participant's existing area of employment or may include training to prepare a participant for employment in another occupation.

(4) The Department *of Labor and Employment Security* may enter into an agreement with an employer to share the costs relating to upgrading the skills of participants hired by the employer. For example, the department may agree to provide support services such as transportation or a wage subsidy in conjunction with training opportunities provided by the employer.

Section 20. Section 414.23, Florida Statutes, 1996 Supplement, is amended to read:

414.23 Evaluation.—The department *and the Department of Labor and Employment Security* shall arrange for evaluation of programs operated under this chapter, as follows:

(1) If required by federal waivers or other federal requirements, the department *and the Department of Labor and Employment Security* may provide for evaluation according to these requirements.

(2) The department *and the Department of Labor and Employment Security* 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. 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 *and the Department of Labor and Employment Security* may share information with and develop protocols for information exchange with the Florida Education and Training Placement Information Program.

(4) The department *and the Department of Labor and Employment Security* 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 *and the Department of Labor and Employment Security* shall safeguard the use or disclosure of information obtained from program participants consistent with federal or state requirements. The department *and the Department of Labor and Employment Security* 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 *and the Department of Labor and Employment Security* 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 21. Section 414.24, Florida Statutes, 1996 Supplement, is amended 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 *and the Department of Labor and Employment Security* shall provide funds to one or more service districts to promote development of integrated, nonduplicative case management within the department, *the Department of Labor and Employment Security,* 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 22. Section 414.25, Florida Statutes, 1996 Supplement, is amended to read:

414.25 Exemption from leased real property requirements.—In order to facilitate implementation of this chapter with respect to establishing jobs and benefits offices, the Department of Labor and Employment Security and the Department of *Children and Family* ~~Health and Rehabilitative~~ Services *are* ~~is~~ exempt from the requirements of s. 255.25 which relate to the procurement of leased real property. This exemption expires June 30, 1998.

Section 23. Section 414.27, Florida Statutes, 1996 Supplement, is amended to read:

414.27 *Temporary cash* ~~Public~~ assistance; payment on death.—

(1) Upon the death of any person receiving *temporary cash* ~~public~~ assistance through the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, all *temporary cash* ~~public assistance~~ accrued to such person from the date of last payment to *the* date of death shall be paid to the person who shall have been designated by him on a form prescribed by the department and filed with the department during the lifetime of the person making such designation. *If* ~~In the event~~ no designation is made, or the person so designated is no longer living or cannot be found, then payment shall be made to such person as may be designated by the circuit judge of the county where the ~~public assistance~~ recipient *of temporary cash assistance* resided. Designation by the circuit judge may be made on a form provided by the department or by letter or memorandum to the Comptroller. No filing or recording of the designation shall be required, and the circuit judge shall receive no compensation for such service. If a warrant has not been issued and forwarded prior to notice by the department of the recipient's death, upon notice thereof, the department shall promptly requisition the Comptroller to issue a warrant in the amount of the accrued *temporary cash* assistance payable to the person designated to receive it and shall attach to the requisition the original designation of the deceased recipient, or if none, the designation made by the circuit judge, as well as a notice of death. The Comptroller shall issue a warrant in the amount payable.

(2) If a warrant has been issued and not cashed by the recipient payee prior to his death, such warrant shall be promptly returned to the department, together with notice of the death of the recipient. The original warrant shall be endorsed on the back by an authorized employee of the department. The endorsement *must* ~~shall~~ be on a form prescribed by the department and approved by the Comptroller which *must* ~~shall~~ contain the name of the deceased recipient, a statement of his death, and the date thereof and state that it is payable to the order of the designated beneficiary, without recourse. The form shall be signed by the authorized employee or employees of the department, and thereupon such warrant shall be payable to the designated beneficiary as fully and completely as if made payable to him when issued. The department shall furnish to the Comptroller each month a list of such deceased recipients, the designated beneficiaries or persons to whom such warrants are endorsed, and a description of such warrants as herein provided. The department shall cause all persons receiving *temporary cash* ~~public~~ assistance to make the designations as soon as conveniently may be, and shall preserve such designations in a safe place for use.

Section 24. Subsections (8) and (10) of section 414.28, Florida Statutes, 1996 Supplement, are amended to read:

414.28 Public assistance payments to constitute debt of recipient.—

(8) DISPOSITION OF FUNDS RECOVERED.—All funds collected under this section shall be deposited with the Department of Banking and Finance and a report of such deposit made to the department ~~of Health and Rehabilitative Services~~. After payment of costs the sums so collected shall be credited to the department ~~of Health and Rehabilitative Services~~ and used by it.

(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, *temporary cash* assistance received under this chapter, the Medicaid program, and mandatory and optional supplement payments under the Social Security Act.

Section 25. Section 414.29, Florida Statutes, 1996 Supplement, is amended to read:

414.29 *Lists of recipients of temporary cash* ~~Public~~ assistance ~~rolls~~ open.—

(1) The lists of names of all persons who have received ~~public assistance~~ payments *of temporary cash assistance* and the amounts of such payments are a matter of public record. They are available for inspection, subject to the limitations specified in subsection (2), at the local offices in the counties wherein the recipients of such payments reside.

(2)(a) It is unlawful for any person, for himself, or for any other person, body, association, firm, corporation, group, or agency, to solicit, disclose, receive, or make use of, or to authorize, knowingly permit, participate in or acquiesce in the use of, any of the lists or parts of such lists of names of ~~public assistance~~ recipients *of temporary cash assistance* ~~herein required to be filed~~ for commercial or political purposes of any nature.

(b) Any person who violates any provision of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 26. Paragraph (a) of subsection (1) and subsection (3) of section 414.32, Florida Statutes, 1996 Supplement, are amended to read:

414.32 Prohibitions and restrictions with respect to food stamps.—

(1) COOPERATION WITH CHILD SUPPORT ENFORCEMENT AGENCY.—

(a) A parent or caretaker relative who receives temporary *cash* assistance or food stamps on behalf of a child under 18 years of age who has an absent parent is ineligible for food stamps unless the parent or caretaker relative cooperates with the state agency that administers the child support enforcement program in establishing the paternity of the child, if the child is born out of wedlock, and in obtaining support for the child or for the parent or caretaker relative and the child. This paragraph does not apply if the state agency that administers the child support enforcement program determines that the parent or caretaker relative has good cause for failing to cooperate in establishing the paternity of the child.

(3) REDUCTION OR DENIAL OF TEMPORARY *CASH* ASSISTANCE ~~BENEFITS~~.—The food stamp allotment shall be reduced or terminated as otherwise provided in this chapter if *temporary cash* assistance under the WAGES Program is reduced or denied because an individual in the family fails to perform an action required under the program.

Section 27. Subsection (3) of section 414.35, Florida Statutes, 1996 Supplement, is amended to read:

414.35 Emergency relief.—

(3) In administering emergency food stamp and *other emergency* assistance programs, the department shall cooperate fully with the United States Government and with other departments, instrumentalities, and agencies of this state.

Section 28. Section 414.36, Florida Statutes, 1996 Supplement, is amended to read:

414.36 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 recovery of public assistance overpayment claims. These activities shall include, at a minimum, voluntary cash collections functions for recovery of fraudulent and nonfraudulent benefits paid to recipients of temporary *cash* assistance under the WAGES Program, food stamps, and aid to families with dependent children.

(2) For purposes of privatization of public assistance overpayment recovery, the department shall enter into contracts consistent with federal law with for-profit corporations, not-for-profit corporations, or other entities capable of providing the ~~benefit recovery~~ services *for recovering public assistance* required under this section. The department shall issue requests for proposals, enter into a competitive bidding process, and negotiate contracts for such services. Contracts for such services may be funded on a contingency fee basis, per fiscal year, based on a percentage of the state-retained share of collections, for *claims for* food *stamps,* ~~stamp and~~ aid to families with dependent children*, and temporary cash assistance* ~~claims~~. This section does not prohibit districts from entering into contracts to carry out the provisions of this section, if that is a cost-effective use of resources.

(3) The Economic *Self-sufficiency* ~~Services~~ Program Office of the department shall have responsibility for contract management and for monitoring and policy development functions relating to privatization of the public assistance overpayment recovery program.

Section 29. Subsections (1) and (9), paragraphs (a), (c), (d), and (e) of subsection (10), and subsections (11) and (12) of section 414.38, Florida Statutes, 1996 Supplement, are amended to read:

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

(1) There is established in two judicial circuits a work experience and job training pilot program for noncustodial parents, of which one circuit must be in a circuit with a mandatory family transition program in operation. The program shall be administered by the department ~~of Health and Rehabilitative Services~~.

(9) The department ~~of Health and Rehabilitative Services~~ shall contract with a private service provider for job training, placement, and support services. The department ~~of Health and Rehabilitative Services~~ shall develop a request for proposal to include procedures and criteria for the competitive acceptance of proposals from interested service providers. Each interested service provider seeking a pilot program pursuant to this section must be able to demonstrate:

(a) Experience in executing large-scale social experiments;

(b) Experience in doing research involving waivers of federal AFDC, JOBS, and child support enforcement policies;

(c) An understanding of the demographics and experiences of economically disadvantaged noncustodial parents; and

(d) Experience in working directly with state programs designed to assist disadvantaged noncustodial parents.

(10)(a) The department ~~of Health and Rehabilitative Services~~, in consultation with the Department of Revenue and the Department of Labor and Employment Security, shall conduct, or shall contract with one or more entities to conduct, a comprehensive evaluation of the program or programs funded through this section. An initial phase of such evaluation must be designed to monitor the extent to which the local work experience and job training pilot program is being implemented and to make recommendations on how best to expand the local work experience and job training pilot program to other sites, including validation of estimated program costs and savings related to factors such as support services, child support paid, job training and placement, peer support components, staffing ratios, and service integration. The initial phase of the evaluation must provide information on the preliminary outcomes of the program, including rates of job placement and job retention and participant salary levels. The department ~~of Health and Rehabilitative Services~~ shall report results of the initial evaluation within 18 months after the demonstration projects begin.

(c) In order to provide evaluation findings with the highest feasible level of scientific validity, the department ~~of Health and Rehabilitative Services~~ may contract for an evaluation design that includes random assignment of program participants to program groups and control groups. Under such design, members of control groups must be given the level of job training and placement services generally available to noncustodial parents who are not included in the local work experience and job training pilot program areas. The provisions of s. 402.105 or similar provisions of federal or state law do not apply under this section.

~~(d) If the secretary determines that procurement procedures for the evaluation will delay the application or approval of any required federal waivers or would otherwise delay initial implementation of local work experience and job training pilot program beyond January 1, 1996, the secretary may proceed with such procurement, notwithstanding any provisions of chapter 287. However, the professional standards of any contractor selected must be consistent with the provisions of this section, and the amount of the contract must not exceed the funds provided for this purpose.~~

(d)~~(e)~~ A copy of the evaluation report shall be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, and appropriate substantive committees of the Legislature by June 30, 1999.

~~(11) The Department of Health and Rehabilitative Services shall obtain the necessary waivers from the United States Department of Health and Human Services in order to implement this section.~~

(11)~~(12)~~ The department ~~of Health and Rehabilitative Services~~, in consultation with the Department of Revenue and the Department of Labor and Employment Security, shall adopt rules to implement this section.

Section 30. Subsections (1), (3), (4), (5), (6), (7), (8), (9), and (10) of section 414.39, Florida Statutes, 1996 Supplement, are amended to read:

414.39 Fraud.—

(1) Any person who knowingly:

(a) Fails, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose a material fact used in making a determination as to such person's qualification to receive *public assistance* ~~aid or benefits~~ under any state or federally funded assistance program;~~, or~~

(b) Fails to disclose a change in circumstances in order to obtain or continue to receive ~~under~~ any such *public assistance* ~~program aid or benefits~~ to which he is not entitled or in an amount larger than that to which he is entitled*; or*~~,~~

(c) ~~or who knowingly~~ Aids and abets another person in the commission of any such act,

is guilty of a crime and shall be punished as provided in subsection (5).

(3) Any person having duties in the administration of a state or federally funded *public* assistance program or in the distribution of *public assistance* ~~benefits~~, or authorizations or identifications to obtain *public assistance* ~~benefits~~, under a state or federally funded *public* assistance program and who:

(a) Fraudulently misappropriates, attempts to misappropriate, or aids and abets in the misappropriation of, a food stamp, an authorization for food stamps, a food stamp identification card, a certificate of eligibility for prescribed medicine, a Medicaid identification card, or *public* assistance from any other state or federally funded program with which he has been entrusted or of which he has gained possession by virtue of his position, or who knowingly fails to disclose any such fraudulent activity;~~,~~ or

(b) Knowingly misappropriates, attempts to misappropriate, or aids or abets in the misappropriation of, funds given in exchange for food stamps or for any form of food stamp benefits authorization,

is guilty of a crime and shall be punished as provided in subsection (5).

(4) Any person who:

(a) Knowingly files, attempts to file, or aids and abets in the filing of, a claim for services to a recipient of *public assistance* ~~benefits~~ under any state or federally funded *public* assistance program for services *that* ~~which~~ were not rendered; knowingly files a false claim or a claim for nonauthorized items or services under such a program; or knowingly bills the recipient of *public assistance* ~~benefits~~ under such a program, or his family, for an amount in excess of that provided for by law or regulation;~~, or~~

(b) Knowingly fails to credit the state or its agent for payments received from social security, insurance, or other sources;~~,~~ or

(c) In any way knowingly receives, attempts to receive, or aids and abets in the receipt of, unauthorized payment or other *unauthorized public assistance* ~~benefit~~ or authorization or identification to obtain *public assistance* ~~benefits~~ as provided herein,

is guilty of a crime and shall be punished as provided in subsection (5).

(5)(a) If the value of the *public* assistance or identification wrongfully received, retained, misappropriated, sought, or used is less than an aggregate value of $200 in any 12 consecutive months, such person *commits* ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) If the value of the *public* assistance or identification wrongfully received, retained, misappropriated, sought, or used is of an aggregate value of $200 or more in any 12 consecutive months, such person *commits* ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) As used in this subsection, the value of a food stamp authorization benefit is the cash or exchange value unlawfully obtained by the fraudulent act committed in violation of this section.

(d) As used in this section, "fraud" includes the introduction of fraudulent records into a computer system, the unauthorized use of computer facilities, the intentional or deliberate alteration or destruction of computerized information or files, and the stealing of financial instruments, data, and other assets.

(6) Any person providing service for which compensation is paid under any state or federally funded *public* assistance program who solicits, requests, or receives, either actually or constructively, any payment or contribution through a payment, assessment, gift, devise, bequest or other means, whether directly or indirectly, from ~~either~~ a recipient of *public* assistance from such *public* assistance program, or from the family of such a recipient, shall notify the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, on a form provided by the department, of the amount of such payment or contribution and of such other information as specified by the department, within 10 days after the receipt of such payment or contribution or, if said payment or contribution is to become effective at some time in the future, within 10 days of the consummation of the agreement to make such payment or contribution. Failure to notify the department within the time prescribed is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(7) Repayment of *public* assistance *benefits* or services or return of authorization or identification wrongfully obtained *is* ~~shall~~ not ~~constitute~~ a defense to, or ground for dismissal of, criminal charges brought under this section.

(8)(a) The introduction into evidence of a paid state warrant made to the order of the defendant *is* ~~shall be~~ prima facie evidence that the defendant did receive *public* assistance from the state.

(b) The introduction into evidence of a transaction history generated by a Personal Identification Number (PIN) establishing a purchase or withdrawal by electronic benefit transfer is prima facie evidence that the identified recipient received *public* assistance from the state.

(9) All records relating to investigations of public assistance fraud in the custody of the department ~~of Health and Rehabilitative Services~~ and the Agency for Health Care Administration are available for examination by the Division of Public Assistance Fraud of the office of the Auditor General pursuant to s. 11.50 and are admissible into evidence in proceedings brought under this section as business records within the meaning of s. 90.803(6).

(10) The department shall create an error-prone or fraud-prone case profile within its public assistance information system and shall screen each application for public assistance, including food stamps, Medicaid, and *temporary cash assistance under* the WAGES Program, against the profile to identify cases that have a potential for error or fraud. Each case so identified shall be subjected to preeligibility fraud screening.

Section 31. Paragraph (d) of subsection (2) of section 414.40, Florida Statutes, 1996 Supplement, is amended to read:

414.40 Stop Inmate Fraud Program established; guidelines.—

(2) The division is directed to implement the Stop Inmate Fraud Program in accordance with the following guidelines:

(d) Data obtained from correctional institutions or other detention facilities shall be compared with the client files of the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, the Department of Labor and Employment Security, and other state or local agencies as needed to identify persons wrongfully obtaining benefits. Data comparisons shall be accomplished during periods of low information demand by agency personnel to minimize inconvenience to the agency.

Section 32. Subsections (1), (2), (4), and (5) of section 414.41, Florida Statutes, 1996 Supplement, are amended to read:

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

(1) Whenever it becomes apparent that any person or provider has received any *public* assistance ~~or benefits~~ under this chapter to which he is not entitled, through either simple mistake or fraud *on the part of the department or on the part of the recipient or participant*, the department shall take all necessary steps to recover the overpayment. *Recovery may include Federal Income Tax Refund Offset Program collections activities in conjunction with Food and Consumer Service and the Internal Revenue Service to intercept income tax refunds due to clients who owe food stamp or WAGES debt to the state. The department will follow the guidelines in accordance with federal rules and regulations and consistent with the Food Stamp Program*. The department may make appropriate settlements and shall establish a policy and cost-effective rules to be used in the *computation and* recovery of such overpayments.

(a) The department will consider an individual who has willfully provided false information or omitted information to become or remain eligible for temporary cash assistance to have committed an intentional program violation.

(b) When the intentional program violation or case facts do not warrant criminal prosecution for fraud as defined in s. 414.39, the department will initiate an administrative disqualification hearing. The administrative disqualification hearing will be initiated regardless of the individual's current eligibility.

(c) Upon a finding through the administrative disqualification hearing process that the individual did commit an intentional program violation, the department will impose a disqualification period consistent with those established for food stamp program purposes.

(2) The department shall determine if recovery of an overpayment as a result of department error regarding *temporary cash* assistance provided under the WAGES Program or benefits provided to a recipient of aid to families with dependent children would create extreme hardship. The department shall provide by rule the circumstances that constitute an extreme hardship. The department may reduce the amount of repayment if a recipient or participant demonstrates to the satisfaction of the department that repayment of the entire overpayment would result in extreme hardship, but the department may not excuse repayment. A determination of extreme hardship is not grounds for a waiver of repayment in whole or in part.

(4) When the *Agency for Health Care Administration* ~~department~~ has made a probable cause determination and alleged that an overpayment to a Medicaid provider has occurred, the *agency* ~~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 *Agency for Health Care Administration* ~~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.

If ~~Should~~ a provider *requests* ~~request~~ an administrative hearing pursuant to chapter 120, such hearing *must* ~~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 law judge or 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 *Agency for Health Care Administration* ~~department~~ pursuant to this section shall be limited so that the monthly medical assistance payment is not reduced by more than 10 percent.

(5) In all final agency actions and orders issued by administrative law judges or hearing officers that relate to recovery of medical assistance overpayments made due to a mistake of the provider or fraud, the *Agency for Health Care Administration* ~~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 an administrative law judge or a hearing officer until the overpayment is recovered by the *Agency for Health Care Administration* ~~department~~. When the administrative law judge's or hearing officer's decision is that an overpayment was not made in an amount as great as identified by the *Agency for Health Care Administration* ~~department~~, any collections made by the *agency* ~~department~~ pursuant to subsection (4) shall be reimbursed within 60 days to the provider by the *agency* ~~department~~ with interest at 10 percent per year.

Section 33. Section 414.42, Florida Statutes, 1996 Supplement, is amended to read:

414.42 Cause for employee dismissal.—It is cause for dismissal of an employee of the Department of *Children and Family* ~~Health and Rehabilitative~~ Services if the employee knowingly and willfully allows an ineligible person to obtain public assistance.

Section 34. Subsection (1) of section 414.43, Florida Statutes, 1996 Supplement, is amended to read:

414.43 Special needs allowance for families with a disabled family member.—

(1) The department shall establish a special needs allowance which shall be deducted from the calculation of family income in determining the net monthly income for the family in the case of families as described in this section. *The department shall also establish by rule a special needs allowance which shall apply to families with unusually high out-of-pocket expenses related to the disability of a family member. Families with unusually high out-of-pocket expenses related to the disability of a family member may receive a total monthly payment in excess of the payment standard as specified in s. 414.095(11). An additional special needs allowance for families with unusually high out-of-pocket expenses related to the disability of a family member shall be provided subject to the following restrictions:*

(a) Families must have out-of-pocket disability-related expenses which exceed 125 percent of the maximum supplemental security income grant for an individual; and

(b) Not more than 10 percent of the families eligible for the special needs allowance described in this section may be eligible for the additional special needs allowance for families with unusually high out-of-pocket expenses.

Section 35. Section 414.44, Florida Statutes, 1996 Supplement, is amended to read:

414.44 Data collection and reporting.—The department *and the Department of Labor and Employment Security* shall collect data necessary to administer this chapter and make the reports required under federal law to the United States Department of Health and Human Services and the United States Department of Agriculture.

Section 36. Section 414.45, Florida Statutes, 1996 Supplement, is amended to read:

414.45 Rulemaking.—The department may adopt, *amend, or repeal* rules, *as provided in chapter 120, to implement, enforce, and interpret* ~~to administer the programs provided for in~~ this chapter. The Department *of Labor and Employment Security may adopt, amend, or repeal rules, as provided in chapter 120, to implement, enforce, and interpret this chapter. The* ~~shall adopt~~ rules *must* ~~that~~ provide protection against discrimination and the opportunity for a participant to request a review by a supervisor or administrator of any decision made by a panel or board of the department, *the Department of Labor and Employment Security,* or the WAGES Program.

Section 37. Section 414.55, Florida Statutes, 1996 Supplement, is amended to read:

414.55 Implementation of *ss. 414.015-414.55* ~~ch. 96-175~~.—Following the effective date of *ss. 414.015-414.55* ~~this act~~:

(1)(a) The Governor may delay implementation of *ss. 414.015-414.55* ~~this act~~ in order to provide the department, *the Department of Labor and Employment Security, the Department of Revenue, and the Department of Health* with the time necessary to prepare to implement new programs.

(b) The Governor may also delay implementation of portions of *ss. 414.015-414.55* ~~this act,~~ in order to allow savings resulting from the *enactment of ss. 414.015-414.55* ~~act~~ to pay for provisions implemented later. If the Governor determines that portions of *ss. 414.015-414.55* ~~this act~~ should be delayed, the priority in implementing *ss. 414.015-414.55* ~~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, and sanctions.

3. Provisions related to removing marriage penalties and expanding *temporary cash assistance* ~~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 *ss. 414.015-414.55* ~~this act~~ shall continue to operate under the provisions of law that would be in effect in the absence of *ss. 414.015-414.55* ~~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 *ss. 414.015-414.55* ~~this act~~. Notice of intent to implement *ss. 414.015-414.55* ~~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.

(3) Any changes to a program, activity, or function taken pursuant to this *section* ~~subsection~~ shall be considered a type two transfer pursuant to the provisions of s. 20.06(2).

(4) In implementing ss. 414.015-414.55, the Governor shall minimize the liability of the state by opting out of the special provision related to community work, as described in s. 402(a)(1)(B)(iv) of the Social Security Act, as amended by P.L. 104-193. The department and the Department of Labor and Employment Security shall implement the community work program in accordance with ss. 414.015-414.55.

Section 38. *Eligibility for assistance for individuals assigned to the ongoing welfare reform evaluation in Escambia County shall be determined in accordance with the terms and conditions of the evaluation agreement between the Department of Children and Family Services and*

the United States Department of Health and Human Services. The evaluation agreement may continue in effect regardless of the status of federal waivers, and the terms and conditions of the evaluation may be modified, as determined by the Department of Children and Family Services, to accomplish the goals of the evaluation.

Section 39. Subsection (3) of section 402.313, Florida Statutes, 1996 Supplement, is amended, and subsection (10) is added to that section, to read:

402.313 Family day care homes.—

(3) Child care personnel in family day care homes shall be subject to the applicable screening provisions contained in ss. *402.305(2)* ~~402.305(1)~~ and 402.3055. For purposes of screening in family day care homes, the term includes any member over the age of 12 years of a family day care home operator's family, or persons over the age of 12 years residing with the operator in the family day care home. Members of the operator's family, or persons residing with the operator, who are between the ages of 12 years and 18 years shall not be required to be fingerprinted, but shall be screened for delinquency records.

(10) The department shall, by rule, establish minimum standards for family day care homes that are required to be licensed by county licensing ordinance or county licensing resolution or that voluntarily choose to be licensed. The standards should include requirements for staffing, maintenance of immunization records, minimum health standards, reduced standards for the regulation of child care during evening hours by municipalities and counties, and enforcement of standards.

Section 40. Subsection (7) of section 409.2554, Florida Statutes, 1996 Supplement, is amended to read:

409.2554 Definitions.—As used in ss. 409.2551-409.2597, the term:

(7) "Public assistance" means food stamps, money assistance paid on the basis of Title IV-E and Title XIX of the Social Security Act, or temporary *cash* assistance paid under the WAGES Program.

Section 41. Subsection (3) of section 409.2572, Florida Statutes, 1996 Supplement, is amended to read:

409.2572 Cooperation.—

(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 *Children and Family* ~~Health and Rehabilitative~~ Services acts of noncooperation by applicants or recipients of cash or medical 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 *Children and Family* ~~Health and Rehabilitative~~ Services *pursuant to chapter 414* and is ineligible to receive public assistance until such time as the department determines cooperation has been satisfactory. ~~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 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 take 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 for the dependent child 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.~~

Section 42. *The Department of Children and Family Services shall conduct a study of the issues related to kinship care and submit recommendations to the Speaker of the House of Representatives, the President of the Senate, and the chairs of the relevant substantive committees by January 1, 1998. Issues addressed in this study shall include, but not necessarily be limited to:*

(1) The adequacy of financial support and other supports provided to grandparents and other caretaker relatives who are raising children and receiving cash assistance through the WAGES Program.

(2) The impact of WAGES Program policies on families and the extent to which such policies best meet the needs of families.

(3) The extent to which grandparents or other caretaker relatives should be provided cash assistance or services through the WAGES Program or through programs providing assistance to families providing substitute care for children who are at risk of abuse or neglect.

(4) The extent to which the needs of grandparents or other caretaker relatives should be addressed through the creation of a program other than the WAGES Program, and the extent to which WAGES requirements should be met as part of such other program.

In studying the issues and formulating the recommendations required by this section, the department shall invite the participation of organizations and individuals with expertise and interest in issues related to kinship care.

Section 43. *Section 112 of chapter 96-175, Laws of Florida, is repealed.*

Section 44. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove from the title of the bill the entire title and insert in lieu thereof: A bill to be entitled An act relating to the WAGES Program; amending s. 414.0252, F.S.; revising definitions; conforming terminology to reflect the reorganization of the Department of Health and Rehabilitative Services and the creation of the Department of Children and Family Services; amending s. 414.026, F.S.; revising membership of the WAGES Program State Board of Directors; providing immunity from liability for board members, agents, and employees; deleting obsolete provisions; amending s. 414.027, F.S., relating to the WAGES Program statewide implementation plan; conforming terminology to reflect the redesignation of the Enterprise Florida Jobs and Education Partnership as the workforce development board; amending s. 414.028, F.S., relating to local WAGES coalitions; deleting a provision that allowed a member of a local coalition to benefit financially from transactions of the coalition under certain circumstances; requiring the local coalition to select an entity to administer the program and financial plan; prescribing grounds for removal of local coalition members; providing additional duties for the local WAGES coalitions with respect to improving the process for establishing paternity for noncustodial parents and providing work activities for noncustodial parents; providing immunity from liability for coalition members, agents, and employees; amending s. 414.029, F.S.; specifying certain tax exemptions allowed to a business that provides jobs for program participants; amending s. 414.065, F.S., relating to work requirements; clarifying duties of the Department of Children and Family Services and the Department of Labor and Employment Security with respect to program implementation; specifying maximum work hours in community service activities; specifying the age limit for qualifying to receive continuing support through a protective payee in circumstances involving a family member's repeated noncompliance with work requirements of the act; deleting obsolete provisions for implementing the program if the Federal Government failed to enact welfare-reform legislation; providing protections for participants; amending ss. 414.075, 414.085, 414.095, F.S., relating to resource and income eligibility standards and the determination of eligibility; clarifying certain requirements under which a person is eligible to participate in the WAGES Program; providing that benefits are not denied to individuals convicted of controlled substance felonies; amending s. 414.105, F.S., relating to time limitations for receiving temporary cash assistance under the WAGES Program; deleting a future repeal of such provisions; amending s. 414.115, F.S.; clarifying circumstances under which assistance is limited if additional children are born to a family that receives temporary cash assistance; amending s. 414.122, F.S.; revising procedures for the department in withholding payments based on evidence of fraud; amending s. 414.125, F.S.; providing for sanctions to be imposed if a participant fails to attend a conference with a school official as required under the Learnfare Program; providing a time limit for appeal; amending s. 414.15, F.S., relating to diversion assistance; clarifying provisions for determining eligibility; amending s. 414.16, F.S., relating to emergency assistance; correcting a cross-reference; amending s. 414.175, F.S., relating to the review of waivers granted by the Federal Government; clarifying provisions; amending s. 414.20, F.S.; clarifying the duties of the Department of Labor and Employment Security with respect to support services provided under the WAGES Program; amending ss. 414.21, 414.22, 414.23, 414.24, F.S., relating to transi-

tional benefits, evaluations, and the integrated delivery of services; clarifying the duties of the Department of Labor and Employment Security; amending s. 414.25, F.S., relating to an exemption from requirements for leasing real property; correcting provisions to reflect the creation of the Department of Children and Family Services; amending s. 414.27, F.S.; clarifying provisions for paying temporary cash assistance upon the death of the recipient; amending s. 414.28, F.S.; clarifying procedures for making a claim against the estate of a recipient of public assistance; amending s. 414.29, F.S.; providing that lists of persons who have received temporary cash assistance are a public record; amending s. 414.32, F.S.; clarifying provisions under which a person's food stamp allotment is reduced or terminated; amending s. 414.35, F.S., relating to emergency relief; clarifying provisions; amending s. 414.36, F.S.; clarifying requirements for the Department of Children and Family Services with respect to recovering overpayments of public assistance; amending s. 414.38, F.S.; clarifying duties of the department with respect to a pilot work experience and job training program for noncustodial parents; amending ss. 414.39, 414.40, F.S., relating to penalties for fraudulently obtaining public assistance and the Stop Inmate Fraud Program; revising provisions to reflect changes in terminology and the transfer of responsibility for persons receiving temporary cash assistance to the Department of Children and Family Services; amending s. 414.41, F.S., relating to the recovery of payments; requiring the Department of Children and Family Services to initiate an administrative disqualification hearing in certain instances; providing for a disqualification period; clarifying duties of the Agency for Health Care Administration with respect to collecting overpayments of Medicaid funds; amending s. 414.42, F.S.; revising provisions to reflect the responsibilities of the Department of Children and Family Services with respect to public assistance programs; amending s. 414.43, F.S.; providing for a special needs allowance for high-cost disabilities; amending ss. 414.44, 414.45, F.S.; authorizing the Department of Labor and Employment Security to collect data, make reports required under federal law, and adopt rules; amending s. 414.55, F.S.; requiring that the Governor take certain actions with respect to implementing a community work program; providing requirements for determining eligibility for individuals assigned to an ongoing evaluation; providing for the evaluation agreement to continue regardless of federal waivers; amending s. 402.313, F.S.; providing requirements for standards established for family day care homes that provide subsidized child care; amending s. 409.2554, F.S.; redefining the term "public assistance" to conform; amending s. 409.2572, F.S.; conforming terminology to reflect the creation of the Department of Children and Family Services; making language concerning sanctions consistent with ch. 414, F.S.; providing for a study of kinship care; repealing s. 112 of ch. 96-175, Laws of Florida, that provides that certain authorized positions and funds may be transferred by the Executive Office of the Governor; providing an effective date.

House Amendment 3 (with title amendment)—On page 9, line 5 through page 10, line 2, remove from the bill all of said lines and insert in lieu thereof: the state average. *Each local WAGES coalition is authorized to fund community-based welfare prevention and reduction initiatives that increase the support provided by noncustodial parents to their welfare-dependent children and are consistent with program and financial guidelines developed by the WAGES Program State Board of Directors and the Commission on Responsible Fatherhood. These initiatives may include, but are not limited to, improved paternity establishment, work activities for noncustodial parents, and programs aimed at decreasing out-of-wedlock pregnancies, encouraging the involvement of fathers with their children, and increasing child-support payments.*

And the title is amended as follows:

On page 1, lines 26-31, remove from the title of the bill all of said lines and insert in lieu thereof: coalition members; authorizing local WAGES coalitions to fund certain community-based welfare prevention and reduction initiatives; providing immunity from liability for

On motion by Senator Rossin, the Senate concurred in the House amendments.

CS for CS for SB's 566 and 626 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Madam President	Bronson	Burt	Casas
Bankhead	Brown-Waite	Campbell	Childers
Clary	Grant	Kirkpatrick	Ostalkiewicz
Cowin	Gutman	Klein	Rossin
Crist	Hargrett	Kurth	Scott
Dantzler	Harris	Latvala	Silver
Diaz-Balart	Holzendorf	Lee	Sullivan
Dudley	Horne	McKay	Thomas
Dyer	Jenne	Meadows	Turner
Forman	Jones	Myers	Williams

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment(s) and concurred in same as amended, and passed HB 1357 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

HB 1357—A bill to be entitled An act relating to the Department of Health; amending s. 20.43, F.S.; renaming certain divisions within the department; creating a Division of Local Health Planning, Education, and Workforce Development; authorizing certain use of state or federal funds to protect and improve public health; transferring powers and duties relating to rural health networks, local health councils, and the Statewide Health Council from the Agency for Health Care Administration to the department; authorizing certain budget flexibility; amending s. 154.04, F.S.; authorizing county health departments to establish peer review committees for certain purposes; amending s. 154.06, F.S.; removing requirement that county health department fees cover costs; amending ss. 110.131, 216.341, 232.465, 240.4075, 381.0065, 381.0302, 381.0405, 381.0055, 395.401, 401.107, 401.111, 401.117, 401.23, 401.245, 401.265, 403.703, 404.031, 404.051, 404.0614, 404.131, 404.20, 414.23, 414.38, 458.316, 468.301, 468.314, and 514.011, F.S.; revising and conforming language and references relating to the public health functions of the department; deleting obsolete language; amending s. 240.4076, F.S.; revising operation of the nursing scholarship loan program; amending s. 381.0101, F.S.; revising requirements relating to professional standards, continuing education, and certification of environmental health professionals; revising certification fees; providing for denial, suspension, or revocation of a certificate; providing for fines; amending s. 381.0203, F.S.; providing for a contraceptive distribution program; specifying eligibility requirements; providing for fees; providing for rules; amending ss. 381.0406 and 381.04065, F.S.; conforming transfer of rural health programs to the department; amending s. 381.0407, F.S.; clarifying reimbursement to county health departments by Medicaid providers; amending s. 383.3362, F.S., relating to Sudden Infant Death Syndrome; deleting requirement for visits by county public health nurses or social workers; deleting an advisory council; revising duties of the department; amending s. 385.202, F.S.; revising requirements relating to reporting and analysis of reports to the statewide cancer registry; amending s. 385.203, F.S.; clarifying relationship of the Diabetes Advisory Council to the Board of Regents; deleting requirement for an annual diabetes state plan; amending s. 392.52, F.S.; revising definitions; creating s. 392.551, F.S.; providing that parental consent is not required to examine a minor for tuberculosis; amending s. 392.565, F.S.; revising conditions for imposing an involuntary hold on a person for tuberculosis; amending s. 392.62, F.S.; providing for forensic units in tuberculosis hospitals; amending s. 395.3025, F.S.; expanding the department's authority to examine records of licensed facilities; increasing a penalty for unauthorized disclosure of information; amending s. 401.252, F.S.; providing requirements for interfacility transport of certain infants; providing for rules for interfacility transport; amending s. 401.27, F.S.; providing for inactive status of emergency medical technician and paramedic certificates; providing for reactivation and renewal; providing a fee; amending and renumbering s. 402.105, F.S., relating to biomedical and social research; amending and renumbering s. 402.32, F.S., relating to the school health services program; amending and renumbering s. 402.321, F.S., relating to funding for school health services; amending s. 402.41, F.S., relating to educational materials and training in human immunodeficiency virus infection and acquired immune deficiency syndrome; amending and renumbering s. 402.475, F.S., relating to the osteoporosis prevention and education program; amending and renumbering s. 402.60, F.S., relating to insect sting emergency treatment; amending and renumbering s. 402.61, F.S, relating to regulation of tanning facilities; amending s. 404.056, F.S.; providing penalties

for certain fraud, deception, or misrepresentation in performing radon measurements or mitigation; amending s. 404.22, F.S.; reducing the frequency of inspections required for certain radiation machines; amending s. 408.033, F.S.; providing for the transfer of funds to support the local health councils; amending s. 408.701, F.S.; expanding the definition of "health care provider" for purposes of community health purchasing; amending s. 409.905, F.S.; specifying family planning services provided under the Medicaid program; amending s. 409.908, F.S.; deleting obsolete repeal provision; amending s. 414.026, F.S.; adding the Secretary of Health to the State Board of Directors of the WAGES Program; amending s. 468.3101, F.S.; providing additional grounds for disciplinary action against a radiologic technologist; providing penalties; amending s. 489.553, F.S.; revising requirements for registration of septic tank contractors; amending s. 514.028, F.S.; providing for reimbursement for travel expenses for members of the advisory review board on swimming and bathing facilities; amending s. 627.4236, F.S.; transferring rulemaking authority relating to bone marrow transplant procedures to the Agency for Health Care Administration; amending s. 766.101, F.S.; including certain committees of a county health department, healthy start coalition, or certified rural health network within the definition of "medical review committee"; amending s. 766.314, F.S.; exempting public health physicians from assessments that finance the Florida Birth-Related Neurological Injury Compensation Plan; amending s. 945.602, F.S.; providing for assignment of the Correctional Medical Authority to the department for administrative purposes; transferring to the department powers and duties of the Correctional Medical Authority; amending ss. 28.101, 28.222, 63.062, 382.003, 382.004, 382.007, 382.011, 382.0135, 382.021, 382.022, 382.023, 382.356, 383.2161, 402.40, 460.414, 742.10, and 742.16, F.S.; revising and conforming language and references relating to the department's responsibility for vital records and statistics; amending s. 63.165, F.S.; consolidating provisions relating to the state registry of adoption information; amending s. 68.07, F.S.; revising procedures relating to change of name; amending s. 382.002, F.S.; revising definitions; amending s. 382.005, F.S.; revising duties of local registrars; amending s. 382.006, F.S.; revising duties of funeral directors with respect to burial-transit permits; restricting issuance thereof if death occurred from a communicable disease; providing authority of certifications of death certificates issued in other states or countries; eliminating provisions relating to permits for disinterment and reinterment; amending s. 382.008, F.S., relating to death and fetal death certificates; providing for entry of aliases; requiring certain persons to provide medical information regarding a fetal death within a specified period; providing for extensions of time for certification of cause of death; providing for temporary death certificates; requiring certificates to contain information required for legal, social, and health research purposes; amending s. 382.012, F.S.; providing requirements for a petitioner seeking a presumptive death certificate; amending s. 382.013, F.S.; revising provisions and requirements relating to registration of a live birth, paternity, and the name of the child; amending s. 382.015, F.S.; revising provisions relating to new certificates of live birth; revising procedures for annulment of adoptions and determination of paternity; providing for filing of a new birth certificate upon receipt of an order of affirmation of parental status; providing for the form of original, new, and amended birth certificates; providing for rules; amending s. 382.016, F.S.; revising provisions relating to amendment of birth and death records; amending s. 382.017, F.S.; revising procedures relating to registration of birth certificates for adopted children of foreign birth; amending and renumbering s. 382.018, F.S.; revising procedures and requirements relating to issuance of delayed birth certificates; amending s. 382.019, F.S.; revising procedures and requirements relating to the delayed registration of a death or birth certificate; amending s. 382.025, F.S.; revising procedures and requirements relating to issuance of certified copies of birth and death records; providing requirements and restrictions for sharing vital records with a research entity; providing for rules; creating s. 382.0255, F.S.; providing for fees for searching and processing vital records; revising and consolidating provisions relating thereto; amending s. 382.026, F.S.; revising and expanding penalties; providing for rules; amending s. 741.041, F.S.; conforming provisions relating to the period of validity of marriage licenses; repealing s. 110.1125, F.S., relating to a requirement to provide information on human immunodeficiency virus infection and acquired immune deficiency syndrome to state employees; repealing s. 381.698, F.S., relating to "The Florida Blood Transfusion Act"; repealing s. 381.81, F.S., relating to the "Minority Health Improvement Act"; repealing s. 382.014, F.S., relating to contents, form, and disclosure of birth certificates; repealing s. 382.024, F.S., relating to departmental accounting of dissolution of marriage fees and charges; repealing s. 382.027, F.S., relating to voluntary registration of adoption information; repealing ss. 387.01, 387.02, 387.03, 387.04, 387.05, 387.06, 387.07, 387.08, 387.09, and 387.10, F.S., relating to permits for draining surface water or sewage into underground waters of the state, penalties for polluting water supplies or surface or underground waters, septic tank construction requirements, and injunction proceedings; repealing s. 402.37, F.S., relating to the medical manpower clearinghouse grant program; repealing s. 403.7045(1)(e), F.S., relating to activities regulated under the "Florida Hazardous Substances Law" exempted from environmental regulation; repealing ss. 501.061, 501.065, 501.071, 501.075, 501.081, 501.085, 501.091, 501.095, 501.101, 501.105, 501.111, 501.115, and 501.121, F.S., relating to the "Florida Hazardous Substances Law"; repealing s. 501.124, F.S., relating to art or craft material containing toxic substances and labeling requirements therefor; repealing s. 766.1115(12), F.S., as created by section 1 of ch. 92-278, Laws of Florida, relating to the scheduled repeal of the "Access to Health Care Act"; providing an effective date.

House Amendment 1 (with title amendment) to Senate Amendment 1—On page 13, line 29 through page 15, line 23, remove from the amendment all of said lines and insert in lieu thereof:

Section 1. Present paragraphs (h)-(l) of subsection (1) of section 20.43, Florida Statutes, 1996 Supplement, are redesignated as paragraphs (i)-(m), respectively, and a new paragraph (h) is added to that subsection; paragraph (d) of subsection (3) of that section is amended, present paragraph (f) of that subsection is redesignated as paragraph (g) and amended, and a new paragraph (f) is added to that subsection; and subsection (6) is added to that section, to read:

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

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

(h) Provide medical direction for child protection team and sexual abuse treatment functions created under chapter 415.

(3) The following divisions of the Department of Health are established:

(d) Division of Family *Health* Services.

(f) Division of Local Health Planning, Education, and Workforce Development.

(g)~~(f) Effective July 1, 1997,~~ Division of Medical Quality Assurance, which is responsible for the following boards and professions established within the division:

1. Nursing assistants, as provided under s. 400.211.

2. Health care services pools, as provided under s. 402.48.

3. The Board of Acupuncture, created under chapter 457.

4. The Board of Medicine, created under chapter 458.

5. The Board of Osteopathic Medicine, created under chapter 459.

6. The Board of Chiropractic, created under chapter 460.

7. The Board of Podiatric Medicine, created under chapter 461.

8. Naturopathy, as provided under chapter 462.

9. The Board of Optometry, created under chapter 463.

10. The Board of Nursing, created under chapter 464.

11. The Board of Pharmacy, created under chapter 465.

12. The Board of Dentistry, created under chapter 466.

13. Midwifery, as provided under chapter 467.

14. The Board of Speech-Language Pathology and Audiology, created under part I of chapter 468.

15. The Board of Nursing Home Administrators, created under part II of chapter 468.

16. Occupational therapy, as provided under part III of chapter 468.

17. Respiratory therapy, as provided under part V of chapter 468.

18. Dietetics and nutrition practice, as provided under part X of chapter 468.

19. Athletic trainers, as provided under part XIV of chapter 468.

20. Electrolysis, as provided under chapter 478.

21. The Board of Massage, created under chapter 480.

22. The Board of Clinical Laboratory Personnel, created under part IV of chapter 483.

23. Medical physicists, as provided under part V of chapter 483.

24. The Board of Opticianry, created under part I of chapter 484.

25. The Board of Hearing Aid Specialists, created under part II of chapter 484.

26. The Board of Physical Therapy Practice, created under chapter 486.

27. The Board of Psychology, created under chapter 490.

28. The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491.

The department *may* ~~shall~~ contract with the Agency for Health Care Administration who shall provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

(6) To protect and improve the public health, the department may use state or federal funds to:

(a) Provide incentives, including food coupons or payment for travel expenses, for encouraging disease prevention and patient compliance with medical treatment, such as tuberculosis therapy.

(b) Plan and conduct health education campaigns for the purpose of protecting or improving public health. The department may purchase promotional items and advertising, such as space on billboards or in publications or radio or television time, for health information and promotional messages that recognize that the following behaviors, among others, are detrimental to public health: unprotected sexual intercourse, other than with one's spouse; cigarette smoking; alcohol consumption or other substance abuse during pregnancy; alcohol abuse or other substance abuse; lack of exercise and poor diet and nutrition habits; and failure to recognize and address a genetic tendency to suffer from sickle-cell anemia, diabetes, high blood pressure, cardiovascular disease, or cancer. For purposes of activities under this paragraph, the Department of Health may establish requirements for local matching funds or in-kind contributions to create and distribute advertisements, in either print or electronic format, which are concerned with each of the targeted behaviors, establish an independent evaluation and feedback system for the public health communication campaign, and monitor and evaluate the efforts to determine which of the techniques and methodologies are most effective.

(c) Plan and conduct promotional campaigns to recruit health professionals to be employed by the department or to recruit participants in departmental programs for health practitioners, such as scholarship, loan repayment, or volunteer programs. To this effect the department may purchase promotional items and advertising.

Section 2. Section 11 of chapter 96-403, Laws of Florida, is amended to read:

Section 11. Effective July 1, 1997, the regulation of nursing assistants, as provided under s. 400.211, Florida Statutes; health care services pools, as provided under s. 402.48, Florida Statutes; the Board of Acupuncture, created under chapter 457, Florida Statutes; the Board of Medicine, created under chapter 458, Florida Statutes; the Board of Osteopathic Medicine, created under chapter 459, Florida Statutes; the Board of Chiropractic, created under chapter 460, Florida Statutes; the Board of Podiatric Medicine, created under chapter 461, Florida Statutes; naturopathy, as provided under chapter 462, Florida Statutes; the Board of Optometry, created under chapter 463, Florida Statutes; the Board of Nursing, created under chapter 464, Florida Statutes; the Board of Pharmacy, created under chapter 465, Florida Statutes; the Board of Dentistry, created under chapter 466, Florida Statutes; midwifery, as provided under chapter 467, Florida Statutes; the Board of Speech-Language Pathology and Audiology, created under part I of chapter 468, Florida Statutes; the Board of Nursing Home Administrators, created under part II of chapter 468, Florida Statutes; occupational therapy, as provided under part III of chapter 468, Florida Statutes; respiratory therapy, as provided under part V of chapter 468, Florida Statutes; dietetics and nutrition practice, as provided under part X of chapter 468, Florida Statutes; electrolysis, as provided under chapter 478, Florida Statutes; the Board of Clinical Laboratory Personnel, created under part IV of chapter 483, Florida Statutes; medical physicists, as provided under part V of chapter 483, Florida Statutes; the Board of Opticianry, created under part I of chapter 484, Florida Statutes; the Board of Physical Therapy Practice, created under chapter 486, Florida Statutes; the Board of Psychology, created under chapter 490, Florida Statutes; and the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491, Florida Statutes, under the Division of Health Quality Assurance of the Agency for Health Care Administration, or under the agency, within the Department of Business and Professional Regulation, *but not including personnel, property, and unexpended balances of appropriations related to consumer complaints, investigative and prosecutorial services,* ~~including all licensing, examination, publication, administrative, and management information services, but not consumer complaint, investigative, or prosecutorial services, provided by the Agency for Health Care Administration,~~ is transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, and assigned to the Division of Medical Quality Assurance within the Department of Health, as created by this act.

(Renumber subsequent section[s])

And the title is amended as follows:

On page 250, line 2, of the amendment after "division;" insert: providing for the transfer of the functions for complaints, investigations, and prosecutions to the Department of Health; amending s. 11 of chapter 96-403, Laws of Florida, providing for the transfer of the functions for complaints, investigations, and prosecutions to the Department of Health;

On motion by Senator Brown-Waite, the Senate concurred in the House amendment to the Senate amendment.

HB 1357 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Sullivan
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

Vote after roll call:

Yea—Scott

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1366, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1366—A bill to be entitled An act relating to road designations; designating State Road 293 (Mid-Bay Bridge Road) from the south portion of the bridge toward U.S. Highway 98 in Destin as "Danny Wuerffel Way"; providing for the erection of markers; providing an effective date.

House Amendment 1 (with title amendment)—On page 1, line 9 through page 2, line 2, remove from the bill all of said lines and insert in lieu thereof:

WHEREAS, Daniel Carl "Danny" Wuerffel a resident of Destin in Okalossa County is an honor graduate of Fort Walton Beach High School and the recipient of academic honors including, in recognition of his 4.5 GPA, being made a member of the National Honor Society, and

WHEREAS Danny Wuerffel, while playing quarterback at Fort Walton Beach High School, led their Viking Football Team to a State Championship in 1991 with a perfect 14-0 record, and

WHEREAS, Danny Wuerffel, as a member of the Fort Walton Beach High School Vikings earned honors on the field including selection as the 1991 USA Today Florida Player of the Year, and selection as a member of the First Team All State, and

WHEREAS, Danny Wuerffel attended and graduated with honors from the University of Florida, and was the recipient of academic honors including a 3.68 GPA, multiple inductions into the College Football Association Scholar-Athlete Team, and the award of the prestigious Draddy Scholarship Trophy which goes each year to the nation's Number 1 Football Scholar-Athlete, and

WHEREAS, Danny Wuerffel, while compiling a distinguished academic record, led the University of Florida Gator Football Team to four SEC Championships and to the 1996 National Championship, and

WHEREAS, Danny Wuerffel, became one of the most honored football players ever to attend the University of Florida, and the holder of 32 school, 12 SEC and 4 NCAA records, and

WHEREAS, Danny Wuerffel was twice nominated and once selected as the recipient of the Heisman Trophy, the premier honor accorded any collegiate football player in the nation, and

WHEREAS, it is both fitting and proper for the Florida Legislature to express its admiration and approval of a record as distinguished in both academics and athletics as that of Danny Wuerffel, and

WHEREAS, the admiration of this Legislature is made all the more profound by the exemplary manner in which Danny Wuerffel conducts himself as an individual of high moral and intellectual integrity, and

WHEREAS, Danny Wuerffel serves as a spiritual inspiration and role model to the youth of our nation, and

WHEREAS, State Road 293, currently Mid-Bay Bridge Road, runs right in front of the new middle school and can serve as an inspiration to the students attending, if named after Danny Wuerffel, and

WHEREAS, as Danny Wuerffel was compiling a personal and athletic record of unmatched distinction, Okaloosa County saw the passing of another alumnus of the University of Florida who left his own distinctive mark, the "He Coon" Congressman Robert Lee Fulton "Bob" Sikes of Crestview, and

WHEREAS, former Congressman Bob Sikes was highly instrumental in the development of transportation corridors within Okaloosa County to include State Highway 85, and

WHEREAS, Eglin Air Force Base Reservation land borders both sides of State Highway 85 from Shoal River to Niceville, and

WHEREAS, the Southern portion of State Highway 85 has already been designated the "Robert L.F. Sikes Boulevard", and

WHEREAS, the designation of portions of vital roadways enhances communications during times of emergency like that seen in Okaloosa County at the approach of Hurricane Opal in 1995, NOW, THEREFORE,

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

Section 1. (1) That portion of State Road 293 (Mid-Bay Bridge Road) from the south portion of the bridge toward U.S. Highway 98 in Destin is designated "Danny Wuerffel Way."

(2) That portion of State Highway 85 in Okaloosa County commencing at the southern end of the Shoal River Bridge and extending south to the city limits of Niceville is designated the "Robert L.F. Sikes Boulevard."

Section 2. The Department of Transportation is directed to erect suitable markers bearing the designations made by this act.

Section 3. The Secretary of the Senate and the Clerk of the House are directed to prepare for presentation by the local legislature delegation to the Honorees named herein official copies of this act

Section 4. This act shall take effect July 1, 1997.

And the title is amended as follows:

On page 1, lines 6 and 7, remove from the title of the bill all of said lines and insert in lieu thereof: Wuerffel Way"; designating a portion of State Highway 85 in Okaloosa County as the "Robert L.F. Sikes Boulevard"; directing the Department of Transportation to erect suitable markers; providing an effective date.

House Amendment 1 (with title amendment) to House Amendment 1 (with title amendment)—On page 3, lines 15 and 30, remove from the amendment "Boulevard" and insert in lieu thereof: Parkway

And the title is amended as follows:

On page 4, line 21, of the amendment remove "Boulevard" and insert in lieu thereof: Parkway

House Amendment 2 (with title amendment)—Remove from the bill everything after the enacting clause and insert in lieu thereof:

Section 1. *(1) That portion of State Road 293 (Mid-Bay Bridge Road) from the south portion of the bridge toward U.S. Highway 98 in Destin is designated "Danny Wuerffel Way."*

(2) That portion of State Highway 85 in Okaloosa County commencing at the southern end of the Shoal River Bridge and extending south to the city limits of Niceville is designated the "Robert L.F. Sikes Boulevard."

Section 2. *The Department of Transportation is directed to erect suitable markers bearing the designations made by this act.*

Section 3. *The Secretary of the Senate and the Clerk of the House are directed to prepare for presentation by the local legislature delegation to the Honorees named herein official copies of this act.*

Section 4. This act shall take effect July 1, 1997.

And the title is amended as follows:

Remove from the title of the bill the entire title and insert in lieu thereof: A bill to be entitled An act relating to road designations; designating State Road 293 (Mid-Bay Bridge Road) from the south portion of the bridge toward U.S. Highway 98 in Destin as "Danny Wuerffel Way"; designating a portion of State Highway 85 in Okaloosa County as the "Robert L.F. Sikes Boulevard"; directing the Department of Transportation to erect suitable markers; providing an effective date.

WHEREAS, Daniel Carl "Danny" Wuerffel, a resident of Destin in Okalossa County, is an honor graduate of Fort Walton Beach High School and the recipient of academic honors, including, in recognition of his 4.5 GPA, being made a member of the National Honor Society, and

WHEREAS, Danny Wuerffel, while playing quarterback at Fort Walton Beach High School, led their Viking Football Team to a State Championship in 1991 with a perfect 14-0 record, and

WHEREAS, Danny Wuerffel, as a member of the Fort Walton Beach High School Vikings, earned honors on the field, including selection as the 1991 USA Today Florida Player of the Year and selection as a member of the First Team All State, and

WHEREAS, Danny Wuerffel attended and graduated with honors from the University of Florida, and was the recipient of academic honors

including a 3.68 GPA, multiple inductions into the College Football Association Scholar-Athlete Team, and the award of the prestigious Draddy Scholarship Trophy, which goes each year to the nation's Number 1 Football Scholar-Athlete, and

WHEREAS, Danny Wuerffel, while compiling a distinguished academic record, led the University of Florida Gator Football Team to four SEC Championships and to the 1996 National Championship, and

WHEREAS, Danny Wuerffel became one of the most honored football players ever to attend the University of Florida and the holder of 32 school, 12 SEC, and 4 NCAA records, and

WHEREAS, Danny Wuerffel was twice nominated and once selected as the recipient of the Heisman Trophy, the premier honor accorded any collegiate football player in the nation, and

WHEREAS, it is both fitting and proper for the Florida Legislature to express its admiration and approval of a record as distinguished in both academics and athletics as that of Danny Wuerffel, and

WHEREAS, the admiration of this Legislature is made all the more profound by the exemplary manner in which Danny Wuerffel conducts himself as an individual of high moral and intellectual integrity, and

WHEREAS, Danny Wuerffel serves as a spiritual inspiration and role model to the youth of our nation, and

WHEREAS, State Road 293, currently Mid-Bay Bridge Road, runs right in front of the new middle school and can serve as an inspiration to the students attending, if named after Danny Wuerffel, and

WHEREAS, as Danny Wuerffel was compiling a personal and athletic record of unmatched distinction, Okaloosa County saw the passing of another alumnus of the University of Florida who left his own distinctive mark, the "He Coon" Congressman Robert Lee Fulton "Bob" Sikes of Crestview, and

WHEREAS, former Congressman Bob Sikes was highly instrumental in the development of transportation corridors within Okaloosa County to include State Highway 85, and

WHEREAS, Eglin Air Force Base Reservation land borders both sides of State Highway 85 from Shoal River to Niceville, and

WHEREAS, the Southern portion of State Highway 85 has already been designated the "Robert L.F. Sikes Boulevard," and

WHEREAS, the designation of portions of vital roadways enhances communications during times of emergency like that seen in Okaloosa County at the approach of Hurricane Opal in 1995, NOW, THEREFORE,

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

Section 4. *Martin Luther King, Jr., Bridge designated; Department of Transportation to erect suitable markers.—*

(1) The State Road 44/U.S. overpass bridge in New Smyrna Beach is hereby designated as the "Martin Luther King, Jr., Bridge."

(2) The Department of Transportation shall erect suitable markers designating the "Martin Luther King, Jr., Bridge" as described in subsection (1) in the following manner:

(a) One sign shall be located on the southwest side of the bridge.

(b) One sign shall be located on the northeast side of the bridge.

(c) Two signs shall be located on the outside facing of the bridge on the south and north sides of the bridge in such a manner as to provide visibility for the northbound and southbound lanes of U.S. 1.

(Renumber subsequent section[s])

And the title is amended as follows:

On page 2, line 16, of the amendment after the semicolon (;) insert: designating an overpass bridge in New Smyrna Beach as the "Martin Luther King, Jr., Bridge"; directing the Department of Transportation to erect suitable markers; providing an effective date.

WHEREAS, Daniel Carl "Danny" Wuerffel, a resident of Destin in Okalossa County, is an honor graduate of Fort Walton Beach High School and the recipient of academic honors, including, in recognition of his 4.5 GPA, being made a member of the National Honor Society, and

WHEREAS, Danny Wuerffel, while playing quarterback at Fort Walton Beach High School, led their Viking Football Team to a State Championship in 1991 with a perfect 14-0 record, and

WHEREAS, Danny Wuerffel, as a member of the Fort Walton Beach High School Vikings, earned honors on the field, including selection as the 1991 USA Today Florida Player of the Year and selection as a member of the First Team All State, and

WHEREAS, Danny Wuerffel attended and graduated with honors from the University of Florida, and was the recipient of academic honors including a 3.68 GPA, multiple inductions into the College Football Association Scholar-Athlete Team, and the award of the prestigious Draddy Scholarship Trophy, which goes each year to the nation's Number 1 Football Scholar-Athlete, and

WHEREAS, Danny Wuerffel, while compiling a distinguished academic record, led the University of Florida Gator Football Team to four SEC Championships and to the 1996 National Championship, and

WHEREAS, Danny Wuerffel became one of the most honored football players ever to attend the University of Florida and the holder of 32 school, 12 SEC, and 4 NCAA records, and

WHEREAS, Danny Wuerffel was twice nominated and once selected as the recipient of the Heisman Trophy, the premier honor accorded any collegiate football player in the nation, and

WHEREAS, it is both fitting and proper for the Florida Legislature to express its admiration and approval of a record as distinguished in both academics and athletics as that of Danny Wuerffel, and

WHEREAS, the admiration of this Legislature is made all the more profound by the exemplary manner in which Danny Wuerffel conducts himself as an individual of high moral and intellectual integrity, and

WHEREAS, Danny Wuerffel serves as a spiritual inspiration and role model to the youth of our nation, and

WHEREAS, State Road 293, currently Mid-Bay Bridge Road, runs right in front of the new middle school and can serve as an inspiration to the students attending, if named after Danny Wuerffel, and

WHEREAS, as Danny Wuerffel was compiling a personal and athletic record of unmatched distinction, Okaloosa County saw the passing of another alumnus of the University of Florida who left his own distinctive mark, the "He Coon" Congressman Robert Lee Fulton "Bob" Sikes of Crestview, and

WHEREAS, former Congressman Bob Sikes was highly instrumental in the development of transportation corridors within Okaloosa County to include State Highway 85, and

WHEREAS, Eglin Air Force Base Reservation land borders both sides of State Highway 85 from Shoal River to Niceville, and

WHEREAS, the Southern portion of State Highway 85 has already been designated the "Robert L.F. Sikes Boulevard," and

WHEREAS, the designation of portions of vital roadways enhances communications during times of emergency like that seen in Okaloosa County at the approach of Hurricane Opal in 1995, and

WHEREAS, Martin Luther King, Jr., served the people of the United States by leading the fight for racial equality and justice, and

WHEREAS, the loss of this great leader was mourned by all Americans regardless of race, and

WHEREAS, it is fitting and appropriate that the Legislature of the State of Florida honor the memory of Martin Luther King, Jr., NOW, THEREFORE,

On motion by Senator Clary, the Senate concurred in the House amendments.

CS for SB 1366 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Silver
Burt	Dyer	Kirkpatrick	Sullivan
Campbell	Forman	Klein	Thomas
Casas	Grant	Kurth	Turner
Childers	Gutman	Latvala	Williams
Clary	Hargrett	Lee	
Cowin	Harris	McKay	

Nays—None

Vote after roll call:

Yea—Scott

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1486, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1486—A bill to be entitled An act relating to Lake Apopka restoration; amending s. 373.461, F.S.; providing that interim phosphorus abatement measures apply unless certain conditions are met; providing that construction of certain stormwater facilities will be necessary unless certain conditions are met; providing for cost-sharing for the cost of certain facilities; limiting the price for acquisition of certain lands; providing for the deposit of proceeds from the sale of tangible personal property and for the use of such funds; providing for the establishment of Northwest Orange County Redevelopment Advisory Committee to develop a redevelopment plan for the impacted area; creating s. 290.0067, F.S.; providing for enterprise zone designation for certain communities impacted by Lake Apopka land acquisition; providing an appropriation; providing an effective date.

House Amendment 1 (with title amendment)—Remove from the bill everything after the enacting clause and insert in lieu thereof:

Section 1. *Notwithstanding any other provision of law, prior to June 30, 1998, the Office of Tourism, Trade, and Economic Development may amend the boundaries of an area designated as an enterprise zone in a community having a population of 7,500 persons or more but less than 20,000, so long as the area does not increase the overall size of the zone. The amendment must also be consistent with the limitations imposed by section 290.0055, Florida Statutes, upon establishment of the enterprise zone.*

Section 2. *(1) The Office of Tourism, Trade, and Economic Development may, no later than June 30, 1998, modify the boundaries of any enterprise zone that is located within an inland county having a population greater than 500,000, to allow for the expansion of one noncontiguous area, as long as the area added does not exceed 5 square miles and is consistent with the categories, criteria, and limitations imposed by this section and section 290.0055, Florida Statutes, upon the establishment of such an enterprise zone.*

(2) This section is repealed July 1, 1998.

Section 3. Paragraph (e) of subsection (1), paragraphs (a) and (d) of subsection (4), and paragraphs (c) and (e) of subsection (5) of section 373.461, Florida Statutes, 1996 Supplement, are amended, and paragraphs (f) and (g) are added to subsection (5) of said section, to read:

373.461 Lake Apopka improvement and management.—

(1) FINDINGS AND INTENT.—

(e) ~~If funds cannot be identified for acquisition of these agricultural lands,~~ It is the Legislature's intent to provide a process for development of phosphorus discharge limitations that will bring such discharges into compliance with state water quality standards and to provide for interim phosphorus abatement measures designed to further reduce phosphorus discharges from the Zellwood Drainage and Water Control District, which is the largest agricultural entity within the Lake Apopka Basin, *unless both of the timeframes specified in paragraph (4)(a) regarding purchase agreements and completion of purchases are met*. The Legislature finds that it is in the public interest to jointly share in the cost of implementing such interim phosphorus reduction measures with Zellwood.

(4) CONSTRUCTION OF STORMWATER MANAGEMENT SYSTEMS.—

(a) It is the intent of the Legislature that ~~in the event no funding mechanisms to purchase all the lands within Zellwood are in place by July 1, 1997,~~ construction of stormwater management facilities to store, treat, and recycle Zellwood's agricultural stormwater runoff will be necessary during the interim period while discharge limitations are being established for Lake Apopka, *unless both of the following conditions are met:*

1. Agreements to purchase all the lands within Zellwood are executed by September 30, 1997, or a later execution deadline established by the United States for such agreements before reallocation of Commodity Credit Corporation funds made available to acquire wetland reserve program conservation easements within the Lake Apopka Partnership Project area; and

2. All such purchases are completed pursuant to the terms of such agreements.

The Legislature finds that it is in the public interest for state, regional, and local revenue sources to be used along with Zellwood's revenue sources to finance the costs of acquiring land and constructing such facilities. One-third of the cost of the facilities shall be contributed by Zellwood, one-third by the state, and one-third by the district.

(d) Construction of the stormwater retention and treatment facilities provided for in this section shall begin within 90 days after acquisition of interests in land necessary for the facilities *and the district's delivery of the design of the facilities to Zellwood*, and *shall be* completed within 1 year thereafter. After completion of the facilities, Zellwood shall be responsible for operation and maintenance so long as the facilities are used by Zellwood.

(5) PURCHASE OF AGRICULTURAL LANDS.—

(c) The district shall explore the availability of funding from all sources, including any federal, state, regional, and local land acquisition funding programs, to purchase the agricultural lands described in paragraph (a). It is the Legislature's intent that, if such funding sources can be identified, acquisition of the lands described in paragraph (a) may be undertaken by the district to purchase these properties from willing sellers. *However, the purchase price paid for acquisition of such lands that were in active cultivation during 1996 shall not exceed the highest appraisal obtained by the district for these lands from a state-certified general appraiser following the Uniform Standards of Professional Appraisal Practice. This maximum purchase price limitation shall not include, nor be applicable to, that portion of the purchase price attributable to consideration of income described in paragraph (b), or that portion attributable to related facilities, or closing costs.*

(e) If *all* the lands within Zellwood are purchased in accordance with this section prior to expiration of the consent agreement between Zellwood and the district, Zellwood shall be reimbursed for any costs described in subsection (4).

(f)1. Tangible personal property acquired by the district as part of related facilities pursuant to this section, and classified as surplus by the district, shall be sold by the Department of Management Services. The Department of Management Services shall deposit the proceeds of such sale in the Economic Development Trust Fund in the Executive Office of the Governor. The proceeds shall be used for the purpose of providing economic and infrastructure development in portions of northwestern

Orange County and east central Lake County which will be adversely affected economically due to the acquisition of lands pursuant to this subsection.

2. The Office of Tourism, Trade, and Economic Development shall, upon presentation of the appropriate documentation justifying expenditure of the funds deposited pursuant to this paragraph, pay any obligation for which it has sufficient funds from the proceeds of the sale of tangible personal property and which meets the limitations specified in paragraph (h). The authority of the Office of Tourism, Trade, and Economic Development to expend such funds shall expire 5 years from the effective date of this paragraph. Such expenditures may occur without future appropriation from the Legislature.

3. Funds deposited under this paragraph may not be used for any purpose other than those enumerated in paragraph (h).

(g)1. The proceeds of sale of tangible personal property authorized by paragraph (f) shall be distributed as follows: 60 percent to Orange County; 25 percent to the City of Apopka; and 15 percent to Lake County.

2. Such proceeds shall be used to implement the redevelopment plans adopted by the Orange County Board of County Commissioners, Apopka City Commission, and Lake County Board of County Commissioners.

3. Of the total proceeds, the Orange County Board of County Commissioners, Apopka City Commission, and Lake County Board of County Commissioners, may not expend more than:

a. Twenty percent for labor force training related to the redevelopment plan;

b. Thirty-three percent for financial or economic incentives for business location or expansion in the redevelopment area; and

c. Four percent for administration, planning, and marketing the redevelopment plan.

4. The Orange County Board of County Commissioners, Apopka City Commission, and Lake County Board of County Commissioners must spend those revenues not expended under subparagraph 3. for infrastructure needs necessary for the redevelopment plan.

Section 4. *The $20 million appropriation in fiscal year 1996-1997 pursuant to chapter 96-207, Laws of Florida, shall be used for the purpose of purchasing lands described in section 373.461(5)(a), Florida Statutes, and their related facilities.*

Section 5. Section 290.0067, Florida Statutes, is created to read:

290.0067 Enterprise zone designation for communities impacted by Lake Apopka land acquisition.—Orange County and the municipality of Apopka may jointly apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone encompassing areas suffering adverse economic impacts due to governmental acquisition of Lake Apopka farmlands pursuant to s. 373.461. The application must be submitted by December 31, 1998, and must comply with the requirements of s. 290.0055, except s. 290.0055(3). Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section based upon when unemployment will occur due to the cessation of farming on lands acquired pursuant to s. 373.461. The zone shall terminate 5 years following the established effective date.

Section 6. *Notwithstanding any other provisions of law, the Office of Tourism, Trade, and Economic Development may amend the boundaries of an area designated as an enterprise zone in a community having a population of 235,000 persons but less than 245,000, so long as the area does not increase the overall size of the zone by greater than 50 acres and the increased area is contiguous to the existing enterprise zone. The amendment must also be consistent with the limitations imposed by section 290.0055, Florida Statutes, upon establishment of the enterprise zone.*

Section 7. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 8. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove from the title of the bill the entire title and insert in lieu thereof: A bill to be entitled An act relating to community redevelopment; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of certain enterprise zones; providing restrictions; providing for repeal; amending s. 373.461, F.S., relating to Lake Apopka improvement and management; providing legislative intent that interim phosphorus abatement measures be provided and stormwater management facilities be constructed unless specified time requirements for land purchase are met; revising provisions relating to commencement of construction of stormwater facilities; providing a maximum purchase price for certain agricultural lands; providing for sale of certain tangible personal property and for use of the proceeds of such sale; authorizing the Office of Tourism, Trade, and Economic Development to expend such funds; providing for use of an appropriation made by ch. 96-207, Laws of Florida; creating s. 290.0067, F.S.; authorizing Orange County and Apopka to apply for designation of an enterprise zone in areas suffering adverse impacts due to governmental acquisition of Lake Apopka farmlands; authorizing the Office of Tourism, Trade, and Economic Development to designate such zone and providing a termination date; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of certain areas; providing for severability; providing an effective date.

On motion by Senator Dyer, the Senate concurred in the House amendment.

CS for SB 1486 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Madam President	Crist	Harris	McKay
Bankhead	Dantzler	Horne	Meadows
Brown-Waite	Diaz-Balart	Jenne	Myers
Burt	Dudley	Jones	Rossin
Campbell	Dyer	Kirkpatrick	Silver
Casas	Forman	Klein	Sullivan
Childers	Grant	Kurth	Thomas
Clary	Gutman	Latvala	Turner
Cowin	Hargrett	Lee	Williams

Nays—None

Vote after roll call:

Yea—Bronson, Holzendorf, Ostalkiewicz, Scott

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 1498, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1498—A bill to be entitled An act relating to Museum of Florida History programs; amending s. 267.072, F.S.; requiring the Division of Historical Resources of the Department of State to establish and administer a program to recognize and record achievements of certain Floridians; providing criteria; providing requirements; providing for nominations and selection; authorizing the division to undertake certain recording and marketing activities; authorizing the division to collect a charge for providing certain materials; providing for deposit of such charges; providing an effective date.

House Amendment 1 (with title amendment)—On page 4, between lines 9 and 10 of the bill, insert:

Section 2. Section 267.075, Florida Statutes, is created to read:

267.075 The Grove Advisory Council; creation; membership; purposes.—

(1) The Call/Collins House, commonly known as "The Grove," located in Tallahassee, Leon County, shall be utilized as a house museum of history for the educational benefit of the citizens of this state. The utilization of The Grove as a museum of history shall emphasize the lives and accomplishments of The Grove's first owner, Richard Keith Call, Florida's last Territorial Governor, and LeRoy Collins, Florida's 33rd Governor, who, with his wife, Mary Call Darby Collins, were the last owners of The Grove. The faithful restoration and maintenance of The Grove undertaken by LeRoy Collins and Mary Call Darby Collins during the nearly six decades of Collins family ownership and stewardship which has preserved the original plan of construction and design of The Grove shall be continued as provided for in this section.

(2) There is created within the Department of State The Grove Advisory Council for the purpose of advising the Division of Historical Resources on the operation, maintenance, preservation, and protection of the Call/Collins House, commonly known as "The Grove," its grounds, cemetery, and all structures thereon; the furniture and furnishings located therein; any changes in the architecture, structure, furnishings, or landscaping deemed necessary or desirable by the council; and the design and development of interpretive programs and exhibits in connection therewith.

(3)(a) The Grove Advisory Council shall be composed of eight members, as follows:

1. Five members shall be private citizens appointed by the Secretary of State.

2. One member shall be the director of the Division of Facilities Management of the Department of Management Services.

3. One member shall be the director of the Division of Historical Resources of the Department of State.

4. At least one member shall be a direct descendant of Mary Call Darby Collins appointed by the Secretary of State with the advice of the oldest living generation of lineal descendants of Mary Call Darby Collins.

Of the citizen members, at least one member shall have professional curatorial and museum expertise, one member shall have professional architectural expertise in the preservation of historic buildings, and one member shall have professional landscape expertise. The five citizen members of the council appointed by the Secretary of State and the member of the council who is a direct descendant of Mary Call Darby Collins appointed by the Secretary of State shall be appointed for staggered 4-year terms. The Secretary of State shall fill the remainder of unexpired terms for the five citizen members of the council and the member of the council who is a direct descendant of Mary Call Darby Collins.

(b) The council shall annually elect a chair from among the five citizen members of the council appointed by the Secretary of State and the member of the council who is a direct descendant of Mary Call Darby Collins appointed by the Secretary of State. The chair shall serve for a term of 1 year. Meetings of the council shall be held at the call of the chair, at the request of a majority of its membership, at the request of the Secretary of State, or at such times as may be prescribed by rules of the council. The council shall meet at least twice annually. A majority of the council shall constitute a quorum for the transaction of business.

(c) The council shall obtain clerical, expert, technical, or other services from the Division of Historical Resources. The Department of Management Services shall provide reasonable assistance to the Department of State in carrying out the purposes of this section.

(d) Members of the council shall serve without compensation or honorarium but shall be entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061. All expenses of the council shall be paid from appropriations to be made by the Legislature to the Department of State. All vouchers shall be approved by the Division of Historical Resources before being submitted to the Comptroller for payment.

(4)(a) The Division of Historical Resources, with the advice and assistance of the council, shall maintain the structure, style, character, and landscaping of The Grove, its grounds, its private family cemetery, and all structures thereon consistent with the character, plan, and design of The Grove at the time the state takes physical possession of The Grove and its surrounding property from Mary Call Darby Collins. It shall preserve and protect the antique furnishings and other articles of furniture, fixtures, and decorative objects and articles used or displayed in the premises.

(b) The Division of Historical Resources shall catalog and maintain a descriptive, photographic inventory of the furnishings, fixtures, and decorative objects and articles used or displayed in the premises.

(c) The Division of Historical Resources may receive, on behalf of the state, contributions, bequests, and gifts of money, furniture, works of art, memorabilia, or other property consistent with the use of The Grove as described in this section. Title to all property which is received in this manner shall vest in the state and shall be held in trust by the Division of Historical Resources solely to further the purposes of this section. No furniture, furnishings, fixtures, or decorative objects acquired from the Collins family or any of its members shall be used for any purpose except as a permanent part of The Grove's furniture, furnishings, fixtures, or decorative objects, and any such item not so utilized shall forthwith revert to the Collins family member or members from whom it was acquired. No gifts, contributions, or bequests shall be accepted for The Grove without the advice and recommendation of the council.

(d) The Division of Historical Resources shall adopt rules governing the maintenance and use of The Grove, the selection, acquisition, and disposition of furnishings and decorations for the premises, and the acceptance of gifts, contributions, bequests, or loans of property.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 14, after the semicolon (;) insert: creating s. 267.075, F.S.; creating The Grove Advisory Council within the Department of State; providing membership, meetings, and organization of the council; specifying uses of property; providing requirements of the Division of Historical Resources with respect to specified property; authorizing the division to receive specified funds and property; requiring the division to adopt certain rules;

On motion by Senator Harris, the Senate concurred in the House amendment.

SB 1498 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Sullivan
Casas	Gutman	Latvala	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1682, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1682—A bill to be entitled An act relating to health insurance; amending s. 627.6406, F.S., relating to coverage for maternity care; prohibiting an insurer from imposing certain limitations on benefits, coverage, or reimbursement; amending s. 627.6425, F.S.; requiring an insurer that provides individual coverage to renew or continue coverage; providing certain exceptions; requiring an insurer to provide notice of discontinuation; authorizing an insurer to modify coverage; revising

requirements for renewability of individual coverage; creating s. 627.6475, F.S.; providing for an individual reinsurance pool; providing purpose; providing definitions; providing applicability and scope; providing requirements for availability of coverage; requiring maintenance of records; providing an election for carriers; providing an election process; requiring operations of the program to be subject to the board of the Florida Small Employer Reinsurance Program; requiring the establishment of a separate account; providing for standards to assure fair marketing; authorizing the Department of Insurance to adopt rules; creating s. 627.6487, F.S.; providing for guaranteed availability of health insurance coverage to eligible individuals; prohibiting an insurer or health maintenance organization from declining coverage for eligible individuals or imposing preexisting conditions; providing definitions; providing certain exceptions; creating s. 627.64871, F.S.; providing for application of requirements for certification of coverage; providing exceptions; creating s. 627.6489, F.S.; authorizing the Florida Comprehensive Health Association to contract with insurers to provide disease management services; creating s. 627.6512, F.S.; exempting certain group health insurance policies from specified requirements with respect to excepted benefits; amending s. 627.6561, F.S., relating to exclusions for preexisting conditions; providing definitions; specifying circumstances under which an insurer may impose an exclusion for a preexisting condition; providing exceptions; providing requirements for creditable coverage; providing for an election of methods for calculating creditable coverage; requiring disclosure of certain elections; providing for establishing creditable coverage; providing exceptions; requiring an issuer to provide certification pursuant to rules adopted by the department; creating s. 627.65615, F.S.; providing for special enrollment periods for employees and dependents; specifying conditions for special enrollment periods; creating s. 627.65625, F.S.; prohibiting an insurer from discriminating against individual participants and beneficiaries based on health status; creating s. 627.6571, F.S.; specifying circumstances under which an insurer that issues group health insurance policies must renew or continue coverage; providing for notice of discontinuation; providing a process for notification; authorizing an insurer to modify coverage; amending s. 627.6574, F.S., relating to coverage for maternity care; prohibiting a group, blanket, or franchise policy from imposing certain limitations on enrolling or renewing coverage; prohibiting an insurer from imposing certain limitations on benefits, coverage, or reimbursement; prohibiting an insurer from providing monetary payments or rebates; amending s. 627.6675, F.S.; revising time limitations for application for and payment of a converted policy; requiring an insurer to offer a standard health benefit plan; amending s. 627.6699, F.S., relating to the Employee Health Care Access Act; revising definitions; providing requirements for policies with respect to preexisting conditions; providing exceptions; requiring special enrollment periods; authorizing a small carrier to deny coverage under certain circumstances; revising requirements for renewing coverage; increasing membership of the board of the Small Employer Health Reinsurance Program; requiring a small employer to disclose certain information with respect to a health benefit plan; amending s. 627.9404, F.S.; providing additional definitions; amending s. 627.9407, F.S.; specifying additional information required to be disclosed for purposes of long-term care insurance; requiring a disclosure statement; amending s. 627.94071, F.S.; specifying additional minimum standards for home health care benefits; amending s. 627.94072, F.S.; deleting a requirement to provide cash surrender values in offering long-term care insurance policies; amending s. 627.94073, F.S.; revising notice of cancellation provisions; amending s. 627.94074, F.S.; revising standards for benefit triggers; creating s. 641.2018, F.S.; authorizing a health maintenance organization to offer high deductible contracts to certain employers; amending s. 641.31, F.S.; revising requirements for a health maintenance contract that provides coverage for maternity care; prohibiting a health maintenance organization from denying eligibility to enroll or to renew coverage; prohibiting such an organization from imposing certain limitations on benefits, coverage, or reimbursement; prohibiting such an organization from providing monetary payments or rebates; amending s. 641.3102, F.S.; prohibiting health maintenance organizations from declining to offer coverage to an eligible individual under s. 627.6487, F.S.; creating s. 641.31071, F.S., relating to exclusions for preexisting conditions; providing definitions; specifying circumstances under which a health maintenance organization may impose an exclusion for a preexisting condition; providing exceptions; providing requirements for creditable coverage; providing for an election of methods for calculating creditable coverage; requiring disclosure of certain elections; providing for establishing creditable coverage; providing exceptions; requiring a health maintenance organization to provide certification pursuant to rules adopted by the department; creating s. 641.31072, F.S.; requiring a health maintenance organization to provide for special enrollment periods under a contract for employees and dependents; providing conditions for special enrollment periods; creating s. 641.31073, F.S.; prohibiting a health maintenance organization from discriminating against individual participants and beneficiaries based on health status; creating s. 641.31074, F.S.; requiring a health maintenance organization to renew or continue coverage of certain group health insurance contracts; requiring notice of discontinuation; prescribing a process for notification; authorizing a health maintenance organization to modify coverage; amending s. 641.3921, F.S.; clarifying circumstances under which a health maintenance organization may issue a converted contract; amending s. 641.3922, F.S.; revising the time limitation for applying for a converted contract; revising the maximum premium rate for a converted contract; requiring a health maintenance organization to offer a standard health benefit plan; providing that the act fulfills an important state interest; repealing s. 627.6576, F.S., relating to a prohibition against discriminating against handicapped persons under policies of group, blanket, or franchise health insurance; providing for application of the act; providing for application of the act with respect to a plan or contract maintained pursuant to a collective bargaining agreement; providing an effective date.

House Amendment 1—On page 28, line 22 of the bill, insert before the period: *and to reduce any deficits incurred by the association. No funds received at any time by the association as a result of assessments against insurers may be used in connection with the disease management program*

House Amendment 2—On page 75, line 28 through page 76, line 4, remove from the bill all of said lines and insert in lieu thereof: be made. The insurer may require payment of an interest charge not in excess of 8 percent per year for the number of days elapsing before the payment of the premium, during which period the policy shall continue in force. If the policy becomes a claim during the grace period before the overdue premium is paid, the amount of such premium or premiums with interest not in excess of 8 percent per year may be deducted in any settlement under the policy.

House Amendment 3—On page 77, lines 17-25, remove from the bill all of said lines after the period on line 17 and insert in lieu thereof: The insurer may require payment of an interest charge not in excess of 8 percent per year for the number of days elapsing before the payment of the premium, during which period the policy shall continue in force if the demonstration of cognitive impairment is made. If the policy becomes a claim during the 180-day period before the overdue premium is paid, the amount of the premium or premiums with interest not in excess of 8 percent per year may be deducted in any settlement under the policy.

House Amendment 4—On page 78, line 17 of the bill, insert before the period: *; having a level of disability similar, as provided by rule of the Insurance Commissioner, to the insured's ability to perform activities of daily living; or being cognitively impaired as described in paragraph (6)(b)*

House Amendment 5—On page 110, line 23, remove from the bill "*Finance*" and insert in lieu thereof: *Financing*

On motion by Senator Diaz-Balart, the Senate concurred in the House amendments.

CS for SB 1682 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Madam President	Cowin	Gutman	Kurth
Bankhead	Crist	Harris	Latvala
Bronson	Dantzler	Holzendorf	Lee
Brown-Waite	Diaz-Balart	Horne	McKay
Burt	Dudley	Jenne	Meadows
Campbell	Dyer	Jones	Myers
Childers	Forman	Kirkpatrick	Ostalkiewicz
Clary	Grant	Klein	Rossin

Silver Thomas Turner Williams
Sullivan

Nays—None

Vote after roll call:

Yea—Casas, Hargrett, Scott

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1754, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1754—A bill to be entitled An act relating to economic development; authorizing the Secretary of State to appoint Florida international notaries; providing definitions; providing rulemaking authority; authorizing the use of authentication methods by international notaries; providing for effect of acts of international notaries; amending s. 114, chapter 96-320, Laws of Florida; revising the definition and requirements relating to "matching private funds" for Enterprise Florida, Inc.; amending s. 14.2015, F.S.; removing redundant provisions; revising provisions allowing the Office of Tourism, Trade, and Economic Development to contract for administrative purposes; revising the office's responsibilities for planning meetings of leaders in business, government, and economic development; providing the office with rulemaking authority for specific programs; amending s. 15.182, F.S.; requiring certain state-funded musical, cultural, or artistic organizations to notify the Department of State of their international travel plans; directing the department, in conjunction with Enterprise Florida, Inc., to act as an intermediary between such organizations and Florida businesses; requiring Enterprise Florida, Inc., and the Department of Revenue to conduct a study of the advantages and revenue effects of exempting from s. 212.031, F.S., leases of property which are part of a federally chartered Foreign Trade Zone; requiring the Department of Lottery to determine the feasibility of marketing the Florida Lottery internationally; amending s. 48.194, F.S., relating to personal service outside the state; specifying that service of process on persons outside the United States may be required to comply with a certain international convention; authorizing the Office of Tourism, Trade, and Economic Development to establish a pilot matching grant program for the provision of job-training grants; requiring the establishment of guidelines for the program; limiting the use of grant funds; requiring a grant agreement and a report on program results; specifying that the same proposal may not provide the basis for the award of training under this pilot training program and the Quick Response Training Program; creating s. 110.191, F.S.; providing for state employee leasing under certain circumstances; providing criteria; providing requirements; providing limitations relating to certain positions; amending s. 110.205, F.S.; specifying positions leased under a state employee lease agreement as exempt from career service provisions; amending s. 288.012, F.S.; providing legislative intent; requiring the Office of Tourism, Trade, and Economic Development to develop a plan for State of Florida foreign offices; requiring each foreign office to have an operational plan; amending s. 288.047, F.S.; proscribing certain uses of funds for the Quick-Response Training Program; amending s. 288.063, F.S.; proscribing certain uses of funds for contracts for economic development transportation projects; amending s. 288.1045, F.S.; providing for the qualified defense contractor tax refund program to be administered by the Office of Tourism, Trade, and Economic Development; deleting a time requirement to sign agreements; providing for a prorated tax refund with penalty if the number of jobs is less than projected; proscribing certain uses of funds for such program; correcting a statutory reference; amending s. 288.065, F.S.; providing that funds appropriated for the Rural Community Development Revolving Loan Fund are not subject to reversion; amending s. 288.106, F.S.; defining "rural county" and "rural city"; providing for determination of the "average wage in the area" for purposes of the tax refund program for qualified target industry businesses based on private sector wages only; proscribing certain uses of funds for such tax refund program; authorizing the Office of Tourism, Trade, and Economic Development to waive the annual wage requirement imposed as a condition of qualifying for review for participation in the program under certain circumstances; amending s. 288.7011, F.S.; revising authority for the Office of Tourism, Trade, and Economic Development to contract with a statewide certified development corporation; amending s. 288.772, F.S.; revising the definition of the term "board" with respect to the Florida Export Finance Corporation; amending s. 288.775, F.S.; requiring the board of the Florida Export Finance Corporation to create the Florida Export Finance Corporation guarantee account; amending s. 288.776, F.S.; revising the membership of the board of the Florida Export Finance Corporation; providing for appointment of members to the board; amending s. 288.777, F.S.; revising provisions relating to the appointment of a president for the Florida Export Finance Corporation; directing the board of the corporation to appoint such president; amending s. 288.7771, F.S.; revising the deadline for submitting an annual report for the Florida Export Finance Corporation; amending s. 288.816, F.S.; revising the responsibilities of the Secretary of State with respect to intergovernmental relations; requiring law enforcement agencies to inform the Department of State about the arrest or incarceration of foreign citizens; requiring the secretary to report to the Legislature on actions taken to inform law enforcement agencies on proper procedures relating to such arrest or incarceration; amending s. 288.8175, F.S.; authorizing the Florida linkage institutes to accept and administer funds from the Department of State for research and development of international trade; amending s. 288.901, F.S.; expanding an employee leasing program applicable to Enterprise Florida, Inc., to include an individual who, as of a specified date, is employed by the Executive Office of the Governor and has responsibilities related to the workforce development board; amending s. 288.9015, F.S.; providing for the responsibilities of Enterprise Florida, Inc., with respect to workforce development to include participants in the WAGES Program; specifying that Enterprise Florida shall provide leadership in job creation, including jobs for residents who are economically disadvantaged or who are participants in the WAGES Program or otherwise receive public assistance; requiring Enterprise Florida, Inc., to prepare a guide and checklist for starting and operating a business in Florida; amending s. 288.903, F.S.; requiring the president of Enterprise Florida, Inc., to coordinate Enterprise Florida, Inc., activities with respect to participants in the WAGES Program; amending s. 288.904, F.S.; revising prohibitions on participating in Enterprise Florida, Inc., contracts and grants; amending s. 288.905, F.S.; revising requirements for the strategic plan prepared by Enterprise Florida, Inc.; providing for modifications and updates to the strategic plan; requiring that specific issues be included in the strategic plan; requiring the development of measurable objectives and performance outcomes; amending s. 288.906, F.S.; revising requirements for the annual report by Enterprise Florida, Inc.; requiring specific evaluations and assessments to be included in the annual report; requiring an annual compliance and financial audit; amending s. 288.9414, F.S.; revising prohibitions on participating in Enterprise Florida, Inc., international trade and economic development board contracts and grants; creating a grant review panel to assist the International Trade and Economic Development Board of Enterprise Florida, Inc.; providing for membership on the panel; providing for removal from the panel; providing duties for the panel; creating s. 288.9415, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to administer funds for international trade promotion grants; providing application criteria for such grants; directing the International Trade and Economic Development Board of Enterprise Florida, Inc., to review such grant applications and make recommendations to the Office of Tourism, Trade, and Economic Development; authorizing the Office of Tourism, Trade, and Economic Development to establish a targeted market pilot grant program to provide funding designed to match Florida businesses with international trade opportunities; providing application procedures and criteria; amending ss. 288.9514 and 288.9613, F.S.; revising prohibitions on participating in contracts and grants of certain Enterprise Florida, Inc., boards; authorizing the Office of Tourism, Trade, and Economic Development to contract with organizations in order to foster the development of microenterprises in the state; requiring the office to establish criteria for competitive evaluation of funding applications and program performance measures; requiring the office to adopt guidelines to administer the microenterprise development program; amending s. 288.9614, F.S.; authorizing the capital development board of Enterprise Florida, Inc., to take actions for the development of microenterprises; amending s. 288.9620, F.S.; requiring the Enterprise Florida, Inc., workforce development board to include participants in the WAGES Program within populations selected for resources, guidance, or services; revising prohibitions on participating in Enterprise Florida, Inc., workforce development board contracts and grants; amending s. 290.0411, F.S.; revising the legislative intent for the Florida Small Cities Community Development Block Grant Program Act to include pledging public money to guarantee loans; amending s. 290.044, F.S.; expanding administration of the Florida Small Cities Community Development Block Grant Program Fund to include loan guarantees; conforming provisions; creating s. 290.0455, F.S.; creating the Small

Cities Community Development Block Grant Loan Guarantee Program; providing for the purpose, administration, and conditions of the program; authorizing the Department of Community Affairs to pledge revenues from the community development block grant program in order to guarantee certain loans; amending s. 290.047, F.S.; exempting the loan guarantee program authorized under s. 290.0455, F.S., from certain grant ceiling requirements; providing for grant ceilings under the Community Development Block Grant Program to be reduced based on defaults on guaranteed loans; amending s. 290.048, F.S.; authorizing the Department of Community Affairs to pledge community development block grant revenues to guarantee certain notes or obligations; creating s. 337.023, F.S.; authorizing the Department of Transportation, when selling a building, to accept the construction of a replacement building totally or partially in lieu of cash; providing for review and approval of such action; amending s. 380.06, F.S.; requiring local government comprehensive plan amendments related to a proposed development of regional impact to be considered concurrently with the application for development approval; amending s. 455.213, F.S.; authorizing the Department of Business and Professional Regulation to appoint the county tax collector as an agent of the department for purposes of accepting applications for licenses or renewals of licenses; amending s. 455.2141, F.S.; authorizing the Agency for Health Care Administration to appoint the county tax collector as an agent of the agency for purposes of accepting applications for licenses or renewals of licenses; authorizing the Department of State and the Department of Labor and Employment Security to appoint the county tax collector as an agent of each department for purposes of accepting applications for licenses or similar registrations, or renewals of licenses or similar registrations; amending s. 468.520, F.S.; specifying that the term "employee leasing company" does not apply to a state agency or the judicial branch engaged in legislatively authorized employee leasing activities; amending s. 624.426, F.S.; exempting certain U.S. Customs surety bonds from the resident agent and counter-signature law; creating a tax refund program for hiring certain school–aged employees; providing for administration by the Office of Tourism, Trade, and Economic Development; providing definitions; providing for employment/tax refund agreements; providing penalties for fraudulent claims for refunds; providing for future repeal; providing an incentive to facilitate increased employment in Florida's boat motor and vessel manufacturing industry; providing for application; repealing ss. 118.01, 118.02, 118.03, 118.04, F.S., relating to commissioners of deeds; repealing s. 14.2015(7), F.S., relating to authority for the Office of Tourism, Trade, and Economic Development to contract for assistance in administering certain programs and to use a percentage of appropriated funds for administrative purposes; providing funding, contingent upon appropriation for custom brokers and forwarders, specified trade groups, and a trade and academic exchange office; providing severability; requiring a study by the Board of Regents; providing an effective date.

House Amendment 1 (with title amendment)—Remove from the bill everything after the enacting clause and insert in lieu thereof:

Section 1. *(1) As used in this section, the term:*

(a) "Authentication instrument" means an instrument executed by a Florida international notary referencing this section, which includes the particulars and capacities to act of transacting parties, a confirmation of the full text of the instrument, the signatures of the parties or legal equivalent thereof, and the signature and seal of a Florida international notary as prescribed by the Florida Secretary of State for use in a jurisdiction outside the borders of the United States.

(b) "Florida international notary" means a person who is admitted to the practice of law in this state, who has practiced law for at least 5 years, and who is appointed by the Secretary of State as a Florida international notary.

(c) "Protocol" means a registry maintained by a Florida international notary in which the acts of the Florida international notary are archived.

(2) The Secretary of State shall have the power to appoint Florida international notaries and administer this section.

(3) A Florida international notary is authorized to issue authentication instruments for use in non–United States jurisdictions. A Florida international notary is not authorized to issue authentication instruments for use in a non-United States jurisdiction if the United States Department of State has determined that the jurisdiction does not have diplomatic relations with the United States or is a terrorist country, or if trade with the jurisdiction is prohibited under the Trading With the Enemy Act of 1917, as amended, 50 U.S.C. ss. 1, et seq.

(4) The authentication instruments of a Florida international notary shall not be considered authentication instruments within the borders of the United States and shall have no consequences or effects as authentication instruments in the United States.

(5) The authentication instruments of a Florida international notary shall be recorded in the Florida international notary's protocol in a manner prescribed by the Secretary of State.

(6) The Secretary of State may adopt rules prescribing:

(a) The form and content of signatures and seals or their legal equivalents for authentication instruments.

(b) Procedures for the permanent archiving of authentication instruments.

(c) The charging of reasonable fees to be retained by the Secretary of State for the purpose of administering this section.

(d) Educational requirements and procedures for testing applicants' knowledge of the effects and consequences associated with authentication instruments in jurisdictions outside the United States.

(e) Procedures for the disciplining of Florida international notaries, including the suspension and revocation of appointments for misrepresentation or fraud regarding the Florida international notary's authority, the effect of the Florida international notary's authentication instruments, or the identities or acts of the parties to a transaction.

(f) Other matters necessary for administering this section.

(7) The Secretary of State shall not regulate, discipline or attempt to discipline, or establish any educational requirements for any Florida international notary for, or with regard to, any action or conduct that would constitute the practice of law in this state. The Secretary of State shall not establish as a prerequisite to the appointment of a Florida international notary any test containing any question that inquires of the applicant's knowledge regarding the practice of law in the United States.

(8) This section shall not be construed as abrogating the provisions of any other act relating to notaries public, attorneys, or the practice of law in this state.

Section 2. Subsections (1) and (3) of section 114 of chapter 96-320, Laws of Florida, are amended to read:

Section 114. (1) From funds appropriated from the General Revenue Fund to the Office of Tourism, Trade, and Economic Development for the purpose of annually contracting with Enterprise Florida, Inc., 10 percent of such funds for the fiscal year 1996-1997, 20 percent of such funds for the fiscal year 1997-1998, 30 percent of such funds for the fiscal year 1998-1999, 40 percent of such funds for the fiscal year 1999-2000, and 50 percent of such funds for the fiscal year 2000-2001 shall be placed in reserve by the Executive Office of the Governor. The funds may be released through a budget amendment, in accordance with chapter 216, Florida Statutes, as requested by Enterprise Florida, Inc., through the Office of Tourism, Trade, and Economic Development if Enterprise Florida, Inc., has provided sufficient documentation that the same amount of matching private funds as the amount placed in reserve has been contributed during the same fiscal year to Enterprise Florida, Inc., in support of its economic development efforts. If sufficient documentation is not provided by the end of the fiscal year, such funds shall revert back to the General Revenue Fund. *In each fiscal year, at least 55 percent of the matching private funds required to be documented under this subsection must be comprised of the first category of matching private funds described in subsection (3).*

(3) For the purposes of this section, matching private funds *shall be divided into two categories. The first category of matching private funds shall include any payment of cash made in response to a solicitation by Enterprise Florida, Inc., and used exclusively by Enterprise Florida, Inc., in its operations or programs, excluding any payment of cash made by any entity to qualify for any Enterprise Florida, Inc., state, or local incentive, grant, or loan program, or any cash received by Enterprise Florida, Inc., pursuant to a grant or contract. The second category of*

matching private funds shall include a conveyance of property, ~~employee wages paid during training,~~ or payment or distribution of *property* ~~cash~~ or anything of value, including contributions in-kind having an attributable monetary value in any form, *and including any payment of cash not counted within the first category of matching private funds.* Contributions in-kind include, but are not limited to, goods or services rendered. The cost of the contribution shall be the reasonable cost to the sponsor of the goods or services.

Section 3. Subsection (2) of section 14.2015, Florida Statutes, 1996 Supplement, is amended to read:

14.2015 Office of Tourism, Trade, and Economic Development; creation; powers and duties.—

(2) The purpose of the Office of Tourism, Trade, and Economic Development is to assist the Governor in working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and implement coherent and consistent policies and strategies designed to provide economic opportunities for all Floridians. To accomplish such purposes, the Office of Tourism, Trade, and Economic Development shall:

~~(a) Contract, notwithstanding the provisions of part I of chapter 287, with Enterprise Florida, Inc., to guide, stimulate, and promote the economic and trade development of the state.~~

~~(b) Contract with the Florida Commission on Tourism to guide, stimulate, and promote the travel and leisure development of the state.~~

(a)~~(c)~~ Contract, notwithstanding the provisions of part I of chapter 287, with the direct-support organization created under s. 288.1228, or a designated Florida not-for-profit corporation whose board members have had prior experience in promoting, throughout the state, the economic development of the Florida motion picture, television, radio, video, recording, and entertainment industries, to guide, stimulate, and promote the entertainment industry in the state.

(b)~~(d)~~ Contract, notwithstanding the provisions of part I of chapter 287, with the direct-support organization created under s. 288.1229 to guide, stimulate, and promote the sports industry in the state.

(c)~~(e)~~ Monitor the activities of public-private partnerships and state agencies in order to avoid duplication and promote coordinated and consistent implementation of programs in areas including, but not limited to, tourism; international trade and investment; business recruitment, creation, retention, and expansion; minority and small business development; and rural community development.

(d)~~(f)~~ Facilitate the direct involvement of the Governor and the Lieutenant Governor in economic development projects designed to create, expand, and retain Florida businesses and to recruit worldwide business.

(e)~~(g)~~ Assist the Governor, in cooperation with Enterprise Florida, Inc., and the Florida Commission on Tourism, in preparing an annual report to the Legislature on the state of the business climate in Florida and on the state of economic development in Florida which will include the identification of problems and the recommendation of solutions. This report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader by January 1 of each year, and it shall be in addition to the Governor's message to the Legislature under the State Constitution and any other economic reports required by law.

(f)~~(h)~~ Plan and conduct *at least three* ~~quarterly~~ meetings *per calendar year* of leaders in business, government, and economic development called by the Governor to address the business climate in the state, develop a common vision for the economic future of the state, and identify economic development efforts to fulfill that vision.

(g)~~(i)~~ Administer the Florida Enterprise Zone Act under ss. 290.001-290.016, the community contribution tax credit program under ss. 220.183 and 624.5105, the tax refund program for qualified target industry businesses under s. 288.106, contracts for transportation projects under s. 288.063, the sports franchise facility program under s. 288.1162, the professional golf hall of fame facility program under s. 288.1168, the Florida Jobs Siting Act under ss. 403.950-403.972, the Rural Community Development Revolving Loan Fund under s. 288.065, the Regional Rural Development Grants Program under s. 288.018, the Florida State Rural Development Council, and the Rural Economic Development Initiative.

2. The office may enter into contracts in connection with the fulfillment of its duties concerning the Florida First Business Bond Pool under chapter 159, tax incentives under chapters 212 and 220, foreign offices under chapter 288, the Enterprise Zone program under chapter 290, the Seaport Employment Training program under chapter 311, the Florida Professional Sports Team License Plates under chapter 320, Spaceport Florida under chapter 331, Job Siting and Expedited Permitting under chapter 403, and in carrying out other functions that are specifically assigned to the office by law.

(h)~~(j)~~ Serve as contract administrator for the state with respect to contracts with Enterprise Florida, Inc., the Florida Commission on Tourism, and all direct-support organizations under this act, excluding those relating to tourism. To accomplish the provisions of this act and applicable provisions of chapter 288, *and notwithstanding the provisions of part I of chapter 287,* the office shall enter into specific contracts with Enterprise Florida, Inc., the Florida Commission on Tourism, and other appropriate direct-support organizations. Such contracts may be multiyear and shall include specific performance measures for each year. The office shall provide the President of the Senate and the Speaker of the House of Representatives with a report by February 1 of each year on the status of these contracts, including the extent to which specific contract performance measures have been met by these contractors.

(i)~~(k)~~ Prepare and submit as a separate budget entity a unified budget request for tourism, trade, and economic development in accordance with chapter 216 for, and in conjunction with, Enterprise Florida, Inc., and its boards, the Florida Commission on Tourism and its direct-support organization, the Florida Black Business Investment Board, and the direct-support organizations created to promote the entertainment and sports industries.

(j) Promulgate rules to carry out its functions in connection with the administration of the Qualified Target Industry program, the Qualified Defense Contractor program, the Enterprise Zone program and the Florida First Business Bond pool.

Section 4. Section 15.182, Florida Statutes, is created to read:

15.182 International travel by state–funded musical, cultural, or artistic organizations; notification to Department of State.—

(1) If a musical, cultural, or artistic organization that receives state funding is traveling internationally for a presentation, performance, or other significant public viewing, including an organization associated with a college or university, such organization shall notify the Department of State of its intentions to travel, together with the date, time, and location of each appearance. It is the desire of the Legislature that such cultural exchanges be coordinated with the state's economic development goals. The Secretary of State shall notify Enterprise Florida, Inc., of the intended travel schedule of all such organizations, including, but not limited to, symphonies, orchestras, dance troops, bands, choirs, choral groups, drama troops, musical performing groups, traveling exhibitions sponsored by museums, and performance artists.

(2) The Department of State, in conjunction with Enterprise Florida, Inc., shall act as an intermediary between performing musical, cultural, and artistic organizations and Florida businesses to encourage and coordinate joint undertakings. Such coordination may include, but is not limited to, encouraging business and industry to sponsor cultural events, assistance with travel of such organizations, and coordinating travel schedules of cultural performance groups and international trade missions.

(3) An organization shall provide the notification to the Department of State required by this section at least 30 days prior to the date the international travel is to commence or, when an intention to travel internationally is not formed at least 30 days in advance of the date the travel is to commence, as soon as feasible after forming such travel intention. The Department of State shall take an active role in informing such groups of the responsibility to notify the department of travel intentions.

Section 5. *Enterprise Florida, Inc., in cooperation with the Department of Revenue, shall conduct a study of the advantages and revenue effects of exempting from section 212.031, Florida Statutes, leases of*

property which are part of a federally chartered Foreign Trade zone to persons or entities which engage in or facilitate the business of international trade in goods or services. Enterprise Florida, Inc., shall report the results of such study to the President of the Senate and the Speaker of the House of Representatives by January 1, 1998.

Section 6. *The Florida Department of Lottery shall determine the feasibility of marketing the Florida Lottery internationally and issue a report regarding such feasibility to the Legislature by January 2, 1998.*

Section 7. Subsection (1) of section 48.194, Florida Statutes, is amended to read:

48.194 Personal service outside state.—

(1) Except as otherwise provided herein, service of process on persons outside of this state shall be made in the same manner as service within this state by any officer authorized to serve process in the state where the person is served. No order of court is required. An affidavit of the officer shall be filed, stating the time, manner, and place of service. The court may consider the affidavit, or any other competent evidence, in determining whether service has been properly made. *Service of process on persons outside the United States may be required to conform to the provisions of the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.*

Section 8. *(1) Subject to specific appropriations in the General Appropriations Act, the Office of Tourism, Trade, and Economic Development may, for the 1997-1998 fiscal year, establish a pilot matching grant program through which funding will be provided on a competitive basis in order to create employment opportunities for citizens of this state, particularly participants in the Work and Gain Economic Self-sufficiency (WAGES) Program. The grant program shall encourage the submission of innovative, cost-efficient, and performance-based training proposals designed to meet the employment needs of specific businesses or business sectors. An application for funding may be submitted by a private business, an educational institution, a not-for-profit corporation, a local or regional economic development council, or other organization, or an application may be submitted jointly on behalf of a combination of such entities.*

(2) The Office of Tourism, Trade, and Economic Development shall adopt guidelines for administering the program and shall establish criteria for the competitive evaluation of applications for funding. Evaluation criteria must include, but need not be limited to:

(a) The number of people to be trained.

(b) The estimated number of jobs that will be created as a result of the training.

(c) The extent to which the proposed training is not currently available through other sources or the extent to which the proposed training improves upon training currently available through other sources.

(d) The forecasts of employment demand for the occupation to which the training will apply.

(e) The commitment of the applicant to hire or to secure employment for participants in the WAGES Program.

(f) The qualifications of the proposed training provider.

(3) Priority shall be given to proposals submitted on behalf of a coalition of businesses.

(4) Funds may not be expended to subsidize the ongoing staff development program of any business or industry.

(5) The Office of Tourism, Trade, and Economic Development may award grants for not more than four applications in any one fiscal year. Each grant awarded under this program is limited to $500,000 and must be matched on a one-for-one basis by nonstate dollars. Matching funds under this section shall not count toward the private matching funds required under s. 114, chapter 96-320, Laws of Florida.

(6) Before allocating funds for any request under this program, the Office of Tourism, Trade, and Economic Development shall prepare a grant agreement between the grant recipient and the Office of Tourism, Trade, and Economic Development. Such agreement must include, but is not limited to, permission for the Office of Tourism, Trade, and Economic Development to access information specific to the job placement and performance of program participants upon the completion of instruction for evaluation purposes. If funds are being allocated directly to a private business or group of private businesses, the agreement prepared under this subsection must provide that 50 percent of the public training funds will be withheld until the Office of Tourism, Trade, and Economic Development determines that the business has or businesses have created the number of positions specified in the agreement and filled those positions with individuals who have completed the training.

(7) Upon completing all training funded under this pilot program, the Office of Tourism, Trade, and Economic Development shall report on the outputs and outcomes for this program as part of the annual report prepared under s. 14.2015(2)(g), Florida Statutes. Such report must include a recommendation on whether it would be sound public policy to continue or discontinue funding for the program.

(8) The Office of Tourism, Trade, and Economic Development may not award a grant under this section if the same training proposal provided the basis for training awarded under s. 288.047, Florida Statutes. An applicant awarded a training grant under this section may not thereafter receive training under s. 288.047, Florida Statutes, in connection with the same training proposal.

Section 9. Section 110.191, Florida Statutes, is created to read:

110.191 State Employee Leasing.—

(1) In situations where the legislature has expressly authorized the state, an agency or the judicial branch as defined in s. 110.203 to lease employees, the Executive Office of the Governor for the executive branch or the Chief Justice for the judicial branch may authorize any of the following actions related to such state employee leasing activities, provided that the direct cost of such actions are to be paid or reimbursed within 30 days after payment by the entity or person to whom the employees are leased:

(a) Create a separate budget entity from which leased employees shall be paid and transfer the positions authorized to be leased to that budget entity.

(b) Provide increases in the operating budget entity.

(c) Authorized lump-sum salary bonuses to leased employees, however any lump-sum salary bonus above the automatic salary increases which may be contained in the General Appropriations Act must be funded from private sources.

(d) Approve increases in salary rate for positions which are leased, however, any salary rate above the automatic salary increases which may be contained in the General Appropriations Act must be funded from private sources.

(e) Waive any requirement for automatic salary increases which may be contained in the General Appropriations Act.

(2) Positions which are in the Senior Management Service System or the Selected Exempt Service System on the day before the state employee lease agreement takes effect shall remain in the respective system if the duties performed by the position during the assignment of the state employee lease agreement are comparable as determined by the department. Those Senior Management Service System or Selected Exempt Service System positions which are not determined comparable by the department and positions which are in other pay plans on the day before the lease agreement takes effect shall have the same salaries and benefits provided to employees of the Office of the Governor pursuant to s. 110.205(2)(k)2.

Section 10. Paragraph (u) of subsection (2) of section 110.205, Florida Statutes, is created to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions which are not covered by this part include the following, provided that no position, except for positions established for a limited period of time pursuant to paragraph (h), shall be exempted if the position reports to a position in the career service:

(u) Positions which are leased pursuant to a state employee lease agreement expressly authorized by the legislature pursuant to s. 110.191.

Section 11. Paragraph (j) is added to subsection (5) of section 212.08, Florida Statutes, 1996 Supplement, 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.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(j) Machinery and equipment used in silicon technology production and research and development.—

1. Industrial machinery and equipment purchased for use in silicon technology facilities certified under subparagraph 5. to manufacture, process, compound, or produce silicon technology products for sale or for use by these facilities are exempt from the tax imposed by this chapter.

2. Machinery and equipment are exempt from the tax imposed by this chapter if purchased for use predominately in silicon wafer research and development activities in a silicon technology research and development facility certified under subparagraph 5.

3. The exemptions authorized in subparagraph 1. and subparagraph 2. accrue to the taxpayer through a refund of previously paid taxes. A refund may not be made unless the criteria mandated by subparagraph 1. or subparagraph 2. have been met and the business has been certified by the Office of Tourism, Trade, and Economic Development as authorized in this paragraph.

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

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

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

5.a. A business certified to receive this exemption may apply once each year for the refund of all eligible taxes paid during the previous calendar year. The refund shall be subject to a specific annual appropriation from the Legislature to the Office of Tourism, Trade, and Economic Development for the payment of such refunds.

b. The first claim submitted by a business may include all eligible expenditures made after the date the business was certified.

c. To apply for the annual refund, the business shall submit a refund claim to the Office of Tourism, Trade, and Economic Development, which claim indicates and documents the sales and use taxes paid on eligible machinery and equipment. The claim shall also indicate, for program evaluation purposes only, the average number of full-time equivalent employees at the facility over the preceding calendar year, the average wage and benefits paid to those employees over the preceding calendar year, and the total investment made in real and tangible personal property over the preceding calendar year or, for the first claim submitted, since the date of certification. The department shall assist the Office of Tourism, Trade, and Economic Development in evaluating and verifying information provided in the application for an annual refund.

d. An application for refund must be submitted to the Office of Tourism, Trade, and Economic Development by February 15 of each year. In the event that the Legislature does not appropriate an amount sufficient to satisfy all refund applications received by the Office of Tourism, Trade, and Economic Development, the office shall, not later than April 15 of each year, determine the proportion of each refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the total of refund claims received. The amount of each claim for a tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, there are appropriated funds remaining, the office shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

e. The Office of Tourism, Trade, and Economic Development may use the information reported on the claims for evaluation purposes only and shall prepare an annual report on the exemption program and its cost and impact. The annual report for the preceding fiscal year shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by September 30 of each fiscal year. This report may be submitted in conjunction with the annual report required in s. 288.095(3)(c).

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

7. As used in this paragraph, the term:

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

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

c. "Silicon technology products" means raw silicon wafers that are transformed into semiconductor memory or logic wafers, including wafers containing mixed memory and logic circuits; related assembly and test operations; active-matrix flat panel displays; semiconductor chips; and related silicon technology products as determined by the Office of Tourism, Trade, and Economic Development.

Section 12. Section 288.095, Florida Statutes, is amended to read:

288.095 Economic Development Trust Fund.—

(1) The Economic Development Trust Fund is created within the Office of Tourism, Trade, and Economic Development. Moneys deposited into the fund must be used only to support the authorized activities and operations of the office.

(2) There is created, within the Economic Development Trust Fund, the Economic Development Incentives Account. The Economic Development Incentives Account consists of moneys appropriated to the account for purposes of the tax incentives programs authorized under *ss. 288.1045* ~~ss. 288.104~~ and 288.106, and local financial support provided under *ss. 288.1045* ~~ss. 288.104~~ and 288.106. Moneys in the Economic Development Incentives Account shall be subject to the provisions of s. 216.301(1)(a).

(3)(a) Contingent upon an annual appropriation by the Legislature, the Office of Tourism, Trade, and Economic Development may approve ~~not more than the lesser of $10 million in~~ tax refunds pursuant to *ss. 288.1045* ~~ss. 288.104~~ and 288.106. ~~or~~ *The office may not approve tax refunds in excess of* the amount appropriated to the Economic Development Incentives Account for such tax refunds, for a fiscal year pursuant to paragraph (b).

(b) The total amount of tax refunds approved by the Office of Tourism, Trade, and Economic Development pursuant to *ss. 288.1045* ~~ss.~~

~~288.104~~ and 288.106 shall not exceed the amount appropriated to the Economic Development Incentives Account for such purposes for the fiscal year. In the event the Legislature does not appropriate an amount sufficient to satisfy projections by the *office* ~~department~~ for tax refunds under *ss. 288.1045* ~~ss. 288.104~~ and 288.106 in a fiscal year, the Office of Tourism, Trade, and Economic Development shall, not later than July 15 of such year, determine the proportion of each refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the projected total of refund claims for the fiscal year. The amount of each claim for a tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, funds remain in the Economic Development Incentives Account for tax refunds, the *office* ~~secretary~~ shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

(c) By September 30 of each year, the Office of Tourism, Trade, and Economic Development shall submit a complete and detailed report to the board of directors of Enterprise Florida, Inc., created under part VII of this chapter, of all applications received, final decisions issued, tax refund agreements executed, and tax refunds paid or other payments made under all programs funded out of the Economic Development Incentives Account, including analyses of benefits and costs, types of projects supported, and employment and investment created. The Office of Tourism, Trade, and Economic Development shall also include a separate analysis of the impact of such tax refunds on state enterprise zones designated pursuant to s. 290.0065~~, including the finding required by s. 288.106(4)(e)2~~. By December 1 of each year, the board of directors of Enterprise Florida, Inc., shall review and comment on the report, and the board shall submit the report, together with the comments of the board, to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must discuss whether the authority and moneys appropriated by the Legislature to the Economic Development Incentives Account were managed and expended in a prudent, fiducially sound manner.

(d) Moneys in the Economic Development Incentives Account may be used only to pay tax refunds and other payments authorized under *s. 288.1045* ~~s. 288.104~~ or s. 288.106.

(e) The Office of Tourism, Trade, and Economic Development may adopt rules necessary to carry out the provisions of this subsection, including rules providing for the use of moneys in the Economic Development Incentives Account and for the administration of the Economic Development Incentives Account.

Section 13. Section 288.108, Florida Statutes, is created to read:

288.108 High-impact business.—

(1) LEGISLATIVE FINDINGS AND DECLARATIONS.—The Legislature finds that attracting, retaining, and providing favorable conditions for the growth of certain high-impact facilities provides widespread economic benefits to Florida citizens through high-quality employment opportunities in the facility and in related facilities attracted to Florida, through the increased tax base provided by the high-impact facility and its related sector businesses, through an enhanced entrepreneurial climate in the state and the resulting business and employment opportunities, and through the stimulation and enhancement of the state's universities and community colleges. It is the policy of this state to stimulate growth of these business sectors and the state economy by enhancing Florida's competitive position and encouraging the location of such major high-impact facilities in the state.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Eligible high-impact business" means a business in one of the high-impact sectors identified by Enterprise Florida, Inc., and certified by the Office of Tourism, Trade, and Economic Development as provided in subsection (5), which is making a cumulative investment in the state of at least $100 million and creating at least 100 new full-time equivalent jobs in the state or a research and development facility making a cumulative investment of at least $75 million and creating at least 75 new full-time equivalent jobs. Such investment and employment must be achieved in a period not to exceed 3 years after the date the business is certified as a qualified high-impact business.

(b) "Qualified high-impact business" means a business in one of the high-impact sectors that has been certified by the office as a qualified high-impact business to receive a high-impact sector performance grant.

(c) "Office" means the Office of Tourism, Trade, and Economic Development.

(d) "Director" means the director of the Office of Tourism, Trade, and Economic Development.

(e) "Cumulative investment" means the total investment in buildings and equipment made by a qualified high-impact business since the beginning of construction of such facility.

(f) "Fiscal year" means the fiscal year of the state.

(g) "Jobs" means full-time equivalent positions, as such terms are consistent with terms used by the Department of Labor and Employment Security and the United States Department of Labor for purposes of unemployment compensation tax administration and employment estimation, resulting directly from a project in this state. This definition does not include temporary construction jobs involved in the construction of the project facility.

(h) "Commencement of operations" means that the qualified high-impact business has begun to actively operate the principal function for which the facility was constructed as determined by the office and specified in the qualified high-impact business agreement.

(i) "Research and development" means basic and applied research in science or engineering, as well as the design, development, and testing of prototypes or processes of new or improved products. Research and development does not mean market research, routine consumer product testing, sales research, research in the social sciences or psychology, nontechnological activities or technical services.

(3) HIGH-IMPACT SECTOR PERFORMANCE GRANTS; ELIGIBLE AMOUNTS.—

(a) Upon commencement of operations a qualified high-impact business is eligible to receive a high-impact business performance grant in the amount as determined by the office under subsection (5), consistent with eligible amounts as provided in paragraph (b), and specified in the qualified high-impact business agreement. The precise conditions that are considered commencement of operations must be specified in the qualified high-impact business agreement.

(b) The office may, in consultation with Enterprise Florida, Inc., negotiate qualified high-impact business performance grant awards for any single qualified high-impact business. In negotiating such awards, the office shall consider the following guidelines in conjunction with other relevant applicant impact and cost information and analysis as required in subsection (5). A qualified high-impact business making a cumulative investment of $100 million and creating 100 jobs may be eligible for a total qualified high-impact business performance grant of $1 million to $2 million. A qualified high-impact business making a cumulative investment of $800 million and creating 800 jobs may be eligible for a qualified high-impact business performance grant of $10 million to $12 million. A qualified high-impact business, engaged in research and development, making a cumulative investment of $75 million and creating 75 jobs may be eligible for a total qualified high-impact business performance grant of $2 million to $3 million. A qualified high-impact business, engaged in research and development, making a cumulative investment of $150 million and creating 150 jobs may be eligible for a qualified high-impact business performance grant of $3.5 million to $4.5 million.

(c) Fifty percent of the performance grant awarded under subsection (5) must be paid to the qualified high-impact business upon certification by the business that operations have commenced.

(d) The balance of the performance grant award shall be paid to the qualified high-impact business upon the business' certification that full operations have commenced and that the full investment and employment goals specified in the qualified high-impact business agreement have been met and verified by the Office of Tourism, Trade, and Economic Development. The verification must occur not later than 60 days after the qualified high-impact business has provided the certification specified in this paragraph.

(e) The office may, upon a showing of reasonable cause for delay and significant progress toward the achievement of the investment and employment goals specified in the qualified high-impact business agreement, extend the date for commencement of operations, not to exceed an

additional 2 years beyond the limit specified in paragraph (2)(a), but in no case may any high-impact sector performance grant payment be made to the business until the scheduled goals have been achieved.

(4) OFFICE OF TOURISM, TRADE, AND ECONOMIC DEVELOPMENT AUTHORITY TO APPROVE QUALIFIED HIGH-IMPACT BUSINESS PERFORMANCE GRANTS.—

(a) The total amount of active performance grants scheduled for payment by the office in any single fiscal year may not exceed the lesser of $30 million or the amount appropriated by the Legislature for that fiscal year for qualified high-impact business performance grants. If the scheduled grant payments are not made in the year for which they were scheduled in the qualified high-impact business agreement and are rescheduled as authorized in paragraph (3)(e), they are, for purposes of this paragraph, deemed to have been paid in the year in which they were originally scheduled in the qualified high-impact business agreement.

(b) If the Legislature does not appropriate an amount sufficient to satisfy the qualified high-impact business performance grant payments scheduled for any fiscal year, the office shall, not later than July 15 of that year, determine the proportion of each grant payment which may be paid by dividing the amount appropriated for qualified high-impact business performance grant payments for the fiscal year by the total performance grant payments scheduled in all performance grant agreements for the fiscal year. The amount of each grant scheduled for payment in that fiscal year must be multiplied by the resulting quotient. All businesses affected by this calculation must be notified by August 1 of each fiscal year. If, after the payment of all the refund claims, funds remain in the appropriation for payment of qualified high-impact business performance grants, the office shall recalculate the proportion for each performance grant payment and adjust the amount of each claim accordingly.

(5) APPLICATIONS; CERTIFICATION PROCESS; GRANT AGREEMENT.—

(a) Any eligible business, as defined in subsection (2), shall apply to Enterprise Florida, Inc., for consideration as a qualified high-impact business before the business has made a decision to locate or expand a facility in this state. The application, developed by the Office of Tourism, Trade, and Economic Development, in consultation with Enterprise Florida, Inc., must include, but is not limited to, the following information:

1. A complete description of the type of facility, business operations, and product or service associated with the project.

2. The number of full-time equivalent jobs that will be created by the project and the average annual wage of those jobs.

3. The cumulative amount of investment to be dedicated to this project within 3 years.

4. A statement concerning any special impacts the facility is expected to stimulate in the sector, the state, or regional economy and in state universities and community colleges.

5. A statement concerning the role the grant will play in the decision of the applicant business to locate or expand in this state.

6. Any additional information requested by Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development.

(b) Enterprise Florida, Inc., shall review each submitted application and inform the applicant business whether or not its application is complete within 10 working days. Once the application is deemed complete, Enterprise Florida, Inc., has 10 working days within which to evaluate the application and recommend approval or disapproval of the application to the director. In recommending an applicant business for approval, Enterprise Florida, Inc., shall include a recommended grant award amount in its evaluation forwarded to the office.

(c) Upon receipt of the evaluation and recommendation of Enterprise Florida, Inc., the director has 5 working days to enter a final order that either approves or disapproves an applicant business as a qualified high-impact business facility, unless the business requests an extension of the time. The final order shall specify the total amount of the qualified high-impact business facility performance grant award, the performance conditions that must be met to obtain the award, and the schedule for payment of the performance grant.

(d) The director and the qualified high-impact business shall enter into a performance grant agreement setting forth the conditions for payment of the qualified high-impact business performance grant. The agreement shall include the total amount of the qualified high-impact business facility performance grant award, the performance conditions that must be met to obtain the award, including the employment, average salary, investment, the methodology for determining if the conditions have been met, and the schedule of performance grant payments.

(6) SELECTION AND DESIGNATION OF HIGH-IMPACT SECTORS.—

(a) Enterprise Florida, Inc., shall, at its discretion, initiate the process of selecting a new high-impact sector for designation or recommending the deactivation of a designated high-impact sector.

(b) The office has authority, only after recommendation from Enterprise Florida, Inc., to designate a high-impact sector or to deauthorize a designated high-impact sector.

(c) To begin the process of selecting and designating a new high-impact sector, Enterprise Florida, Inc., shall undertake a thorough study of the proposed sector. This study must consider the definition of the sector, including the types of facilities which characterize the sector that might qualify for a high-impact performance grant and whether a powerful incentive like the high-impact performance grant is needed to induce major facilities in the sector to locate or grow in this state; the benefits that major facilities in the sector have or could have on the state's economy and the relative significance of those benefits; the needs of the sector and major sector facilities, including natural, public, and human resources and benefits and costs with regard to these resources; the sector's current and future markets; the current fiscal and potential fiscal impacts of the sector, to both the state and its communities; any geographic opportunities or limitations with regard to the sector, including areas for the state most likely to benefit from the sector and areas unlikely to benefit from the sector; the state's advantages or disadvantages with regard to the sector; and the long term expectations for the industry on a global level and in the state. If Enterprise Florida, Inc., finds favorable conditions for the designation of the sector as a high-impact sector, it shall include in the study recommendations for a complete and comprehensive sector strategy, including appropriate marketing and workforce strategies for the entire sector and any recommendations that Enterprise Florida, Inc., may have for statutory or policy changes needed to improve the state's business climate and to attract and grow Florida businesses, particularly small businesses, in the proposed sector. The study shall reflect the finding of the sector-business network specified in paragraph (d).

(d) In conjunction with the study required in paragraph (6)(c), Enterprise Florida, Inc., shall develop and consult with a network of sector businesses. While this network may include nonFlorida businesses, it must include any businesses currently within the state. If the number of Florida businesses in the sector is large, a representative cross section of Florida sector businesses may form the core of this network.

(e) The study and its findings and recommendations and the recommendations gathered from the sector-business network must be discussed and considered during at least one of the quarterly meetings required in s. 14.2015(2)(h).

(f) If after consideration of the completed study required in paragraph (6)(c) and the input derived from consultation with the sector-business network in paragraph (6)(d) and the quarterly meeting as required in paragraph (6)(e), the board of directors of Enterprise Florida, Inc., finds that the sector will have exceptionally large and widespread benefits to the state and its citizens, relative to any public costs; that the sector is characterized by the types of facilities that require exceptionally large investments and provide employment opportunities to a relatively large number of workers in high-quality, high-income jobs that might qualify for a high-impact performance grant; and that given the competition for such businesses it may be necessary for the state to be able to offer a large inducement, such as a high-impact performance grant, to attract such a business to the state or to encourage businesses to continue to grow in the state, the board of directors of Enterprise Florida, Inc., may recommend that the office consider the designation of the sector as a high-impact business sector.

(g) Upon receiving a recommendation from the board of directors of Enterprise Florida, Inc., together with the study required in paragraph

(6)(c) and a summary of the findings and recommendations of the sector-business network required in paragraph (6)(d), including a list of all meetings of the sector network and participants in those meetings and the findings and recommendations from the quarterly meeting as required in paragraph (6)(e), the office shall after a thorough evaluation of the study and accompanying materials report its findings and either concur in the recommendation of Enterprise Florida, Inc., and designate the sector as a high-impact business sector or notify Enterprise Florida, Inc., that it does not concur and deny the board's request for designation or return the recommendation and study to Enterprise Florida, Inc., for further evaluation. In any case, the director's decision must be in writing and justify the reasons for the decision.

(h) If the office designates the sector as a high-impact sector, it shall, within 30 days, notify the Governor, the President of the Senate, and the Speaker of the House of Representatives of its decision and provide a complete report on its decision, including copies of the material provided by Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development's evaluation and comment on any statutory or policy changes recommended by Enterprise Florida, Inc.

(i) For the purposes of this subsection, a high-impact sector consists of the silicon technology sector that Enterprise Florida, Inc., has found to be focused around the type of high-impact businesses for which the incentive created in this subsection is required and will create the kinds of sector and economy wide benefits that justify the use of state resources to encourage these investments and require substantial inducements to compete with the incentive packages offered by other states and nations.

(7) REPORTING.—The office shall by December 1 of each year issue a complete and detailed report of all designated high-impact sectors, all applications received and their disposition, all final orders issued, and all payments made, including analyses of benefits and costs, types of projects supported, and employment and investment created. The report shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report may be combined with the incentives report required in s. 288.095.

(8) RULEMAKING.—The office may adopt rules necessary to carry out the provisions of this section.

Section 14. Section 288.012, Florida Statutes, 1996 Supplement, is amended to read:

288.012 *State of Florida* foreign offices.—*The Legislature finds that the expansion of international trade and tourism is vital to the overall health and growth of the economy of this state. This expansion is hampered by the lack of technical and business assistance, financial assistance, and information services for businesses in this state. The Legislature finds that these businesses could be assisted by providing these services at State of Florida foreign offices. The Legislature further finds that the accessibility and provision of services at these offices can be enhanced through cooperative agreements or strategic alliances between state entities, local entities, foreign entities, and private businesses.*

(1) The Office of Tourism, Trade, and Economic Development is authorized to:

(a) Establish and operate offices in foreign countries for the purpose of promoting the trade and economic development of the state, and promoting the gathering of trade data information and research on trade opportunities in specific countries.

(b) Enter into agreements with governmental and private sector entities to establish and operate offices in foreign countries containing provisions which may be in conflict with general laws of the state pertaining to the purchase of office space, employment of personnel, and contracts for services. When agreements pursuant to this section are made which set compensation in foreign currency, such agreements shall be subject to the requirements of s. 215.425, but the purchase of foreign currency by the Office of Tourism, Trade, and Economic Development to meet such obligations shall be subject only to s. 216.311.

(c) By September 1, 1997, the Office of Tourism, Trade, and Economic Development shall develop a plan for the disposition of the current foreign offices and the development and location of additional foreign offices. The plan shall include, but is not limited to, a determination of the level of funding needed to operate the current offices and any additional offices and whether any of the current offices need to be closed or relocated. Enterprise Florida, Inc., the Florida Tourism Commission, the Florida Ports Council, the Department of State, the Department of Citrus, and the Department of Agriculture shall assist the Office of Tourism, Trade, and Economic Development in the preparation of the plan. All parties shall cooperate on the disposition or establishment of the offices and ensure that needed space, technical assistance, and support services are provided to such entities at such foreign offices.

(2) By June 30, 1998, each foreign office shall have in place an operational plan approved by the participating boards or other governing authority, a copy of which shall be provided to the Office of Tourism, Trade, and Economic Development. These operating plans shall be reviewed and updated each fiscal year and shall include, at a minimum, the following:

(a) Specific policies and procedures encompassing the entire scope of the operation and management of each office.

(b) A comprehensive, commercial strategic plan identifying marketing opportunities and industry-sector priorities for the foreign country or area in which a foreign office is located.

(c) Provisions for access to information for Florida businesses through the Florida Trade Data Center. Each foreign office shall obtain and forward trade leads and inquiries to the center on a regular basis as called for in the plan pursuant to paragraph (1)(c).

(d) Identification of new and emerging market opportunities for Florida businesses. Each foreign office shall provide the Florida Trade Data Center with a compilation of foreign buyers and importers in industry-sector priority areas on an annual basis. In return, the Florida Trade Data Center shall make available to each foreign office, and to the entities identified in paragraph (1)(c), trade industry, commodity, and opportunity information as specified in the plan required in that paragraph. This information shall be provided to the offices and the entities identified in paragraph (1)(c) either free of charge or on a fee basis with fees set only to recover the costs of providing the information.

(e) Provision of access for Florida businesses to the services of the Florida Trade Data Center, international trade assistance services provided by state and local entities, seaport and airport information, and other services identified in the plan pursuant to paragraph (1)(c).

(f) Qualitative and quantitative performance measures for each office including, but not limited to, the number of businesses assisted, the number of trade leads and inquiries generated, the number of foreign buyers and importers contacted, and the amount and type of marketing conducted.

(3)~~(2)~~ The Office of Tourism, Trade, and Economic Development, in connection with the establishment, operation, and management of any of its offices located in a foreign country, is exempt from the provisions of ss. 255.21, 255.25, and 255.254 relating to leasing of buildings; ss. 283.33 and 283.35 relating to bids for printing; ss. 287.001-287.20 relating to purchasing and motor vehicles; and ss. 282.003-282.111 relating to communications, and from all statutory provisions relating to state employment.

(a) The Office of Tourism, Trade, and Economic Development may exercise such exemptions only upon prior approval of the Governor.

(b) If approval for an exemption under this section is granted as an integral part of a plan of operation for a specified foreign office, such action shall constitute continuing authority for the Office of Tourism, Trade, and Economic Development to exercise the exemption, but only in the context and upon the terms originally granted. Any modification of the approved plan of operation with respect to an exemption contained therein must be resubmitted to the Governor for his or her approval. An approval granted to exercise an exemption in any other context shall be restricted to the specific instance for which the exemption is to be exercised.

(c) As used in this subsection, the term "plan of operation" means *the plan developed pursuant to subsection (2)* ~~a compilation of the specific policies and procedures encompassing the entire scope of the operation and management of an office established by the Office of Tourism, Trade, and Economic Development in a foreign country~~.

(d) Upon final action by the Governor with respect to a request to exercise the exemption authorized in this subsection, the Office of Tourism, Trade, and Economic Development shall report such action, along with the original request and any modifications thereto, to the President of the Senate and the Speaker of the House of Representatives within 30 days.

(4)~~(3)~~ Where feasible and appropriate, and subject to s. 288.1224(10), foreign offices established and operated under this section may provide one-stop access to the economic development, trade, and tourism information, services, and programs of the state. Where feasible and appropriate, and subject to s. 288.1224(10), such offices may also be collocated with other foreign offices of the state.

(5)~~(4)~~ The Office of Tourism, Trade, and Economic Development is authorized to make and to enter into contracts with Enterprise Florida, Inc., and the Florida Commission on Tourism to carry out the provisions of this section. The authority, duties, and exemptions provided in this section apply to Enterprise Florida, Inc., and the Florida Commission on Tourism to the same degree and subject to the same conditions as applied to the Office of Tourism, Trade, and Economic Development. *To the greatest extent possible, such contracts shall include provisions for cooperative agreements or strategic alliances between state entities, foreign entities, local entities, and private businesses to operate foreign offices.*

Section 15. Subsection (3) of section 288.047, Florida Statutes, 1996 Supplement, is amended to read:

288.047 Quick-response training for economic development.—

(3) Enterprise Florida, Inc., shall ensure that instruction funded pursuant to this section is not available through the local community college, school district, or private industry council and that the instruction promotes economic development by providing specialized entry-level skills to new workers or supplemental skills to current employees whose job descriptions are changing. Such funds may not be expended to subsidize the ongoing staff development program of any business or industry or to provide training for instruction related to retail businesses. *Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless Enterprise Florida, Inc., determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs.*

Section 16. Subsection (3) of section 288.063, Florida Statutes, 1996 Supplement, is amended to read:

288.063 Contracts for transportation projects.—

(3) With respect to any contract executed pursuant to this section, the term "transportation project" means a transportation facility as defined in s. 334.03(31) which is necessary in the judgment of the Office of Tourism, Trade, and Economic Development to facilitate the economic development and growth of the state. Except for applications received prior to July 1, 1996, such transportation projects shall be approved only as a consideration to attract new employment opportunities to the state or expand or retain employment in existing companies operating within the state, or to allow for the construction or expansion of a state or federal correctional facility in a county with a population of 50,000 or less that creates new employment opportunities or expands or retains employment in the county. The Office of Tourism, Trade, and Economic Development shall institute procedures to ensure that small and minority businesses have equal access to funding provided under this section. Funding for approved transportation projects may include any expenses, other than administrative costs and equipment purchases specified in the contract, necessary for new, or improvement to existing, transportation facilities. *Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the Office of Tourism, Trade, and Economic Development determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs.*

Section 17. Paragraph (h) is added to subsection (2) and paragraph (g) is added to subsection (5) of section 288.1045, Florida Statutes, 1996 Supplement, and paragraph (c) of subsection (4) of said section is amended, to read:

288.1045 Qualified defense contractor tax refund program.—

(2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

(h) Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the Office of Tourism, Trade, and Economic Development determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs.

(4) QUALIFIED DEFENSE CONTRACTOR TAX REFUND AGREEMENT.—

(c) The agreement shall be signed by the secretary and the authorized officer of the qualified applicant ~~within 30 days after the entry of a final order certifying the qualified applicant pursuant to subsection (3)~~.

(5) ANNUAL CLAIM FOR REFUND FROM A QUALIFIED DEFENSE CONTRACTOR.—

(g) A prorated tax refund, less a 5 percent penalty, shall be approved for a qualified applicant provided all other applicable requirements have been satisfied and the applicant proves to the satisfaction of the director that it has achieved at least 80 percent of its projected employment.

Section 18. Effective upon this act becoming a law, section 288.065, Florida Statutes, 1996 Supplement, is amended to read:

288.065 Rural Community Development Revolving Loan Fund.—

(1) The Rural Community Development Revolving Loan Fund Program is established in the Office of Tourism, Trade, and Economic Development to facilitate the use of existing federal, state, and local financial resources by providing local governments with financial assistance to further promote the economic viability of rural communities. These funds may be used to finance initiatives directed toward maintaining or developing the economic base of rural communities, especially initiatives addressing employment opportunities for residents of these communities.

(2) The program shall provide for long-term loans, loan guarantees, and loan loss reserves to units of local governments within counties with populations less than 50,000, or any county that has a population of 100,000 or less and is contiguous to a county with a population less than 50,000, as determined by the most recent official estimate pursuant to s. 186.901, residing in incorporated and unincorporated areas of the county. Requests for loans shall be made by application to the Office of Tourism, Trade, and Economic Development. Loans shall be made pursuant to agreements specifying the terms and conditions agreed to between the local government and the Office of Tourism, Trade, and Economic Development. The loans shall be the legal obligations of the local government. All repayments of principal and interest shall be returned to the loan fund and made available for loans to other applicants.

(3) The Office of Tourism, Trade, and Economic Development shall manage the fund, establishing loan practices that must include, but are not limited to, procedures for establishing loan interest rates, uses of funding, application procedures, and application review procedures. The Office of Tourism, Trade, and Economic Development shall have final approval authority for any loan under this section.

(4) Notwithstanding the provisions of s. 216.301, funds appropriated for this purpose shall not be subject to reversion.

Section 19. Paragraph (b) of subsection (2), subsection (3), and paragraph (b) of subsection (4) of section 288.106, Florida Statutes, 1996 Supplement, are amended, and paragraphs (r) and (s) are added to subsection (2) of that section, to read:

288.106 Tax refund program for qualified target industry businesses.—

(2) DEFINITIONS.—As used in this section:

(b) "Average *private sector* wage in the area" means the statewide private sector average wage or the average of all *private sector* wages

and salaries in the county or in the standard metropolitan area in which the business is located.

(r) "Rural county" means a county with a population of 75,000 or less.

(s) "Rural city" means a city with a population of 10,000 or less, or a city with a population of greater than 10,000 but less than 20,000 which has been determined by the Office of Tourism, Trade, and Economic Development to have economic characteristics such as, but not limited to, a significant percentage of residents on public assistance, a significant percentage of residents with income below the poverty level, or a significant percentage of the city's employment base in agriculture-related industries.

(3) TAX REFUND; ELIGIBLE AMOUNTS.—

(a) There shall be allowed, from the account, a refund to a qualified target industry business for the amount of eligible taxes certified by the director which were paid by such business. The total amount of refunds for all fiscal years for each qualified target industry business must be determined pursuant to subsection (4). The annual amount of a refund to a qualified target industry business must be determined pursuant to subsection (6).

(b) The director may approve a qualified target industry business to receive tax refund payments of up to $5,000 times the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1., or up to $7,500 times the number of jobs if the project is located in an enterprise zone. A qualified target industry business may not receive refund payments of more than 25 percent of the total tax refunds specified in the tax refund agreement under subparagraph (5)(a)1. in any fiscal year. Further, a qualified target industry business may not receive more than $1.5 million in refunds under this section in any single fiscal year, or more than $2.5 million in any single fiscal year if the project is located in an enterprise zone. A qualified target industry may not receive more than $5 million in refund payments under this section in all fiscal years, or more than $7.5 million if the project is located in an enterprise zone. *Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the Office of Tourism, Trade, and Economic Development determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation and that the relocation will create additional jobs.*

(c) After entering into a tax refund agreement under subsection (5), a qualified target industry business may receive refunds from the account for the following taxes due and paid by that business beginning with the first taxable year of the business which begins after entering into the agreement:

1. Taxes on sales, use, and other transactions under part I of chapter 212.
2. Corporate income taxes under chapter 220.
3. Intangible personal property taxes under chapter 199.
4. Emergency excise taxes under chapter 221.
5. Excise taxes on documents under chapter 201.
6. Ad valorem taxes paid, as defined in s. 220.03(1).
7. Insurance premium tax under s. 624.509.

However, a qualified target industry business may not receive a refund under this section for any amount of credit, refund, or exemption granted to that business for any of such taxes. If a refund for such taxes is provided by the office, which taxes are subsequently adjusted by the application of any credit, refund, or exemption granted to the qualified target industry business other than as provided in this section, the business shall reimburse the account for the amount of that credit, refund, or exemption. A qualified target industry business shall notify and tender payment to the office within 20 days after receiving any credit, refund, or exemption other than one provided in this section.

(d) A qualified target industry business that fraudulently claims a refund under this section:

1. Is liable for repayment of the amount of the refund to the account, plus a mandatory penalty in the amount of 200 percent of the tax refund which shall be deposited into the General Revenue Fund.

2. Is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) APPLICATION AND APPROVAL PROCESS.—

(b) To qualify for review by the office, the application of a target industry business must, at a minimum, establish the following to the satisfaction of the office:

1. The jobs proposed to be provided under the application, pursuant to subparagraph (a)4., must pay an estimated annual average wage equaling at least 115 percent of the average *private sector* wage in the area where the business is to be located or the statewide private sector average wage. *The office may waive this average wage requirement at the request of the local governing body recommending the project and Enterprise Florida, Inc. The wage requirement may only be waived for a project located in a rural city or county or in an enterprise zone and only when the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. If the local governing body and Enterprise Florida, Inc., make such a recommendation, it must be transmitted in writing and the specific justification for the waiver recommendation must be explained. If the director elects to waive the wage requirement, the waiver must be stated in writing and the reasons for granting the waiver must be explained.*

2. The target industry business's project must result in the creation of at least 10 jobs at such project.

3. The business activity or product for the applicant's project is within an industry or industries that have been identified by the office to be high-value-added industries that contribute to the area and to the economic growth of the state and that produce a higher standard of living for citizens of this state in the new global economy or that can be shown to make an equivalent contribution to the area and state's economic progress.

Section 20. Section 288.7011, Florida Statutes, 1996 Supplement, is amended to read:

288.7011 Assistance to certified development corporation.—The Office of Tourism, Trade, and Economic Development is authorized to enter into contracts *with* ~~to provide assistance to~~ a nonprofit, statewide development corporation certified pursuant to s. 503 of the Small Business Investment Act of 1958, as amended, *to permit such corporation to locate and contract for* ~~in the form of~~ administrative and technical staff assistance and support, including, without limitation, assistance to the development corporation in the packaging and servicing of loans for the purpose of stimulating and expanding the availability of private equity capital and long-term loans to small businesses. ~~Any contract between the office and such corporation shall provide that the corporation must reimburse, to the extent possible, the office for expenses resulting from the provision of administrative and technical staff assistance and support and that~~ Such assistance and support will cease when the corporation has *received state support in an amount the equivalent of $250,000 per year over a 5 year period beginning July 1, 1997* ~~attained a revenue-generating capacity sufficient to defray on its own the expense for such assistance and support~~. Any contract between the office and such corporation shall specify that the records of the corporation must be available for audit by the office and by the Auditor General ~~to verify the extent of the ability of the corporation to reimburse the office for, or to defray entirely, the expense of such administrative and technical staff assistance and support~~.

Section 21. Subsection (2) of section 288.772, Florida Statutes, 1996 Supplement, is amended to read:

288.772 Definitions.—For purposes of ss. 288.771-288.778:

(2) "Board" means the board of directors of the *Florida Export Finance* ~~Enterprise Florida International Trade and Economic Development Board or persons designated by Enterprise Florida, Inc., to oversee the operations of the~~ Corporation.

Section 22. Subsection (1) of section 288.775, Florida Statutes, 1996 Supplement, is amended to read:

288.775 Florida Export Finance Corporation Account.—

(1) The *board* ~~Florida Intergovernmental Relations Foundation, Inc., as established in s. 288.809,~~ shall create the Florida Export Finance

Corporation *Guarantee* Account for the purpose of receiving state, federal, and private financial resources, and the return from investments of those resources, and for the purposes of this part. The account shall be under the exclusive control of the board.

Section 23. Section 288.776, Florida Statutes, 1996 Supplement, is amended to read:

288.776 Board of directors; powers and duties.—

(1)(a) The corporation shall have a board of directors consisting of 15 members representing all geographic areas of the state. Minority and gender representation must be considered when making appointments to the board. The board membership must include:

1. A representative of the following businesses, all of which must be registered to do business in this state: a foreign bank, a state bank, a federal bank, an insurance company involved in covering trade financing risks, and a small or medium-sized exporter.

2. The following persons or their designee: the President of Enterprise Florida, Inc., the Comptroller, the Secretary of State, a senior official of the United States Department of Commerce, and the chair of the Black Business Investment Board.

(b) Appointees who are not state or Federal Government officials shall serve for a term of 3 years and shall be eligible for reappointment. Nonstate and nonfederal official vacancies on the board shall be filled by the board within 30 days after the effective date of the vacancy.

(2) Board members shall serve without compensation but may be reimbursed for all necessary expenses in the performance of their duties, including attending board meetings and conducting board business.

(3) The board shall:

(a)~~(1)~~ Prior to the expenditure of funds from the export finance account, adopt bylaws, rules, and policies which are necessary to carry out the responsibilities under this part, particularly with respect to the implementation of the corporation's programs to insure, coinsure, lend, provide loan guarantees, and make direct, guaranteed, or collateralized loans by the corporation to support export transactions. The corporation's bylaws, rules, and policies shall be reviewed and approved by Enterprise Florida, Inc., prior to final adoption by the board.

(b)~~(2)~~ Hold regularly scheduled meetings, at least quarterly, in order to carry out the objectives and responsibilities of the board.

(c)~~(3)~~ Issue an annual report to Enterprise Florida, Inc., on the activities of the corporation, including an evaluation of activities and recommendations for change. The evaluation shall include the corporation's impact on the following:

1.~~(a)~~ Participation of private banks and other private organizations and individuals in the corporation's export financing programs.

2.~~(b)~~ Access of small and medium-sized businesses in this state to federal export financing programs.

3.~~(c)~~ Export volume of the small and medium-sized businesses in this state accessing the corporation's programs.

4.~~(d)~~ Other economic and social benefits to international programs in this state.

(d)~~(4)~~ Adopt policies, including criteria, establishing which exporters and export transactions shall be eligible for insurance, coinsurance, loan guarantees, and direct, guaranteed, or collateralized loans which may be extended by the corporation. Pursuant to this subsection, the board shall adopt rules to include the following criteria:

1.~~(a)~~ Any individual signing any corporation loan application and loan or guarantee agreement shall have an equity in the business applying for financial assistance.

2.~~(b)~~ Each program shall exclusively support the export of goods and services by small and medium-sized businesses which are domiciled in this state. Priority shall be given to goods which have value added in this state.

3.~~(c)~~ Financial assistance shall only be extended when at least one of the following circumstances exists:

a.~~1.~~ The assistance is required to secure the participation of small and medium-sized export businesses in federal, state, or private financing programs.

b.~~2.~~ No conventional source of lender support is available for the business from public or private financing sources.

Personal financial records, trade secrets, or proprietary information of applicants shall be confidential and exempt from the provisions of s. 119.07(1).

(e)~~(5)~~ Adopt requirements to ensure the full repayment of loans and loan guarantees, plus accrued interest, full-recourse claims, and indemnities on direct loan originations sold by the corporation, and the solvency of any insurance and coinsurance program extended under this part.

(f)~~(6)~~ Approve any extension of insurance, coinsurance, loans, loan guarantees, or direct loan originations for sale, under this part.

(g)~~(7)~~ Consult with Enterprise Florida, Inc., and its boards, or any state or federal agency, to ensure that the respective loan guarantee or working capital loan origination programs are not duplicative and that each program makes full use of, to the extent practicable, the resources of the other.

(h)~~(8)~~ Work to secure a delegated line of authority from the United States Export-Import Bank or other appropriate federal or state agency or private sector entity in order to take advantage of this possible funding or guarantee source.

(i)~~(9)~~ Develop a streamlined application and review process, including a survey of businesses to obtain the statistics required in *paragraph (c)* ~~subsection (3)~~.

Section 24. Subsection (1) of section 288.777, Florida Statutes, 1996 Supplement, is amended to read:

288.777 President of the corporation.—

(1) The board ~~of directors of Enterprise Florida, Inc.,~~ shall appoint a president ~~of the Florida Export Finance Corporation from a list of nominees submitted by the board~~. The president shall be knowledgeable about private and public export assistance and export financing programs.

Section 25. Section 288.7771, Florida Statutes, 1996 Supplement, is amended to read:

288.7771 Annual report of Florida Export Finance Corporation.—By *March 31* ~~December 1~~ of each year, the corporation shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed report setting forth:

(1) The evaluation required in s. 288.7772(1).
(2) The report required in s. 288.776(3).
(3) Its assets and liabilities at the end of its most recent fiscal year.

Section 26. Paragraph (f) of subsection (2) of section 288.816, Florida Statutes, 1996 Supplement, is amended to read:

288.816 Intergovernmental relations.—

(2) The secretary shall be responsible for all consular relations between the state and all foreign governments doing business in Florida. The secretary shall monitor United States laws and directives to ensure that all federal treaties regarding foreign privileges and immunities are properly observed. The secretary shall promulgate rules which shall:

(f) Establish a system of communication to provide all state and local *law* enforcement agencies with information regarding proper procedures relating to the arrest or incarceration of a foreign citizen. *Florida law enforcement agencies shall inform the Department of State* ~~Such agencies shall be informed that~~ when such arrest or incarceration occurs.~~, the agency must notify~~ The secretary~~, who~~ in turn shall notify the appropriate foreign governmental official. *The secretary shall annually report on*

the actions taken to inform law enforcement agencies, and on the cooperation from such agencies, to the President of the Senate and the Speaker of the House of Representatives.

Section 27. Subsection (10) is added to section 288.8175, Florida Statutes, 1996 Supplement, to read:

288.8175 Linkage institutes between postsecondary institutions in this state and foreign countries.—

(10) Linkage institutes may accept and administer moneys provided by the Department of State for research and development of international trade. The Secretary of State shall, by March 1, report to the Governor, the President of the Senate, and the Speaker of the House of Representatives in each year in which the Department of State has provided moneys for a linkage institute. The report must detail the purpose of the expenditure by the Department of State and the use of the moneys by the linkage institutes and must include a copy of the research documents or related materials produced, if any.

Section 28. Subsection (2) of section 288.901, Florida Statutes, is amended to read:

288.901 Enterprise Florida, Inc.; creation; membership; organization; meetings; disclosure.—

(2) Enterprise Florida, Inc., shall establish one or more corporate offices, at least one of which shall be located in Leon County. Persons employed by the Department of Commerce on the day prior to July 1, 1996, whose jobs are privatized, shall be given preference, if qualified, for similar jobs at Enterprise Florida, Inc. When practical, those jobs shall be located in Leon County. All available resources, including telecommuting, must be employed to minimize the negative impact on the Leon County economy caused by job losses associated with the privatization of the Department of Commerce. The Department of Management Services may establish a lease agreement program under which Enterprise Florida, Inc., may hire any individual who, as of June 30, 1996, is employed by the Department of Commerce *or who, as of January 1, 1997, is employed by the Executive Office of the Governor and has responsibilities specifically in support of the Workforce Development Board established under s. 288.9620 of this act.* Under such agreement, the employee shall retain his or her status as a state employee but shall work under the direct supervision of Enterprise Florida, Inc. Retention of state employee status shall include the right to participate in the Florida Retirement System. The Department of Management Services shall establish the terms and conditions of such lease agreements.

Section 29. Paragraph (b) of subsection (3) of section 288.9015, Florida Statutes, 1996 Supplement, is amended, and subsection (5) is added to said section, to read:

288.9015 Enterprise Florida, Inc.; purpose; duties.—

(3) It shall be the responsibility of Enterprise Florida, Inc., to develop a comprehensive approach to workforce development that will result in better employment opportunities for the residents of this state. Such comprehensive approach must include:

(b) Training, educating, and assisting target populations, such as those who are economically disadvantaged or who *participate in the WAGES Program or otherwise* receive public assistance to become independent, self-reliant, and self-sufficient. This approach must ensure the effective use of federal, state, local, and private resources in reducing the need for public assistance.

(5) As part of its business development and marketing responsibilities, Enterprise Florida, Inc., shall prepare a business guide and checklist that contains basic information on the federal, state, and local requirements for starting and operating a business in this state. The guide and checklist must describe how additional information can be obtained on any such requirements and shall include, to the extent feasible, the names, addresses, and telephone numbers of appropriate government agency representatives. The guide and checklist must also contain information useful to persons who may be starting a business for the first time, including, but not limited to, information on business structure, financing, and planning.

Section 30. Paragraph (h) of subsection (3) of section 288.903, Florida Statutes, 1996 Supplement, is redesignated as paragraph (i) and a new paragraph (h) is added to subsection (3) of said section to read:

288.903 Board of directors of Enterprise Florida, Inc.; president; employees.—

(3) The president:

(h) Shall coordinate all activities and responsibilities of Enterprise Florida, Inc., with respect to participants in the WAGES Program.

Section 31. Paragraph (b) of subsection (1) of section 288.904, Florida Statutes, 1996 Supplement, is amended to read:

288.904 Powers of the board of directors of Enterprise Florida, Inc.—

(1) The board of directors of Enterprise Florida, Inc., shall have the power to:

(b) Make and enter into contracts and other instruments necessary or convenient for the exercise of its powers and functions, except that any contract made with an organization represented on the nominating council or on the board of directors must be approved by a two-thirds vote of the entire board of directors, and the board member representing such organization shall abstain from voting. *No more than 65 percent of the dollar value of all contracts or other agreements entered into in any fiscal year, exclusive of grant programs, shall be made with an organization represented on the nominating council or the board of directors.* An organization represented on the board or on the nominating council may not enter into a contract to receive a state-funded economic development incentive or similar grant, *unless such incentive award is specifically endorsed by a two–thirds vote of the entire board. The board member representing such organization, if applicable, shall abstain from voting and refrain from discussing the issue with other members of the board. No more than 50 percent of the dollar value of grants issued by the board in any fiscal year may go to businesses associated with board members.*

Section 32. Section 288.905, Florida Statutes, 1996 Supplement, is amended to read:

288.905 Duties of the board of directors of Enterprise Florida, Inc.—

(1) In the performance of its functions and duties, the board of directors may establish and implement policies, strategies, and programs for Enterprise Florida, Inc., and its boards. ~~In developing such policies, strategies, and programs, the board of directors shall, among other things, address the needs of blighted inner-city communities that have unacceptable levels of unemployment and economic disinvestment, with the ultimate goal of creating jobs for the residents of such communities.~~ In developing such policies, strategies, and programs, the board of directors shall solicit advice from and consider the recommendations of its boards.

(2) The board of directors shall, in conjunction with the Office of Tourism, Trade, and Economic Development, develop a strategic plan for economic development for the State of Florida. Such plan shall be submitted to *the Governor,* the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader by January 1, 1997, *and shall be updated or modified before January 1, 1998, and annually thereafter. The plan must be approved by the board of directors prior to submission to the Governor and Legislature. The plan shall include, but is not limited to:*

(a) Allocation of public and private resources to specific activities that will return the greatest benefit to the economy of this state. Including delineation on the amount of funds that should be expended on each component of the plan.

(b) Identification of programs that will enhance the capabilities of small and minority businesses. The plan should include ways to improve and increase the access to information, services, and assistance for small and minority businesses.

(c)1. Specific provisions for the stimulation of economic development and job creation in rural areas and mid-size cities and counties of the state. These provisions shall include, but are not limited to, the identification of all rural counties in the state and rural cities located in nonrural counties; the identification of all mid-size cities and counties in the state; the identification of the economic development and job creation goals of the rural cities and counties and mid-size cities; the identification of rural areas of critical concern; the identification of specific local, state, and federal financial and technical assistance resources available to

rural cities and counties and mid-size cities and counties for economic and community development; the identification of private sector resources available to rural cities and counties and mid-size cities and counties for economic and community development; and specific methods for the use of the resources identified in the plan to meet the goals identified in the plan.

2. Enterprise Florida, Inc., shall involve the local governments of the cities and counties identified pursuant to subparagraph 1., as well as any other local, state, and federal rural development entities, both public and private, in developing and carrying out any provisions.

(d)1. Specific provisions for the stimulation of economic development and job creation in small businesses and minority businesses. These provisions shall include, but are not limited to, the identification of federal, state, and local financial and technical resources available for small businesses and minority businesses; and specific methods for the use of the resources identified in the plan to meet the goal of job creation in small businesses and minority businesses in the state.

2. Enterprise Florida, Inc., shall involve local, state, and federal small business and minority business development agencies and organizations, both public and private, in developing and carrying out any provisions.

(e) Creation of workforce training programs that lead to better employment opportunities and higher wages.

(f) Promotion of business formation, expansion, recruitment, and retention, including programs that enhance access to appropriate forms of financing for businesses in this state.

(g) Promotion of the successful long-term internationalization of this state, including programs that establish viable overseas markets, generate foreign investment, assist in meeting the financing requirements of export-ready firms, broaden opportunities for international joint venture relationships, use the resources of academic and other institutions, coordinate trade assistance and facilitation services, and facilitate availability of and access to education and training programs which will assure requisite skills and competencies necessary to compete successfully in the global marketplace.

(h) Promotion of the growth of high technology and other value-added industries and jobs.

(i) Addressing the needs of blighted inner-city communities that have unacceptable levels of unemployment and economic disinvestment, with the ultimate goal of creating jobs for the residents of such communities.

(j) Identifying business sectors that are of current or future importance to the state's economy and to the state's worldwide business image, and developing specific strategies to promote the development of such sectors.

(3)(a) The strategic plan shall *also* include recommendations regarding specific performance standards and measurable outcomes. By July 1, 1997, Enterprise Florida, Inc., in consultation with the Office of Program Policy Analysis and Government Accountability, shall establish performance-measure outcomes for Enterprise Florida, Inc., and its boards. Enterprise Florida, Inc., in consultation with the Office of Program Policy Analysis and Government Accountability, shall develop a plan for monitoring its operations to ensure that performance data are maintained and supported by records of the organization. By July 1, 1998, and biennially thereafter, Enterprise Florida, Inc., in consultation with the Office of Program Policy Analysis and Government Accountability, shall review the performance-measure outcomes for Enterprise Florida, Inc., and its boards, and make any appropriate modifications to them. *In developing measurable objectives and performance outcomes, Enterprise Florida, Inc., shall consider the effect of its programs, activities, and services on its client population. Enterprise Florida, Inc., shall establish standards such as job growth among client firms, growth in the number and strength of businesses within targeted sectors, client satisfaction, venture capital dollars invested in small and minority businesses, businesses retained and recruited, employer wage growth, minority business participation in technology assistance and development programs, and increased export sales among client companies to use in evaluating performance toward accomplishing the mission of Enterprise Florida, Inc.*

(b) The performance standards and measurable outcomes established and regularly reviewed by Enterprise Florida, Inc., under this subsection must also include benchmarks and goals to measure the impact of state economic development policies and programs. Such benchmarks and goals may include, but are not limited to:

1. Net annual job growth rate in this state compared to neighboring southern states and the United States as a whole.

2. Unemployment rate in this state compared to neighboring southern states and the United States as a whole.

3. Wage distribution based on the percentage of people working in this state who earned 15 percent below the state average, within 15 percent of the state average, and 15 percent or more above the state average.

4. Annual percentage of growth in the production of goods and services within Florida compared to neighboring southern states and the United States as a whole.

5. Changes in jobs in this state by major industry based on the percentage of growth or decline in the number of full-time or part-time jobs in this state.

6. Number of new business startups in this state.

7. Goods produced in this state that are exported to other countries.

8. Capital investment for commercial and industrial purposes, agricultural production and processing, and international trade.

(c)~~(b)~~ Prior to the 1999 Regular Session of the Legislature, the Office of Program Policy Analysis and Government Accountability shall conduct a review of Enterprise Florida, Inc., and its boards. The review shall be comprehensive in its scope, but, at a minimum, must be conducted in such a manner as to specifically determine:

1. The progress towards achieving the established outcomes.

2. The circumstances contributing to the organization's ability to achieve, not achieve, or exceed its established outcomes.

3. The progress towards achieving the established goals of the Cypress Equity Fund and whether the strategy underlying the fund is appropriate.

4. Whether it would be sound public policy to continue or discontinue funding the organization, and the consequences of discontinuing the organizations. The report shall be submitted by January 1, 1999, to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.

(d)~~(c)~~ Prior to the 2003 Regular Session of the Legislature, the Office of Program Policy Analysis and Government Accountability, shall conduct another review of Enterprise Florida, Inc., and its boards using the criteria in paragraph *(c)* ~~(b)~~. The report shall be submitted by January 1, 2003, to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.

(4) The board of directors shall coordinate the economic development activities and policies of Enterprise Florida, Inc., with municipal, county, and regional economic development organizations to establish and further develop the role of local economic development organizations as the primary service-delivery agents for economic development services. Where feasible, the board shall work with regional economic development organizations in the delivery of services of Enterprise Florida, Inc., and its boards.

(5) Enterprise Florida, Inc., shall deposit into African-American-qualified public depositories and Hispanic-American-qualified public depositories a portion of any moneys received by Enterprise Florida, Inc., and its boards from the state.

(6) Any employee leased by Enterprise Florida, Inc., from the state, or any employee who derives their salary from funds appropriated by the Legislature, may not receive a pay raise or bonus in excess of a pay raise or bonus that is received by similarly situated state employees. However,

this subsection does not prohibit the payment of a pay raise or bonus from funds received from sources other than the Florida Legislature.

Section 33. Subsection (1) of section 288.906, Florida Statutes, 1996 Supplement, is amended to read:

288.906 Annual report of Enterprise Florida, Inc.; audits; confidentiality.—

(1) Prior to December 1 of each year, Enterprise Florida, Inc., shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed report *including, but not limited to* ~~setting forth~~:

(a) *A description of the operations and accomplishments of Enterprise Florida, Inc., and its boards, and an identification of any major trends, initiatives, or developments affecting the performance of any program or activity.* ~~Its operations and accomplishments during the fiscal year;~~

(b) *An evaluation of progress towards achieving organizational goals and specific performance outcomes, both short term and long term, established pursuant to s. 288.905.* ~~Its business and operational plan and its economic development plan, including recommendations on methods for implementing and funding the economic development plan;~~

(c) *Methods for implementing and funding the operations of Enterprise Florida, Inc., and its boards.* ~~Its assets and liabilities at the end of its most recent fiscal year; and~~

(d) *A description of the operations and accomplishments of Enterprise Florida, Inc., and its boards, with respect to furthering the development and viability of small and minority businesses, including any accomplishments relating to capital access and technology and business development programs.* ~~A copy of an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant performed in accordance with rules adopted by the Auditor General.~~

(e) A description of the operations and accomplishments of Enterprise Florida, Inc., and its boards with respect to furthering the development and viability of rural cities and counties, and mid-size cities and counties in this state.

(f) A description and evaluation of the operations and accomplishments of Enterprise Florida, Inc., and its boards with respect to interaction with local and private economic development organizations, including an identification of any specific programs or activities which promoted the activities of such organizations and an identification of any specific programs or activities which promoted a comprehensive and coordinated approach to economic development in this state.

(g) An assessment of employee training and job creation that directly benefits participants in the WAGES Program.

(h) An annual compliance and financial audit of accounts and records by an independent certified public accountant at the end of its most recent fiscal year performed in accordance with rules adopted by the Auditor General.

The detailed report required by this subsection shall also include the information identified in paragraphs (a)-*(h)*~~(d)~~, if applicable, for any board established within the corporate structure of Enterprise Florida, Inc.

Section 34. Paragraph (g) of subsection (1) of section 288.9414, Florida Statutes, 1996 Supplement, is amended to read:

288.9414 Powers and authority of board of directors of International Trade and Economic Development Board.—

(1) The board shall have all the powers and authority not explicitly prohibited by statute necessary or convenient to carry out and effectuate its functions, duties, and responsibilities, including, but not limited to:

(g) Contracting with public and private entities as necessary to further the directives of this act, except that any contract made with an organization represented on the nominating council or on the board of directors must be approved by a two-thirds vote of the entire board of directors, and the board member representing such organization shall abstain from voting. *No more than 65 percent of the dollar value of all contracts or other agreements entered into in any fiscal year, exclusive of grant programs, shall be made with an organization represented on the nominating council or the board of directors.* An organization represented on the board or on the nominating council may not enter into a contract to receive a state-funded economic development incentive or similar grant, *unless such incentive award is specifically endorsed by a two–thirds vote of the entire board. The board member representing such organization, if applicable, shall abstain from voting and refrain from discussing the issue with other members of the board. No more than 50 percent of the dollar value of grants issued by the board in any fiscal year may go to businesses associated with board members.*

Section 35. *(1)(a) There is created a seven–member grant review panel to assist the International Trade and Economic Development Board of Enterprise Florida, Inc., in the grant review process. Three members of the panel shall be appointed by the Governor, two members shall be appointed by the President of the Senate, and two members shall be appointed by the Speaker of the House of Representatives. A panel chair shall be selected by the members of the review panel from among the membership. Review panel members shall serve for a term of three years and may not be reappointed for a period of one year after serving a three year term. Initial appointments shall be staggered, with the Governor appointing one member for a three–year term, one member for a two–year term, and one member for a one–year term. Initial appointments by the President of the Senate and the Speaker of the House of Representatives shall also be staggered, with the President and the Speaker each appointing one member for a three–year term and each appointing one member for a two–year term.*

(b) In appointing members to this panel, appointing officers should cooperate to insure that members represent geographically diversed portions of the state and include representation of minority persons as defined by s. 760.80. Members of the panel may not currently hold public office or be public employees, and must have at least five years experience in business, with expertise in areas relevant to the duties of the panel.

(c) The Governor may remove any member from the review panel for misconduct or malfeasance in office, neglect of duty, permanent inability to perform official duties, or commission of a felony.

(2) Enterprise Florida, Inc., shall establish criteria for reviewing grant applications. Such criteria shall, among other things, insure compliance with federal and state laws, promote participation in grant programs by diverse industries and businesses, and prohibit conflicts of interest in the awarding of such grants. The panel shall review grant applications and make recommendations to the International Trade and Economic Development Board of Enterprise Florida, Inc., concerning the relative merits of the applications. The panel shall provide a forum for public comment prior to voting on any grant application. Members of the panels shall not receive any compensation for their services but may be reimbursed by Enterprise Florida, Inc., for travel and expenses incurred in the performance of their duties.

Section 36. Effective July 1, 1998, section 288.9415, Florida Statutes, is created to read:

288.9415 International Trade Grants.—

(1) The Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor may accept and administer moneys appropriated to the office for providing grants for promotion of international trade.

(2) A county, municipality, economic development council, or a not–for–profit association of businesses organized to assist in the promotion of international trade may apply for a grant of state funds for the promotion of international trade.

(3) The International Trade and Economic Development Board of Enterprise Florida, Inc., shall review each application for a grant to promote international trade and shall submit annually to the Office of Tourism, Trade, and Economic Development for approval lists of all applications that are recommended by the International Trade and Economic Development Board for the award of grants, arranged in order of priority. The Office of Tourism, Trade, and Economic Development may allocate grants only for projects that are approved or for which funds are appropriated by the Legislature. Projects approved and recommended by the International Trade and Economic Development Board which are not

funded by the Legislature shall be retained on the project list for the following grant cycle only. All projects that are retained shall be required to submit such information as may be required by the Office of Tourism, Trade, and Economic Development as of the established deadline date of the latest grant cycle in order to adequately reflect the most current status of the project.

Section 37. *(1) For fiscal year 1997-1998 and subject to appropriation in the General Appropriations Act, the Office of Tourism, Trade, and Economic Development shall establish a targeted market pilot project grant program, through which funding will be provided on a competitive basis, which successfully matches local businesses in this state with specific international trade opportunities. The Legislature finds that it is in the best interests of the state to encourage and assist businesses in this state to actively participate in international trade. Office of Tourism, Trade, and Economic Development shall consult with the Florida Council of International Development in the development of this program.*

(2) Grant proposals must be submitted by local or regional economic development councils. Proposals must include research assignments to the foreign offices of Enterprise Florida, Inc., identifying potential foreign markets for products now produced in this state, or which may easily be produced by existing businesses in this state. Proposals must also include a list of local businesses that are well suited to participate in the program and the targeted international market or products that the business would pursue. Participating businesses are required to act as mentors, assisting the local or regional economic development councils in matching local businesses to future international trade opportunities.

(3) The Office of Tourism, Trade, and Economic Development shall adopt guidelines for administering the program and shall establish criteria for the competitive evaluation of grant proposals for funding. Evaluation criteria must include, but is not limited to:

(a) The quality of the business identification research.

(b) Cost effectiveness and cost per business served.

(c) Comprehensiveness of services offered, including, but not limited to, training and guidance.

(d) Projected employment.

(e) Projected employment of WAGES Program participants.

(f) The extent to which existing grants address the targeted international market.

(4) The Office of Tourism, Trade, and Economic Development shall establish procedures for the identification and validation of targeted international markets by the Florida foreign offices, as established under s. 288.012, Florida Statutes, for use in this program.

(5) The Office of Tourism, Trade, and Economic Development shall establish performance measures for this program prior to providing grant moneys to any entity and shall report such measures to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 38. Paragraph (h) of subsection (1) of section 288.9514, Florida Statutes, 1996 Supplement, is amended to read:

288.9514 Powers and authority of board of directors.—

(1) The technology development board shall achieve the purposes stated in s. 288.9512 through technology application, technology commercialization, and technology development, as well as other activities related to building a competitive, knowledge-based economy. The board shall have all the powers and authority not explicitly prohibited by statute necessary or convenient to carry out and effectuate its functions, duties, and responsibilities, including, but not limited to:

(h) Contracting with public and private entities as necessary to further the directives of this act, except that any contract made with an organization represented on the nominating council or on the board of directors must be approved by a two-thirds vote of the entire board of directors, and the board member representing such organization shall abstain from voting. *No more than 65 percent of the dollar value of all contracts or other agreements entered into in any fiscal year, exclusive of grant programs, shall be made with an organization represented on the nominating council or the board of directors.* An organization represented on the board or on the nominating council may not enter into a contract to receive a state-funded economic development incentive or similar grant, *unless such incentive award is specifically endorsed by a two–thirds vote of the entire board. The board member representing such organization, if applicable, shall abstain from voting and refrain from discussing the issue with other members of the board. No more than 50 percent of the dollar value of grants issued by the board in any fiscal year may go to businesses associated with board members.*

Section 39. Subsection (8) of section 288.9613, Florida Statutes, 1996 Supplement, is amended to read:

288.9613 Powers and authority of the capital development board.—The capital development 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 act, as well as the functions, duties, and responsibilities of the board, including, but not limited to, the following:

(8) Contract with public and private entities as necessary to further the directives of this act, except that any contract made with an organization represented on the nominating council or on the board of directors must be approved by a two-thirds vote of the entire board of directors, and the board member representing such organization shall abstain from voting. *No more than 65 percent of the dollar value of all contracts or other agreements entered into in any fiscal year, exclusive of grant programs, shall be made with an organization represented on the nominating council or the board of directors.* An organization represented on the board or on the nominating council may not enter into a contract to receive a state-funded economic development incentive or similar grant, *unless such incentive award is specifically endorsed by a two–thirds vote of the entire board. The board member representing such organization, if applicable, shall abstain from voting and refrain from discussing the issue with other members of the board. No more than 50 percent of the dollar value of grants issued by the board in any fiscal year may go to businesses associated with board members.*

Section 40. *(1) Subject to specific appropriations in the General Appropriations Act, the Office of Tourism, Trade, and Economic Development may contract with the Enterprise Florida Capital Development Board or some other appropriate not-for-profit or governmental organization for any action that the office deems necessary to foster the development of microenterprises in the state. As used within this section, microenterprises are extremely small business enterprises which enable low and moderate income individuals to achieve self-sufficiency through self-employment. Microenterprise programs are those which provide at least one of the following: small amounts of capital, business training and technical assistance. Where feasible, the office or organizations under contract with the office shall work in cooperation with other organizations active in the study and support of microenterprises. Such actions may include, but are not limited to:*

(a) Maintaining a network of communication and coordination among existing microenterprise lending and assistance programs throughout the state.

(b) Providing information and technical help to community-based or regional organizations attempting to establish new microenterprise programs.

(c) Encouraging private-sector investment in microenterprises and microenterprise lending programs.

(d) Fostering mentoring and networking relationships among microenterprises and other businesses and public bodies in order to give microenterprises access to management advice and business leads.

(e) Incorporating microenterprise components into the capital development programs and other business development programs operated by Enterprise Florida, Inc., and its affiliates.

(f) Providing organizational, financial, and marketing support for conferences, workshops, or similar events that focus on microenterprise development.

(g) Establishing a program and guidelines for the award of matching grants on a competitive basis to support the operational expenses of not-

for-profit organizations and government agencies that are engaged in microenterprise lending and other microenterprise assistance activities.

(h) Coordinating with other organizations to ensure that participants in the WAGES Program are given opportunities to create microenterprises.

(2) The office shall adopt guidelines for administering the program and shall establish criteria for the competitive evaluation of applications for funding. The office shall establish performance measures for this program prior to providing grant moneys to any entity and shall report such measures to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 41. Section 288.9614, Florida Statutes, 1996 Supplement, is amended to read:

288.9614 Authorized programs.—The capital development board may take any action *that* ~~which~~ it deems necessary to achieve the purposes of this act in partnership with private enterprises, public agencies, and other organizations, including, but not limited to, efforts to address the long-term debt needs of small-sized and medium-sized firms, *to address the needs of microenterprises,* to expand availability of venture capital, and to increase international trade and export finance opportunities for firms critical to achieving the purposes of this act.

Section 42. Subsection (1) and paragraph (h) of subsection (6) of section 288.9620, Florida Statutes, 1996 Supplement, as amended by section 112 of chapter 96-320, Laws of Florida, are amended to read:

288.9620 Workforce development board.—

(1) The Legislature finds that the growth and competitive strength of Florida's economy depend upon the state's ability to attract and support industries that add to the value of the state's social capital as well as to its economic capital. It is crucial to the retention and growth of these high-value-added industries to assure that skilled human resources are adequate in quality and quantity. The Legislature intends to adopt a uniform policy to guide education, training, and employment programs, so that the combined efforts of all the programs accomplish the following objectives:

(a) Provide for a skilled workforce to enable Florida to compete in a global economy.

(b) Respond to changes in technology and to emerging industries.

(c) Promote the development of market-driven programs through a planning and funding system based upon products of the Occupational Forecasting Conference created in s. 216.136.

(d) Base evaluations of program success on student and participant outcomes rather than processes.

(e) Coordinate state, federal, local, and private funds for maximum impact.

(f) Encourage the participation, education, and training of members of populations selected by state or federal policy to receive additional resources, guidance, or services. The selected populations must include people with disabilities or economic disadvantages, especially those who *are participants in the WAGES Program,* are eligible for public assistance, or are dislocated workers.

(6) The workforce development 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 its functions, duties, and responsibilities, including, but not limited to, the following:

(h) Contracting with public and private entities as necessary to further the directives of this section, except that any contract made with an organization represented on the nominating council or on the board of directors must be approved by a two-thirds vote of the entire board of directors, and the board member representing such organization shall abstain from voting. *No more than 65 percent of the dollar value of all contracts or other agreements entered into in any fiscal year, exclusive of grant programs, shall be made with an organization represented on the nominating council or the board of directors.* An organization represented on the board or on the nominating council may not enter into a contract to receive a state-funded economic development incentive or similar grant, *unless such incentive award is specifically endorsed by a two–thirds vote of the entire board. The board member representing such organization, if applicable, shall abstain from voting and refrain from discussing the issue with other members of the board. No more than 50 percent of the dollar value of grants issued by the board in any fiscal year may go to businesses associated with board members.*

Section 43. Section 290.0411, Florida Statutes, is amended to read:

290.0411 Legislative intent and purpose of ss. 290.0401-290.049.—It is the intent of the Legislature to provide the necessary means to develop, preserve, redevelop, and revitalize Florida communities exhibiting signs of decline or distress by enabling local governments to undertake the necessary community development programs. The overall objective is to create viable communities by providing decent housing and suitable living environments and expanding economic opportunities, principally for persons of low or moderate income. The purpose of ss. 290.0401-290.049 is to assist local governments in carrying out effective community development activities to arrest and reverse community decline and restore community vitality. Community development activities to maintain viable communities, revitalize existing communities, expand economic development and employment opportunities, and improve housing conditions and expand housing opportunities, providing direct benefit to persons of low or moderate income, are the primary purposes of ss. 290.0401-290.049. The Legislature, therefore, declares that the development, redevelopment, preservation, and revitalization of communities in this state and all the purposes of ss. 290.0401-290.049 are public purposes for which public money may be borrowed, expended, loaned, *pledged to guarantee loans,* and granted.

Section 44. Subsections (1), (2), (3), and (4) of section 290.044, Florida Statutes, are amended to read:

290.044 Florida Small Cities Community Development Block Grant Program Fund; administration; distribution.—

(1) The Florida Small Cities Community Development Block Grant Program Fund is created. All revenue designated for deposit in such fund shall be deposited by the appropriate agency. The department shall administer this fund as a grant *and loan guarantee* program for carrying out the purposes of *ss. 290.0401-290.049* ~~this act~~.

(2) The department shall distribute such funds as *loan guarantees and* grants to eligible local governments on the basis of a competitive selection process.

(3) The department shall define the broad community development objective to be achieved by the activities in each of the following *grant* program categories, and require applicants for grants to compete against each other in these *grant* program categories:

(a) Housing.
(b) Economic development.
(c) Neighborhood revitalization.
(d) Commercial revitalization.

(4) The percentage of funds distributed in each of the *grant* program categories from federal funds for federal fiscal year 1985 shall be established by the Legislature in the appropriation process for the 1984 regular session and shall be established annually thereafter in the same manner. The department shall submit its recommendation on the distribution percentages to the Governor and Legislature as part of its regular budget proposals. The department shall provide for the set-aside of an amount of up to 10 percent of the funds allocated to the neighborhood revitalization category in its distribution percentages for use in any eligible local government jurisdiction for which an emergency or natural disaster has been declared by executive order. Such funds may only be provided to a local government to fund eligible emergency-related activities for which no other source of federal, state, or local disaster funds is available. The department shall provide for such set-aside by rule. In the last quarter of the state fiscal year, any funds not allocated under the emergency-related set-aside shall be used to fully fund any applications which were partially funded due to inadequate funds in the most recently completed neighborhood revitalization category funding cycle, and then any remaining funds shall be distributed to the next unfunded applications.

Section 45. Section 290.0455, Florida Statutes, is created to read:

290.0455 Small Cities Community Development Block Grant Loan Guarantee Program.—

(1) The Small Cities Community Development Block Grant Loan Guarantee Program is created. The department shall administer the loan guarantee program pursuant to s. 108 of Title I of the Housing and Community Development Act of 1974, as amended, and as further amended by s. 910 of the Cranston–Gonzalez National Affordable Housing Act. The purpose of the Small Cities Community Development Block Grant Loan Guarantee Program is to guarantee, or to make commitments to guarantee, notes or other obligations issued by public entities for the purposes of financing activities enumerated in 24 C.F.R. s. 570.703.

(2) Activities assisted under the loan guarantee program must meet the requirements contained in 24 C.F.R. ss. 570.700-570.710 and may not otherwise be financed in whole or in part from the Florida Small Cities Community Development Block Grant Program.

(3) The department may pledge existing revenues on deposit or future revenues projected to be available for deposit in the Florida Small Cities Community Development Block Grant Program in order to guarantee, in whole or in part, the payment of principal and interest on a loan made under the loan guarantee program.

(4) The department must submit all applications it receives to the United States Department of Housing and Urban Development for loan approval, in the order received, subject to the department determining that the application meets all eligibility requirements contained in 24 C.F.R. ss. 570.700-570.710, and provided that the applicant has submitted the proposed activity to a loan underwriter to document its financial feasibility.

(5) The maximum amount of loan guarantee commitments that any eligible local government may receive may be limited to $7 million pursuant to 24 C.F.R. s. 570.705, and the maximum amount of loan guarantee commitments statewide may not exceed an amount equal to five times the amount of the most recent grant received by the department under the Florida Small Cities Community Development Block Grant Program.

(6) Loans guaranteed by the loan guarantee program must be repaid within 20 years.

(7) Loan guarantees may be used for an activity only if the local government provides evidence to the department that alternative financing services were investigated and were unavailable or insufficient to meet the financing needs of the activity.

(8) The department must, before approving an application for a loan, evaluate the applicant's prior administration of block grant funds for community development. The evaluation of past performance must take into account the procedural aspects of previous grants or loans as well as substantive results. If the department finds that any applicant has failed to substantially accomplish the results proposed in the applicant's last previously funded application, the department may prohibit the applicant from receiving a loan or may penalize the applicant in the rating of the current application.

Section 46. Subsections (7) and (8) are added to section 290.047, Florida Statutes, to read

290.047 Establishment of grant ceilings and maximum administrative cost percentages; elimination of population bias.—

(7) Grant ceilings do not apply to the loan guarantee program authorized in s. 290.0455.

(8) If an applicant was the sponsor of an activity under the Small Cities Community Development Block Grant Loan Guarantee Program, and the loan for such activity is in default, thereby requiring the department to reduce its annual grant award in order to pay the annual debt service on the applicant's loan, the department shall reduce the grant ceiling available to such applicant in an amount equal to the amount of the state's grant award required to be used for the loan debt service.

Section 47. Subsection (6) is added to section 290.048, Florida Statutes, to read:

290.048 General powers of Department of Community Affairs under ss. 290.0401-290.049.—The department has all the powers necessary or appropriate to carry out the purposes and provisions of the program, including the power to:

(6) Pledge community development block grant revenues from the Federal Government in order to guarantee notes or other obligations of a public entity which are approved pursuant to s. 290.0455.

Section 48. Paragraph (b) of subsection (3) of section 311.07, Florida Statutes, 1996 Supplement, is amended to read:

311.07 Florida seaport transportation and economic development funding.—

(3)

(b) Projects eligible for funding by grants under the program are limited to the following port facilities or port transportation projects:

1. Transportation facilities within the jurisdiction of the port.

2. The dredging or deepening of channels, turning basins, or harbors.

3. The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with any of the foregoing.

4. The acquisition of container cranes or other mechanized equipment used in the movement of cargo or passengers in international commerce.

5. The acquisition of land to be used for port purposes.

6. The acquisition, improvement, enlargement, or extension of existing port facilities.

7. Environmental protection projects which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites and improvements to existing and future spoil sites; or which result from the funding of eligible projects listed herein.

8. Transportation facilities as defined in s. 334.03(31) which are not otherwise part of the Department of Transportation's adopted work program.

9. Seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3).

Section 49. Subsection (1) of section 311.11, Florida Statutes, 1996 Supplement, is amended to read:

311.11 Seaport Employment Training Grant Program.—

(1) The Office of Tourism, Trade, and Economic Development, in cooperation with the Florida Seaport Transportation and Economic Development Council, shall establish a Seaport Employment Training Grant Program within the office. The office *shall* ~~may~~ grant funds appropriated by the Legislature *to the program for the purpose of stimulating and supporting seaport training and employment programs which will seek to match state and local training programs with identified job skills associated with employment opportunities in the port, maritime, and transportation industries, and for the purpose of providing such other training, educational, and information services as required to stimulate jobs in the described industries* ~~to seaport employment training programs for the purpose of training residents in job skills associated with employment opportunities related to economic development activities developed by any seaport member of the council or developed by the private sector in cooperation with any seaport member of the council~~. Funds may be used for the purchase of equipment to be used for training purposes, hiring instructors, and any other purpose associated with the training program. The office's contribution to any specific training program may not exceed 50 percent of the total cost of the program. Matching contributions ~~from the seaport and its private sector component~~ may include services in kind, including, but not limited to, training instructors, equipment usage, and training facilities.

Section 50. Subsection (4) of section 320.20, Florida Statutes, 1996 Supplement, is renumbered as subsection (5) and new subsection (4) is added to said section, to read:

320.20 Disposition of license tax moneys.—The revenue derived from the registration of motor vehicles, including any delinquent fees and excluding those revenues collected and distributed under the provisions of s. 320.081, must be distributed monthly, as collected, as follows:

(4) Notwithstanding any other provision of law except subsections (1), (2), and (3), on July 1, 2001, and annually thereafter, $10 million shall be deposited in the State Transportation Trust Fund solely for the purposes of funding the Florida Seaport Transportation and Economic Development Program as provided in ch. 311 and for funding seaport intermodal access projects of statewide significance as provided in s. 341.053. Such revenues shall be distributed to any port listed in s. 311.09(1), to be used for funding projects as follows:

(a) For any seaport intermodal access projects which are identified in the 1997/98 Tentative Work Program of the Department of Transportation up to the amounts needed to offset the funding requirements of this section; and

(b) For seaport intermodal access projects as described in 341.053(5) which are identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3). Funding for such projects shall be on a matching basis as mutually determined by the Florida Seaport Transportation and Economic Development Council and the Department of Transportation, provided a minimum of 25 percent of total project funds shall come from any port, local, private or specifically earmarked federal funds; or

(c) On a 50-50 matching basis for projects as described in s. 311.07(3)(b).

Such revenues may be assigned, pledged, or set aside as a trust for the payment of principal or interest on bonds, tax anticipation certificates, or any other form of indebtedness issued by an individual port or appropriate local government having jurisdiction thereof, or collectively by interlocal agreement among any of the ports, or used to purchase credit support to permit such borrowings. However, such debt shall not constitute a general obligation of the State of Florida. This state does hereby covenant with holders of such revenue bonds or other instruments of indebtedness issued hereunder that it will not repeal or impair or amend this subsection in any manner which will materially and adversely affect the rights of holders so long as bonds authorized by this subsection are outstanding. Any revenues which are not pledged to the repayment of bonds as authorized by this section may be utilized for purposes authorized under the Florida Seaport Transportation and Economic Development Program. This revenue source is in addition to any amounts provided for and appropriated in accordance with s. 311.07 and s. 320.20(3). The Florida Seaport Transportation and Economic Development Council shall approve distribution of funds to ports for projects which have been approved pursuant to s. 311.09(5)-(9), or for seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3) and mutually agreed upon by the FSTED Council and the Department of Transportation. All contracts for actual construction of projects authorized by this subsection must include a provision encouraging employment of WAGES participants. The goal for employment of WAGES participants is 25 percent of all new employees employed specifically for the project, unless the Department of Transportation and the Florida Seaport Transportation and Economic Development Council can demonstrate to the satisfaction of the Secretary of Labor and Employment Security that such a requirement would severely hamper the successful completion of the project. In such an instance, the Secretary of Labor and Employment Security shall establish an appropriate percentage of employees that must be WAGES participants. The council and the Department of Transportation are authorized to perform such acts as are required to facilitate and implement the provisions of this subsection. To better enable the ports to cooperate to their mutual advantage, the governing body of each port may exercise powers provided to municipalities or counties in s. 163.01(7)(d) subject to the provisions of ch. 311 and special acts, if any, pertaining to a port. The use of funds provided pursuant to this subsection are limited to eligible projects listed in this subsection. The provisions of s. 311.07(4) do not apply to any funds received pursuant to this subsection.

Section 51. Section 337.023, Florida Statutes, is created to read:

337.023 Sale of building; acceptance of replacement building.—Notwithstanding the provisions of s. 216.292(4)(b), if the department sells a building, the department may accept the construction of a replacement building, in response to a request for proposals, totally or partially in lieu of cash, and may do so without a specific legislative appropriation. Such action is subject to the approval of the Executive Office of the Governor, and is subject to the notice, review, and objection procedures under s. 216.177. The replacement building shall be consistent with the current and projected needs of the department as agreed upon by the department and the Department of Management Services.

Section 52. Subsection (6) of section 380.06, Florida Statutes, 1996 Supplement, is amended to read:

380.06 Developments of regional impact.—

(6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT PLAN AMENDMENTS.—

(a) Prior to undertaking any development, a developer that is required to undergo development-of-regional-impact review shall file an application for development approval with the appropriate local government having jurisdiction. The application shall contain, in addition to such other matters as may be required, a statement that the developer proposes to undertake a development of regional impact as required under this section.

(b) Any local government comprehensive plan amendments related to a proposed development of regional impact, including any changes proposed under subsection (19), may be initiated by a local planning agency or the developer and *must be* considered by the local governing body at the same time as the application for development approval using the procedures provided for local plan amendment in s. 163.3187 or s. 163.3189 and applicable local ordinances, without regard to statutory or local ordinance limits on the frequency of consideration of amendments to the local comprehensive plan. Nothing in this paragraph shall be deemed to require favorable consideration of a plan amendment solely because it is related to a development of regional impact. The procedure for processing such comprehensive plan amendments is as follows:

1. If a developer seeks a comprehensive plan amendment related to a development of regional impact, the developer must so notify in writing the regional planning agency, the applicable local government, and the state land planning agency no later than the date of preapplication conference or the submission of the proposed change under subsection (19).

2. When filing the application for development approval or the proposed change, the developer must include a written request for comprehensive plan amendments that would be necessitated by the development-of-regional-impact approvals sought. That request must include data and analysis upon which the applicable local government can determine whether to transmit the comprehensive plan amendment pursuant to s. 163.3184.

3. The local government must advertise a public hearing on the transmittal within 30 days after filing the application for development approval or the proposed change and must make a determination on the transmittal within 60 days after the initial filing unless that time is extended by the developer.

4. If the local government approves the transmittal, procedures set forth in s. 163.3184(3)-(6) must be followed.

5. Notwithstanding subsection (11) or subsection (19), the local government may not hold a public hearing on the application for development approval or the proposed change or on the comprehensive plan amendments sooner than 30 days from receipt of the response from the state land planning agency pursuant to s. 163.3184(6). The 60-day time period for local governments to adopt, adopt with changes, or not adopt plan amendments pursuant to s. 163.3184(7) shall not apply to concurrent plan amendments provided for in this subsection.

6. The local government must hear both the application for development approval or the proposed change and the comprehensive plan amendments at the same hearing. However, the local government must take action separately on the application for development approval or the proposed change and on the comprehensive plan amendments.

7. Thereafter, the appeal process for the local government development order must follow the provisions of s. 380.07, and the compliance process for the comprehensive plan amendments must follow the provisions of s. 163.3184.

Section 53. Subsection (1) of section 455.213, Florida Statutes, 1996 Supplement, is amended to read:

455.213 General licensing provisions.—

(1) Any person desiring to be licensed shall apply to the department in writing to take the appropriate examination. The application shall be made on a form prepared and furnished by the department and shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the agency. *In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the department may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department.*

Section 54. Subsection (1) of section 455.2141, Florida Statutes, 1996 Supplement, is amended to read:

455.2141 Agency for Health Care Administration; general licensing provisions.—

(1) Any person desiring to be licensed in a profession within the jurisdiction of the Agency for Health Care Administration shall apply to the agency in writing to take the licensure examination. The application shall be made on a form prepared and furnished by the agency and shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the agency. *In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the agency may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the agency's agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the agency.*

Section 55. *In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the Department of State may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses or other similar registrations and applications for renewals of licenses or other similar registrations. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department.*

Section 56. *In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the Department of Labor and Employment Security may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses or other similar registrations and applications for renewals of licenses or other similar registrations. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department.*

Section 57. Section 624.426, Florida Statutes, is amended to read:

624.426 Exceptions to resident agent and countersignature law.—Section 624.425 does not apply to:

(1) Contracts of reinsurance.

(2) Policies of insurance on the rolling stock of railroad companies doing a general freight and passenger business.

(3) United States Customs surety bonds that are issued by a corporate surety approved by the United States Department of Treasury and that name the United States as the beneficiary.

Section 58. *Employing and Training our Youths (ENTRY).—*

(1) DEFINITIONS.—As used in this section:

(a) "Director" means the executive director of the Office of Tourism, Trade, and Economic Development.

(b) "Eligible business" means any sole proprietorship, firm, partnership, corporation, bank, savings association, estate, trust, business trust, receiver, syndicate, or other group or combination, or successor business.

(c) "Eligible youth employee" means a student between the ages of 15 and 18 currently enrolled at a Florida public school, who has not been previously employed within the preceding 12 months by the eligible business, or a successor eligible business, claiming the credit allowed in this section. The youth employee shall be deemed to be employed if the youth performs duties in connection with the operations of the business on a regular basis, provided the youth is performing such duties on an average of at least 12 hours per week each month throughout the year and is being paid for such duties at a rate no less than the minimum wage established pursuant to federal law.

(d) "Fiscal year" means the fiscal year of the state.

(e) "Office" means the Office of Tourism, Trade, and Economic Development.

(f) "Public school" shall have the same meaning as in s. 228.041(1)(a), Florida Statutes.

(2) TAX REFUND; ELIGIBLE AMOUNTS.—

(a) Contingent upon an annual appropriation by the Legislature, the director may approve an eligible business to receive tax refund payments of up to $1,600 per eligible youth employee. An eligible business may not receive tax refund payments for more than five eligible youth employees in any single fiscal year.

(b) After entering into an employment/tax refund agreement under subsection (3), an eligible business may receive refunds for the following taxes or fees due and paid by that business:

1. Taxes on sales, use, and other transactions under part I of chapter 212, Florida Statutes.

2. Corporate income taxes under chapter 220, Florida Statutes.

3. Intangible personal property taxes under chapter 199, Florida Statutes.

4. Emergency excise taxes under chapter 221, Florida Statutes.

5. Excise taxes on documents under chapter 201, Florida Statutes.

6. Ad valorem taxes paid, as defined in section 220.03(1), Florida Statutes.

7. Insurance premium taxes under section 624.509, Florida Statutes.

8. Occupational license fees under chapter 205, Florida Statutes.

However, an eligible business may not receive a refund under this section for any amount of credit, refund, or exemption granted to that business for any of such taxes or fees. If a refund for such taxes or fees is provided by the office, which taxes or fees are subsequently adjusted by the application of any credit, refund, or exemption granted to the eligible business other than as provided in this section, the business shall reimburse the office for the amount of that credit, refund, or exemption. An eligible business shall notify and tender payment to the office within 20 days after receiving any credit, refund, or exemption other than the one provided in this section.

(c) An eligible business that fraudulently claims a refund under this section:

1. Is liable for repayment of the amount of refund to the office, plus a mandatory penalty in the amount of 200 percent of the tax refund which shall be deposited in the General Revenue Fund.

2. Is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

(3) ADMINISTRATION.—

(a) To apply for tax refunds pursuant to this section, an eligible business must file an employment/tax refund application, developed by the office, at the public school the eligible youth employee attends.

(b) The public school shall forward the application to the office within 5 calendar days after receipt of a complete application. Within 10 calendar days after receipt of the application, the office shall enter a final order that either approves or disapproves the application. The decisions must be in writing and must provide the justifications for approval or disapproval.

(c) An eligible business that has been approved by the office to receive tax refunds may apply to the office for a refund at the end of each calendar quarter the eligible youth employee is employed by the business. An eligible business may not receive refund payments of more than 25 percent of the total tax refunds due such business under this section each calendar quarter. Termination of employment of an eligible youth employee shall result in loss of eligibility for tax refunds for such employee under this section.

(d) The claim for refund by an eligible business must include a copy of all receipts pertaining to the payment of taxes for which the refund is sought.

(e) Nothing in this section shall create a presumption that an eligible business will receive any tax refund under this section.

(f) The office is authorized to develop rules and forms, pursuant to chapter 120, Florida Statutes, to implement the provisions of this section. The office is authorized to verify information provided in any claim submitted for tax credits under this section with regard to employment and wage levels or the payment of the taxes to the appropriate agency or authority, including the Department of Revenue, the Department of Labor and Employment Security, or any local government or authority.

(4) REPEAL.—The provisions of this section shall expire and be void on June 30, 2007.

Section 59. *Subsection (7) of section 14.2015, Florida Statutes, 1996 Supplement, sections 118.01, 118.02, and 118.03, Florida Statutes, as amended by chapter 95-147, Laws of Florida, and section 118.04, Florida Statutes, are repealed.*

Section 60. *(1) The sum of $2 million is hereby appropriated from the General Revenue Fund to the Economic Development Trust Fund for fiscal year 1997-1998 to fund tax refunds issued pursuant to the ENTRY Tax Refund Program contained in section 20 of this act. From such funds, the Office of Tourism, Trade, and Economic Development shall initially implement the ENTRY program as a pilot program in three areas of the state. The office shall consider the following in selecting the locations of the pilot areas:*

(a) Geographic diversification and diversity of community size.

(b) Estimated number of students which are expected to be placed relative to the population of potential student participants in the community.

(c) The degree to which local partnerships between the local workforce development board, local education agencies, local business community and other organizations involved in community development will enhance the effectiveness of the ENTRY program.

(d) The degree to which other federal, state, or local funds can be leveraged by tax refunds received under the ENTRY program.

Section 61. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 62. *The Board of Regents is directed to conduct a study and submit recommendations to the Governor, President of the Senate, and the Speaker of the House of Representatives by February 1, 1998, outlining a unified, performance based strategy for the State University System's contribution to the economic development of this state. The study must examine how the State University System can enhance the state's domestic and international economic position.*

Section 63. This act shall take effect July 1, 1997.

And the title is amended as follows:

On page 1, line(s) 3, to page 10, line(s) 21, remove from the title of the bill all of said lines and insert in lieu thereof: authorizing the Secretary of State to appoint Florida international notaries; providing definitions; providing rulemaking authority; authorizing the use of authentication methods by international notaries; providing for effect of acts of international notaries; amending s. 114, chapter 96-320, Laws of Florida; revising the definition of "matching private funds"; amending s. 14.2015, F.S.; removing redundant language; removing provisions allowing the Office of Tourism, Trade, and Economic Development to contract and use a percentage of appropriated funds for administrative purposes; authorizing the office to enter into certain contract in connection with fulfilling certain duties; requiring the office to adopt certain rules; amending s. 15.182, F.S.; requiring certain state-funded musical, cultural, or artistic organizations to notify the Department of State of their international travel plans; directing the department, in conjunction with Enterprise Florida, Inc., to act as an intermediary between such organizations and Florida businesses; requiring Enterprise Florida, Inc., and the Department of Revenue to conduct a study of the advantages and revenue effects of exempting from s. 212.031, F.S., leases of property which are part of a federally chartered Foreign Trade Zones; requiring the Department of Lottery to determine the feasibility of marketing the Florida Lottery internationally; amending s. 48.194, F.S.; specifying that service of process on persons outside the United States may be required to comply with a certain international convention; authorizing the Office of Tourism, Trade, and Economic Development to establish a pilot matching grant program for the provision of job-training grants; requiring the office to establish guidelines for the program; limiting the use of grant funds; requiring a grant agreement and a report on program results; specifying that the same proposal may not provide the basis for the award of training under this pilot training program and the Quick Response Training Program; creating s. 110.191, F.S.; providing for state employee leasing under certain circumstances; providing criteria; providing requirements; providing limitations relating to certain positions; amending s. 110.205, F.S.; specifying positions leased under a state employee lease agreement as exempt from career service provisions; amending s. 212.08, F.S.; providing an exemption from the sales and use tax for certain machinery and equipment; amending s. 288.095, F.S.; conforming statutory cross-references; creating s. 288.108, F.S.; providing definitions; establishing eligibility for performance grants; authorizing the Office of Tourism, Trade, and Economic Development in conjunction with Enterprise Florida, Inc., to approve and award performance grants; establishing an application, certification, and grant agreement process; specifying the selection and designation process; requiring a report; authorizing rulemaking; amending s. 288.012, F.S.; providing legislative intent; requiring the Office of Tourism, Trade, and Economic Development to develop a plan for State of Florida foreign offices; requiring each foreign office to have an operational plan; amending s. 288.047, F.S.; proscribing certain uses of funds for the Quick-Response Training Program; amending s. 288.063, F.S.; proscribing certain uses of funds for contracts for economic development transportation projects; amending s. 288.1045, F.S.; proscribing certain uses of funds for the qualified defense contractor tax refund program; prohibiting the expenditure of certain funds for business relocation; providing for certain prorated tax refunds; amending s. 288.065, F.S.; providing that funds appropriated for the Rural Community Development Revolving Loan Fund are not subject to reversion; amending s. 288.106, F.S.; defining "rural county" and "rural city"; providing for determination of the "average wage in the area" for purposes of the tax refund program for qualified target industry businesses based on private sector wages only; proscribing certain uses of funds for such tax refund program; authorizing the Office of Tourism, Trade, and Economic Development to waive the annual wage requirement imposed as a condition of qualifying for review for participation in the program under certain circumstances; amending s. 288.7011, F.S.; revising authority for the Office of Tourism, Trade, and Economic Development to contract with a statewide certified development corporation; amending s. 288.772, F.S.; revising the definition of the term "board" with respect to the Florida Export Finance Corporation; amending s. 288.775, F.S.; requiring the board of the Florida Export Finance Corporation to create the Florida Export Finance Corporation guarantee account; amending s. 288.776, F.S.; revising the membership of the board of the Florida Export Finance Corporation;

providing for appointment of members to the board; amending s. 288.777, F.S.; revising provisions relating to the appointment of a president for the Florida Export Finance Corporation; directing the board of the corporation to appoint such president; amending s. 288.7771, F.S.; revising the deadline for submitting an annual report for the Florida Export Finance Corporation; amending s. 288.816, F.S.; revising the responsibilities of the Secretary of State with respect to intergovernmental relations; requiring law enforcement agencies to inform the Department of State about the arrest or incarceration of foreign citizens; requiring the secretary to report to the Legislature on actions taken to inform law enforcement agencies on proper procedures relating to such arrest or incarceration; amending s. 288.8175, F.S.; authorizing the Florida linkage institutes to accept and administer funds from the Department of State for research and development of international trade; amending s. 288.901, F.S.; authorizing Enterprise Florida, Inc., to hire certain persons under a lease agreement program of the Department of Management Services; amending s. 288.9015, F.S.; requiring Enterprise Florida, Inc., to prepare a guide and checklist for starting and operating a business in Florida; amending s. 288.903, F.S.; requiring the president of Enterprise Florida, Inc., to coordinate Enterprise Florida, Inc., activities with respect to participants in the WAGES Program; amending s. 288.904, F.S.; revising prohibitions on participating in Enterprise Florida, Inc., contracts and grants; amending s. 288.905, F.S.; revising requirements for the strategic plan prepared by Enterprise Florida, Inc.; providing for modifications and updates to the strategic plan; requiring specific issues to be included in the strategic plan; requiring the development of measurable objectives and performance outcomes; providing limitations on pay raises or bonuses for certain persons under certain circumstances; amending s. 288.906, F.S.; revising requirements for the annual report by Enterprise Florida, Inc.; requiring specific evaluations and assessments to be included in the annual report; requiring an annual compliance and financial audit; amending s. 288.9414, F.S.; revising prohibitions on participating in Enterprise Florida, Inc., international trade and economic development board contracts and grants; creating a grant review panel to assist the International Trade and Economic Development Board of Enterprise Florida, Inc.; providing for membership on the panel; providing for removal from the panel; providing duties for the panel; creating s. 288.9415, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to administer funds for international trade promotion grants; providing application criteria for such grants; directing the International Trade and Economic Development Board of Enterprise Florida, Inc., to review such grant applications and make recommendations to the Office of Tourism, Trade, and Economic Development; authorizing the Office of Tourism, Trade, and Economic Development to establish a targeted market pilot grant program to provide funding designed to match Florida businesses with international trade opportunities; providing application procedures and criteria; amending ss. 288.9514 and 288.9613, F.S.; revising prohibitions on participating in contracts and grants of certain Enterprise Florida, Inc., boards; authorizing the Office of Tourism, Trade, and Economic Development to contract with the Enterprise Florida Capital Development Board to take actions for the development of microenterprises; requiring the office to adopt guidelines to administer the microenterprise development program; requiring the office to establish criteria for competitive evaluation of funding applications and program performance measures; amending s. 288.9614, F.S.; authorizing the capital development board of Enterprise Florida, Inc., to take actions for the development of microenterprises; amending s. 288.9620, F.S.; requiring the Enterprise Florida, Inc., workforce development board to include participants in the WAGES Program within populations selected for resources, guidance, or services; revising prohibitions on participating in Enterprise Florida, Inc., workforce development board contracts and grants; amending s. 290.0411, F.S.; revising the legislative intent for the Florida Small Cities Community Development Block Grant Program Act to include pledging public money to guarantee loans; amending s. 290.044, F.S.; expanding administration of the Florida Small Cities Community Development Block Grant Program Fund to include loan guarantees; conforming provisions; creating s. 290.0455, F.S.; creating the Small Cities Community Development Block Grant Loan Guarantee Program; providing for the purpose, administration, and conditions of the program; authorizing the Department of Community Affairs to pledge revenues from the community development block grant program in order to guarantee certain loans; amending s. 290.047, F.S.; exempting the loan guarantee program authorized under s. 290.0455, F.S., from certain grant ceiling requirements; providing for grant ceilings under the Community Development Block Grant Program to be reduced based on defaults on guaranteed loans; amending s. 290.048, F.S.; authorizing the Department of Community Affairs to pledge community development block grant revenues to guarantee certain notes or obligations; amending s. 311.07, F.S.; providing for grant funding for certain seaport intermodal access projects; amending s. 311.11, F.S.; providing that the Seaport Employment Training Grant Program shall grant funds for the purpose of stimulating and supporting seaport training and employment programs; amending s. 320.20, F.S.; requiring the deposit of a certain amount of funds into the State Transportation Trust Fund for purposes of funding the Florida Seaport Transportation and Economic Development Program and certain seaport intermodal access projects; specifying uses and allocations of such funds; creating s. 337.023, F.S.; authorizing the Department of Transportation, when selling a building, to accept the construction of a replacement building totally or partially in lieu of cash; providing for review and approval of such action; amending s. 380.06, F.S.; requiring local government comprehensive plan amendments related to a proposed development of regional impact to be considered concurrently with the application for development approval; amending s. 455.213, F.S.; authorizing the Department of Business and Professional Regulation to appoint the county tax collector as an agent of the department for purposes of accepting applications for licenses or renewals of licenses; amending s. 455.2141, F.S.; authorizing the Agency for Health Care Administration to appoint the county tax collector as an agent of the agency for purposes of accepting applications for licenses or renewals of licenses; authorizing the Department of State and the Department of Labor and Employment Security to appoint the county tax collector as an agent of the department for purposes of accepting applications for licenses or similar registrations, or renewals of licenses or similar registrations; amending s. 624.426, F.S.; exempting certain U.S. Customs surety bonds from the resident agent and counter-signature law; creating a tax refund program for hiring certain school-aged employees; providing for administration by the Office of Tourism, Trade, and Economic Development; providing definitions; providing for employment/tax refund agreements; providing penalties for fraudulent claims for refunds; providing for future repeal; repealing s. 14.2015(7), F.S., relating to authorization for the Office of Tourism, Trade, and Economic Development to contract for assistance in administering certain programs and functions; repealing ss. 118.01, 118.02, 118.03, 118.04, F.S., relating to commissioners of deeds; providing appropriations for programs contained in this act; providing severability; providing an effective date.

On motion by Senator Harris, the Senate concurred in the House amendment.

CS for SB 1754 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Silver
Burt	Dyer	Klein	Sullivan
Campbell	Forman	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Horne, Scott

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1860, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1860—A bill to be entitled An act relating to the Consultants' Competitive Negotiation Act; amending s. 287.055, F.S.; providing that municipalities, political subdivisions, school districts, and school

boards, as an alternative to awarding design-build contracts using a competitive proposal selection process as described in said section, may award such contracts using a qualifications-based selection process pursuant to standards for competitive selection and competitive negotiation for entering into a contract for a guaranteed maximum price and completion date; providing an effective date.

House Amendment 1 (with title amendment)—On page 3, line 6, remove from the bill all of said line and insert in lieu thereof:

Section 2. Effective upon becoming a law, subsection (3) of section 20.04, Florida Statutes, 1996 Supplement, as amended by chapters 95-272 and 96-403, Laws of Florida, is amended to read:

20.04 Structure of executive branch.—The executive branch of state government is structured as follows:

(3) For their internal structure, all departments, except for the Departments of Children and Family Services, Corrections, *Management Services,* and Transportation, must adhere to the following standard terms:

(a) The principal unit of the department is the "division." Each division is headed by a "director."

(b) The principal unit of the division is the "bureau." Each bureau is headed by a "chief."

(c) The principal unit of the bureau is the "section." Each section is headed by an "administrator."

(d) If further subdivision is necessary, sections may be divided into "subsections," which are headed by "supervisors."

Section 3. Effective upon becoming a law, subsections (2) and (3) of section 20.22, Florida Statutes, are amended to read:

20.22 Department of Management Services.—There is created a Department of Management Services.

(2) The following divisions and *programs* ~~bureaus~~ within the Department of Management Services are established:

(a) Facilities Program.
(b) Information Technology Program.
(c) Workforce Program.
(d)1. Support Program.
2. Federal Property Assistance Program.
(e) Administration Program.
(f) Division of Administrative Hearings.
(g) Division of Retirement.
~~(a) Division of Administration.~~
~~(b) Division of Building Construction.~~
~~(c) Division of Communications.~~
~~(d) Division of Facilities Management.~~
~~(e) Division of Information Services.~~
~~(f) Division of Motor Pool.~~
~~1. Bureau of Aircraft.~~
~~2. Bureau of Motor Vehicles.~~
~~(g) Division of Personnel Management Services.~~
~~1. Office of Labor Relations.~~
~~(h) Division of Purchasing.~~
~~1. Bureau of Federal Property Assistance.~~
~~(i) Division of Retirement.~~
~~(j) Division of State Employees' Insurance.~~
~~(k) Division of Administrative Hearings.~~
~~(l) Division of Capitol Police.~~

(3) The *Information Technology Program* ~~Division of Information Services~~ shall operate and manage the Technology Resource Center.

Section 4. *(1) The Division of Statutory Revision of the Joint Legislative Management Committee shall prepare a reviser's bill for presentation to the 1998 Regular Session of the Legislature substituting all references in the Florida Statutes to any division, bureau, or other unit of the Department of Management Services with a reference to the Department of Management Services. However, no changes shall be made in references to the Division of Administrative Hearings and the Division of Retirement, or to commissions.*

(2) This section shall take effect upon becoming a law.

Section 5. *(1) The administrative rules of the Department of Management Services that are in effect immediately prior to the effective date of this act shall not be affected by this act and shall remain in effect until specifically changed in a manner provided by law.*

(2) This section shall take effect upon becoming a law.

Section 6. Effective upon becoming a law, paragraphs (a) and (b) of subsection (3) of section 110.1127, Florida Statutes, 1996 Supplement, are amended to read:

110.1127 Employee security checks.—

(3)(a) ~~Within the Department of Health and Rehabilitative Services and the Department of Elderly Affairs,~~ All positions in programs providing care to children, the developmentally disabled, disabled adults, or elderly persons for 15 hours or more per week; all permanent and temporary employee positions of the central abuse hotline; and all persons working under contract who have access to abuse records are deemed to be persons and positions of special trust or responsibility, and require employment screening pursuant to chapter 435, using the level 2 standards set forth in that chapter.

(b) The *employing agency* ~~department~~ may grant exemptions from disqualification from working with children, the developmentally disabled, disabled adults, or elderly persons as provided in s. 435.07.

Section 7. Effective upon becoming a law, subsection (1) of section 110.1165, Florida Statutes, 1996 Supplement, is amended to read:

110.1165 Executive branch personnel errors.—

(1) An agency of the executive branch, including the State University System, shall establish procedures for the receipt, consideration, and disposition of a claim regarding pay or benefits brought by an employee when that employee is damaged as a result of being provided with erroneous written information by the employing agency regarding his or her pay or benefits, and the employee detrimentally relies upon such written information. *In order to qualify for the relief provided by this section, the employee's reliance on the representation must have been reasonable and based only upon the written representations made by those persons authorized by the agency head to make such representations. Furthermore, the erroneous calculation and payment of an employee's salary, wages, or benefits is not among the written representations which will trigger relief under this section. Section 95.11(4) is the statute of limitations for filing any action to recover salary, wages, overtime, benefits, or related damages by or on behalf of a state employee, or any action under this section. No distinctions between the terms "salary" and "wages" in construing the provisions of s. 95.11(4) apply to this section or the statute of limitations for filing any action under this section.*

Section 8. Effective upon becoming a law, paragraph (a) of subsection (1) of section 110.201, Florida Statutes, 1996 Supplement, is amended to read:

110.201 Personnel rules, records, and reports.—

(1)(a) ~~By July 1, 1998,~~ The department, in consultation with agencies that must comply with these rules, shall develop uniform personnel rules, guidelines, records, and reports relating to employees and positions *in the career service*~~, which must be reviewed by the Administration Commission and filed with the Department of State~~. ~~State~~ Agencies must comply with the uniform rules, except as provided in this section~~, by July 1, 1999~~. The department may adopt rules that provide alternative requirements. Upon filing with the Department of State, the appropriate uniform rules will constitute the personnel rules for each agency subject to this act unless the Administration Commission grants an exception to a specific rule to an agency upon the agency's request or unless the agency must comply with a statutory provision that conflicts with the uniform rules. If an agency must comply with a statutory provision that conflicts with the uniform rules, the agency must notify the Administration Commission, the Administrative Procedures Committee, and the appropriate standing committees of the Legislature ~~by July 1, 1999,~~ and advise the standing committees whether the agency recommends revision of the statute to conform it to the uniform rules. Agencies are encouraged to propose methods of conforming statutory provisions to the uniform personnel rules. ~~In adopting the rules, the department must consult with the agencies.~~

Section 9. Effective upon becoming a law, paragraph (g) of subsection (1) of section 110.207, Florida Statutes, 1996 Supplement, is amended to read:

110.207 Classification plan.—

(1) The department shall establish and maintain a uniform classification plan applicable to all positions in the career service and shall be responsible for the overall coordination, review, and maintenance of the plan.

(g) *In consultation with the Executive Office of the Governor, the department shall facilitate the statewide planning of the career service broadbanding compensation and classification system.*

1. Upon approval by the Executive Office of the Governor, the department shall begin developing the broadbanding system to ensure agency flexibility and accountability on a statewide basis, and shall have the authority to determine system modifications necessary to permit use by all agencies. The proposed structure shall address all issues raised in the January 1997 report on the "Review of the Department of Transportation Model Classification Plan" submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The Department of Management Services shall provide alternatives for a rate funding formula that will not exceed the statewide cost under the current formula and will ensure that agencies are able to effectively recruit and retain employees. The Department of Transportation shall continue to use the model system it developed under the provision of s. 334.0445 until July 1, 1999.

2. Once the Executive Office of the Governor has approved a statewide broadbanding compensation and classification system, state agencies will come under the uniform personnel system based on an implementation schedule developed by the Department of Management Services and approved by the Executive Office of the Governor. ~~Effective July 1, 1996, the department is directed to review the model classification plan established by the Department of Transportation under s. 334.0445, to determine whether the plan is suitable for statewide implementation. The department shall identify and resolve those issues that may affect statewide implementation by all agencies and ensure that the system is compatible with program based budgeting as set forth in s. 216.0166. To assist in the review, the secretary of the Department of Management Services may appoint a task force, which shall include a representative of the Department of Transportation and state agency representatives with personnel, classification, and compensation experience. The department shall prepare a report of recommendations which shall be forwarded to the Governor, the President of the Senate, the Speaker of the House of Representatives, and appropriate legislative committees no later than January 15, 1997.~~

Section 10. Effective upon becoming a law, paragraph (a) of subsection (1) of section 110.217, Florida Statutes, 1996 Supplement, is amended to read:

110.217 Appointments and promotion.—

(1)(a) ~~By July 1, 1998,~~ The department, in consultation with agencies that must comply with these rules, shall develop uniform rules regarding appointment, promotion, demotion, reassignment, separation, and status which must be used by employing agencies ~~by July 1, 1999~~. Such rules must be approved by the Administration Commission before their adoption by the department.

Section 11. Effective upon becoming a law, paragraph (c) of subsection (1) of section 110.403, Florida Statutes, 1996 Supplement, is amended to read:

110.403 Powers and duties of the Department of Management Services.—

(1) In order to implement the purposes of this part, the Department of Management Services, after approval by the Administration Commission, shall adopt and amend rules providing for:

(c) A classification plan and a salary and benefit plan that provides appropriate incentives for the recruitment and retention of outstanding management personnel and provides for salary increases based on performance. ~~The Department of Management Services shall establish and implement recruiting procedures which ensure that vacancies are advertised or otherwise publicized outside the hiring agency.~~

Section 12. Effective upon becoming a law, paragraph (c) of subsection (2) of section 110.406, Florida Statutes, 1996 Supplement, is amended to read:

110.406 Senior Management Service; data collection.—

(2) The data required by this section shall include:

(c) In addition, *as needed,* the data shall include:

1. A pricing analysis based on a market survey of positions comparable to those included in the Senior Management Service and recommendations with respect to whether, and to what extent, revisions to the salary ranges for the Senior Management Service classifications should be implemented.

2. An analysis of actual salary levels for each classification within the Senior Management Service, indicating the mean salary for each classification within the Senior Management Service and the deviation from such mean with respect to each agency's salary practice in each classification; a review of the duties and responsibilities in relation to the incumbents' salary levels, credentials, skills, knowledge, and abilities; and an opinion as to whether the salary practices reflected thereby indicate interagency salary inequities among positions within the Senior Management Service.

Section 13. Effective upon becoming a law, section 110.602, Florida Statutes, is amended to read:

110.602 Selected Exempt Service; creation, coverage.—The Selected Exempt Service is created as a separate system of personnel administration for select exempt positions. Such positions shall include, and shall be limited to, those positions which are exempt from the Career Service System pursuant to s. 110.205(2) *and (5)* and for which the salaries and benefits are set by the department in accordance with the rules of the Selected Exempt Service. *The department shall designate all positions included in the Selected Exempt Service as either managerial/policymaking, professional, or nonmanagerial/nonpolicymaking.* In no event shall the number of positions included in the Selected Exempt Service, excluding those positions *designated as professional or nonmanagerial/nonpolicymaking* ~~exempt under s. 110.205(2)(q)~~, exceed 1.5 percent of the total full-time equivalent positions in the career service. The department shall deny approval to establish any position within the Selected Exempt Service which would exceed the limitation established in this section. The department shall report that the limitation has been reached to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as soon as practicable after such event occurs.

Section 14. Effective upon becoming a law, paragraph (c) of subsection (2) of section 110.606, Florida Statutes, 1996 Supplement, is amended to read:

110.606 Selected Exempt Service; data collection.—

(2) The data required by this section shall include:

(c) In addition, *as needed* ~~in each even-numbered year~~, the data shall include:

1. A pricing analysis based on a market survey of positions comparable to those included in the Selected Exempt Service and recommendations with respect to whether, and to what extent, revisions to the salary ranges for the Selected Exempt Service classifications should be implemented.

2. An analysis of actual salary levels for each classification within the Selected Exempt Service, indicating the mean salary for each classification within the Selected Exempt Service and the deviation from such means with respect to each agency's salary practice in each classification; reviewing the duties and responsibilities in relation to the incumbents' salary levels, credentials, skills, knowledge, and abilities; and discussing whether the salary practices reflected thereby indicate interagency salary inequities among positions within the Selected Exempt Service.

Section 15. Effective upon becoming a law, section 216.235, Florida Statutes, is amended to read:

216.235 Innovation Investment Program; *intent;* definitions; *composition and responsibilities of* ~~intent;~~ State Innovation Committee; responsibilities *of the Department of Management Services, the Information Resource Commission, and the review board*; procedures for innovative project submission, review, evaluation, and approval; criteria to be considered.—

(1) This section shall be cited as the "Innovation Investment Program Act."

(2) *The Legislature finds that each state agency should be encouraged to pursue innovative investment projects which demonstrate a novel, creative, and entrepreneurial approach to conducting the agency's normal business processes; effectuate a significant change in the accomplishment of the agency's activities; address an important problem of public concern; and have the potential of being replicated by other state agencies.* The Legislature *further* finds that investment in innovation can produce longer-term savings and that funds for such investment should be available to assist agencies in investing in innovations that produce a cost savings to the state or improve the quality of services delivered. The Legislature also finds that any *eligible* savings realized as a result of investment in innovation should be available for future investment in innovation.

(3) For purposes of this section:

(a) "Agency" means an official, officer, commission, authority, council, committee, department, division, bureau, board, section, or other unit or entity of the executive branch.

(b) "Commission" means the Information Resource Commission.

(c)~~(b)~~ "Committee" means the State Innovation Committee.

(d)~~(c)~~ "Department" means the Department of Management Services.

~~(d) "Innovative project" means a project that represents a change in the normal business processes of the agency and which produces a cost savings or improves the delivery of public services.~~

(e) "Review board" means a nonpartisan board composed of private citizens and public employees who evaluate the projects and make funding recommendations to the committee.

(4) There is hereby created the State Innovation Committee, which shall have final approval authority as to which innovative *investment* projects *submitted* under this section shall be funded. Such committee shall be comprised of *five* ~~four~~ members. Appointed members shall serve terms of 1 year and may be reappointed. The committee shall include:

(a) The Lieutenant Governor.

(b) The director of the Governor's Office of Planning and Budgeting.

(c) The *Comptroller* ~~Secretary of Management Services~~.

(d) One representative of the private sector appointed by the Commission on Government Accountability to the People.

(e) One representative appointed by Enterprise Florida, Inc.

The Secretary of Management Services shall serve as an alternate in the event a member is unable to attend the committee meeting.

(5) *Agencies shall submit proposed innovative investment projects to the department by a date established and in the format prescribed by the department* ~~Except as otherwise provided in this act, innovative project proposals shall be submitted to the department no later than August 1. The department shall prescribe the format for proposals submitted pursuant to this section~~. Such *innovative investment project* proposals shall include, but not be limited to:

(a) The identification of a specific innovative *investment* project.

(b) The name of the *agency's* innovative *investment* project administrator.

(c) A cost/benefit analysis *which is a financial summary of how the innovative investment project will produce a cost savings for the agency or improve the quality of the public services delivered by the agency. The analysis shall include a breakdown of each project cost category, including, but not limited to: the costs associated with hiring of other-personal-services staff, re-engineering efforts, purchase of equipment, maintenance agreements, training, consulting services, travel, acquisition of information technology resources; any monetary or in-kind contributions made by the agency, another public entity, or the private sector; and available baseline data, performance measures, and outcomes as defined in s. 216.011(1).*

(d) *The approval of the agency head, the agency's budget director, the agency's inspector general or internal auditor, and, if the innovative investment project involves information technology resources, the information resource manager* ~~A plan to be used by the agency in evaluating the outcomes of the innovative project upon implementation~~.

~~(e) A summary of how the innovative project produces a cost savings for the agency or improves the quality of the public services delivered by the agency.~~

~~All proposals shall have the approval of the agency head, the agency's budget director, the agency's inspector general or internal auditor, and, if the proposal involves information technology resources, the information resource manager prior to submission to the department.~~

(6) *Any agency developing an innovative investment project proposal that involves information technology resources may consult with and seek technical assistance from the commission. The department shall consult with the commission for any project proposal that involves information resource technology. The commission is responsible for evaluating these projects and for advising the committee and review board of the technical feasibility and any transferable benefits of the proposed technology. In addition to the requirements of subsection (5), the agencies shall provide to the commission any information requested by the commission to aid in determining that the proposed technology is appropriate for the project's success.* ~~Any agency submitting a proposal for an innovative project that involves information technology resources shall submit a draft proposal to the Information Resource Commission for review and consultation no later than June 1 and a final proposal no later than July 1. In addition to the requirements of subsection (5), such proposals shall include:~~

~~(a) The identification of the specific project, as defined in s. 282.303.~~

~~(b) A statement as to the innovative project's consistency with the agency's strategic plan for information resources management.~~

~~(c) The business case, which shall include how the funds are to be used, what specific processes will be affected, and how savings for improved efficiency of operations are to be achieved.~~

~~(d) A planning and analysis methodology that provides a high level of confidence in successful implementation.~~

~~(e) If applicable, a description of the transferability of the technology to other agencies.~~

~~Based on the components required by this subsection to be included in innovative project proposals, the Information Resource Commission shall evaluate the innovative project's technical feasibility and shall make recommendations to the review board. Proposals that involve the innovative application of information technology resources that have a transferable benefit to other agencies shall receive greater consideration by the Information Resource Commission than those applications that do not have a transferable benefit.~~

(7) The department shall select a review board composed of private and public members. Terms of review board members shall be for 1 year~~, with such terms~~ beginning on *a date established by the department* ~~April 15~~. Review board members may serve more than one term. The board shall evaluate innovative *investment projects* ~~project proposals~~ and shall make recommendations to the committee as to which innovative projects should be considered for funding.

(8) When evaluating ~~proposals for innovative~~ projects, the committee and the review board shall consider *whether the innovative investment project meets* the following criteria:

(a) ~~Whether the innovative project~~ Increases the quality of public services *by the agency*.

(b) ~~Whether the innovative project~~ Reduces costs *for the agency*.

(c) ~~Whether the innovative project~~ Involves a cooperative effort with *another public entity or* the private sector.

(d) ~~Whether the innovative project~~ Reduces the need for hiring additional employees *or avoids other operating costs incurred by the agency in the future*.

~~(e) Whether the innovative project enhances the agency's ability to provide customer-oriented services.~~

(9) *The committee shall allocate* funds ~~shall be allocated~~ based on a competitive evaluation process *and* ~~designed to~~ award funds to agencies for *innovative investment projects* demonstrating ~~innovative changes to their operations which will show~~ quantifiable savings *to the state, or improved customer service delivery*~~, cost avoidance, or increased productivity~~.

(10) The *awarded agency* ~~department~~ shall monitor and evaluate the ~~implementation of innovative~~ projects to determine if the anticipated results were achieved. ~~For innovative projects involving information technology resources, the Information Resource Commission shall assist the department in monitoring and evaluating the implementation of the innovative project, and determining whether the anticipated results were achieved.~~

(11) Funds appropriated for the Innovation Investment Program shall be distributed by the Executive Office of the Governor subject to notice, review, and objection procedures set forth in s. 216.177. *The department may transfer funds from the annual appropriation as necessary to administer the program*.

Section 16. Effective upon becoming a law, section 255.21, Florida Statutes, is amended to read:

255.21 Special facilities for physically disabled.—

(1) Any building or facility intended for use by the general public which, in whole or in part, is constructed or altered or operated as a lessee, by or on behalf of the state or any political subdivision, municipality, or special district thereof or any public administrative board or authority of the state shall, with respect to the altered or newly constructed or leased portion of such building or facility, comply with standards and specifications established by *part V of chapter 553* ~~s. 553.48~~.

(2) The Department of Management Services shall establish, by rule, a standing code panel to consider modification or waivers to ~~handicapped standards and other~~ codes and standards, *except handicapped standards*, for state building designs.

Section 17. *Effective upon becoming a law, section 110.1097, Florida Statutes, as amended by section 30 of chapter 96-399, Laws of Florida, is repealed.*

Section 18. Effective upon becoming a law, section 255.507, Florida Statutes, is amended to read:

255.507 Determination of qualified facilities.—The Division of Facilities Management, *in making determinations under s. 255.502(14)(b), shall determine a facility to be a qualified facility if the facility meets either of the following standards:*

(1) The facility is in compliance with the fire safety standards established by the State Fire Marshal for state-owned buildings, is in compliance with flood management criteria if it is located in a flood-prone area, and is in good operating condition in relation to its intended use.

(2) The facility's economic benefit to the pool will be equal to or greater than the cost of restoring the facility to the condition described in subsection (1). For purposes of this paragraph, achieving such economic benefit means that the rent to be paid by the occupants of the facility will be adequate to repay the restoration costs within 5 years ~~shall adopt rules establishing the standards for a qualified facility, which rules shall take into account the intended use of such facility and, with respect to those qualified facilities described in s. 255.502(14)(b), shall take into account the economic benefit of such facility to the pool as compared to the cost to the pool of restoring such facility to the condition stated in s. 255.502(14)(a)~~.

Section 19. Effective upon becoming a law, subsection (4) is added to section 282.105, Florida Statutes, 1996 Supplement, to read:

282.105 Use of state SUNCOM Network by nonprofit corporations.—

(4) Institutions qualified pursuant to s. 240.605 shall be eligible to use the state SUNCOM Network, subject to the terms and conditions of the division. Such entities shall not be required to satisfy the other criteria of this section.

Section 20. Effective upon becoming a law, paragraph (a) of subsection (2) of section 287.042, Florida Statutes, 1996 Supplement, is amended to read:

287.042 Powers, duties, and functions.—The division shall have the following powers, duties, and functions:

(2)(a) To plan and coordinate purchases in volume and to negotiate and execute purchasing agreements and contracts for commodities and contractual services under which state agencies shall make purchases pursuant to s. 287.056, and under which a federal, county, municipality, *institutions qualified pursuant to s. 240.605*, private nonprofit community transportation coordinator designated pursuant to chapter 427, while conducting business related solely to the Transportation Disadvantaged Commission, or other local public agency may make purchases. The division may restrict purchases from some term contracts to state agencies only for those term contracts where the inclusion of other governmental entities will have an adverse effect on competition or to those federal facilities located in this state. In such planning or purchasing the Minority Business Advocacy and Assistance Office may monitor to ensure that opportunities are afforded for contracting with minority business enterprises. The division, for state term contracts, and all agencies, for multiyear contractual services or term contracts, shall explore reasonable and economical means to utilize certified minority business enterprises. Purchases by any county, municipality, private nonprofit community transportation coordinator designated pursuant to chapter 427, while conducting business related solely to the Transportation Disadvantaged Commission, or other local public agency under the provisions in the state purchasing contracts, and purchases, from the corporation operating the correctional work programs, of products or services that are subject to paragraph (1)(f), are exempt from the competitive sealed bid requirements otherwise applying to their purchases.

Section 21. Effective upon becoming a law, paragraph (k) of subsection (1) of section 364.511, Florida Statutes, is amended to read:

364.511 Powers of the Board of Directors of the Florida Distance Learning Network.—

(1) In order to enable it to carry out the purposes of ss. 364.506-364.514, the Board of Directors of the Florida Distance Learning Network has the power of a body corporate and shall have the power to:

(k) The Department of Management Services shall manage the state's satellite transponder resources and enter into lease agreements to maximize the use of available transponder time. All *net* revenue realized through the leasing of available transponder time, *after deducting the costs of performing the management function*, shall be recycled to support the Florida Distance Learning Network.

Section 22. *Effective upon becoming a law, section 282.1021, Florida Statutes, is repealed.*

Section 23. Effective upon becoming a law, paragraph (b) of subsection (2) of section 282.307, Florida Statutes, is amended to read:

282.307 Strategic Plan for Information Resources Management; penalty for noncompliance.—

(2)

(b) The commission shall review and approve or disapprove the plan of each department no later than August 1 of each even-numbered year. Upon approval, copies of the plan shall be forwarded to the Executive Office of the Governor, the appropriations committees and the Legislative Information Technology Resource Committee of the Legislature, and the Auditor General. Copies of the communications components of

each plan shall be provided to the Division of Communications of the Department of Management Services ~~for use in developing the State Implementation Plan for Communications Services required under s. 282.1021~~. When a plan is disapproved, the basis for disapproval shall be presented to the information resource manager in writing. If the reasons for disapproval cannot be resolved within 30 days after receiving the basis for disapproval, the information resource manager shall notify the commission in writing why the department is unable to resolve the problems identified. Within 15 days after receiving the manager's response, the commission shall notify the information resource manager, in writing, of what actions are necessary for approval of the plan.

Section 24. *(1) There is created the Workforce 2000 Study Commission for the purpose of advising the Legislature and the Governor on appropriate executive, statutory, and constitutional measures in the formulation and implementation of an innovative, efficient retirement and benefits program along with setting appropriate personnel administrative policy.*

(a) The commission membership shall be as follows:

1. Three members appointed by the Governor who represent issues and interests relating to personnel and retirement matters in both the public and private sectors.

2. Three members appointed by the President of the Senate.

3. Three members appointed by the Speaker of the House of Representatives.

(b) The members shall elect one member to serve as chair of the commission.

(2) It is the duty of the commission to:

(a) Review various benefit plans as applied in the private sector and recommend innovative and efficient benefit plan options with the objectives of minimizing cost while maximizing motivation and work initiative among public employees.

(b) Identify and recommend specific retirement initiatives that complement efficient use of tax dollars.

(c) Identify and recommend appropriate personnel administrative policy relating to technical, professional, and managerial personnel.

(d) Review and recommend specific alternative benefit plans for nonpermanent employees in the public sector.

(3) The commission shall make its recommendations in an official report, adopted by the commission and transmitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives not later than December 1, 1997.

(4) Commission members shall be appointed no later than July 1, 1997, and shall convene to organize immediately after the appointments have been completed. In the event member appointments have not been completed by July 1, 1997, those members appointed by that time shall select the remaining members.

(5) Members of the commission shall serve without compensation. Members of the commission shall be entitled to receive reimbursement for travel and per diem as provided by section 112.061, Florida Statutes, while carrying out official business of the commission.

(6) The commission shall hold meetings within the state when deemed necessary. Meetings of the commission shall be public. The commission shall have the power to require the attendance of witnesses before it and to require the production of records and other data for its examination in the manner prescribed by section 11.143, Florida Statutes.

(7) This section shall take effect upon becoming a law.

Section 25. *(1) The Department of Management Services shall furnish staff services to the Workforce 2000 Study Commission.*

(2) This section shall take effect upon becoming a law.

Section 26. Effective upon becoming a law, subsection (6) is added to section 957.03, Florida Statutes, 1996 Supplement, to read:

957.03 Correctional Privatization Commission.—

(6) SUPPORT BY DEPARTMENT OF MANAGEMENT SERVICES.—The commission shall be a separate budget entity, and the executive director shall be its chief administrative officer. The Department of Management Services shall provide administrative support and service to the commission to the extent requested by the executive director. The commission and its staff are not subject to control, supervision, or direction by the Department of Management Services in any manner, including, but not limited to, personnel, purchasing, and budgetary matters, except to the extent as provided in chapters 110, 216, 255, 282, and 287 for agencies of the executive branch. The Executive Director may designate a maximum of two policymaking or managerial positions as being exempt from the Career Service System. These two positions may be provided for as members of the Senior Management Service.

Section 27. Except as otherwise provided herein, this act shall take effect October 1, 1997.

And the title is amended as follows:

On page 1, line 14, remove from the title of the bill all of said line and insert in lieu thereof: amending s. 20.04, F.S.; exempting the department from certain structural requirements imposed on executive agencies; amending s. 20.22, F.S.; revising the organizational structure of the department; directing the Division of Statutory Revision of the Joint Legislative Management Committee to prepare a reviser's bill; providing for the preservation of the administrative rules of the department until specifically changed as provided by law; amending s. 110.1127, F.S.; revising language with respect to employee security checks; amending s. 110.1165, F.S.; revising the requirements with respect to procedures for relief with respect to executive branch personnel errors; amending s. 110.201, F.S.; providing for personnel rules, records, and reports for employees and positions in the career service; amending s. 110.207, F.S.; directing the department to facilitate the statewide planning and implementation of the career service broadbanding compensation and classification system; amending s. 110.217, F.S.; removing date requirements with respect to appointments and promotions; amending s. 110.403, F.S.; revising language with respect to the powers and duties of the department; amending s. 110.406, F.S.; revising language with respect to data collection for the Senior Management Service; amending s. 110.602, F.S.; directing the department to designate all positions in the Select Exempt Service as either managerial/policymaking, professional, or nonmanagerial/nonpolicymaking; amending s. 110.606, F.S., relating to data collection for the Selected Exempt Service; amending s. 216.235, F.S.; revising language with respect to the Innovative Investment Program; providing legislative intent; providing for composition and responsibilities of the State Innovation Committee; providing for responsibilities of the department, the Information Resource Commission, and the review board; amending s. 255.21, F.S.; providing that buildings or facilities open to the general public must comply with the provisions of part V of chapter 553, F.S., relating to handicapped accessibility; repealing s. 110.1097, F.S., relating to personnel system improvements for the Department of Health and Rehabilitative Services; amending s. 255.507, F.S.; providing criteria for determinations by the Division of Facilities Management that certain facilities are qualified facilities for certain purposes; amending s. 282.105, F.S.; providing that certain educational entities shall be eligible to use the state SUNCOM Network; amending s. 287.042, F.S.; revising language with respect to the powers of the Division of Purchasing of the Department of Management Services; amending s. 364.511, F.S.; providing that all net revenue realized through the leasing of available satellite transponder time, after deducting the costs of performing the management functions, shall be recycled to support the Florida Distance Learning Network; repealing s. 282.1021, F.S., relating to the State Implementation Plan for Communications Services; amending s. 282.307, F.S.; conforming to the act; creating the Workforce 2000 Study Commission; providing for membership; providing powers and duties of the commission; requiring reports; providing for staffing of the commission; amending s. 957.03, F.S.; providing that the Correctional Privatization Commission shall be a separate budget entity, not subject to supervision by the department; providing effective dates.

House Amendment 2 (with title amendment)—On page 2, lines 4-6, remove from the bill all of said lines and insert in lieu thereof: *selection process pursuant to subsections (3), (4), and (5) for entering into a contract whereby the selected firm will subsequently establish a guaranteed maximum price and guaranteed completion date. If the procuring agency elects the option of qualifications-based selection, during*

the selection of the design-build firm the procuring agency shall employ or retain a licensed design professional appropriate to the project to serve as the agency's representative. Procedures for the use of a

And the title is amended as follows:

On page 1, lines 11-14, remove from the title of the bill all of said lines and insert in lieu thereof: to standards for public announcement and qualification procedures, competitive selection, and competitive negotiation for entering into a contract for a guaranteed maximum price and completion date; providing requirements with respect thereto;

On motion by Senator Lee, the Senate concurred in the House amendments.

CS for SB 1860 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Sullivan
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1930, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1930—A bill to be entitled An act relating to sex offenders; amending s. 947.1405, F.S.; clarifying legislative intent regarding sentences that are eligible for conditional release supervision; requiring a curfew between specified hours; providing alternatives; revising requirements for treatment for sex offenders; revising a provision that prohibits a sex offender from viewing, owning, or possessing certain materials; prohibiting a sex offender from possessing telephone, electronic media, or computer programs or services that are relevant to the offender's behavior pattern; requiring that a sex offender submit to certain warrantless searches; requiring a sex offender whose crime was committed on or after a specified date to undergo polygraph examinations; requiring that such offender maintain a driving log and not drive a motor vehicle alone without prior approval; prohibiting such offender from obtaining or using a post office box without prior approval; amending s. 948.001, F.S.; defining the terms "sex offender probation" and "sex offender community control"; amending s. 948.03, F.S.; requiring a curfew between specified hours; providing alternatives; revising requirements for treatment for sex offenders; revising a provision that prohibits a sex offender from viewing, owning, or possessing certain materials; prohibiting a sex offender from possessing telephone, electronic media, or computer programs or services that are relevant to the offender's behavior pattern; requiring that a sex offender submit to certain warrantless searches; requiring a sex offender whose crime was committed on or after a specified date to undergo polygraph examinations; requiring that such offender maintain a driving log and not drive a motor vehicle alone without prior approval; prohibiting such offender from obtaining or using a post office box without prior approval; requiring such offender to submit to HIV testing; requiring such offender to submit to electronic monitoring; providing an effective date.

House Amendment 1—On page 9, lines 10-14, remove from the bill all of said lines and insert in lieu thereof:

(5)*(a)* Effective for probationers or community controlees

On motion by Senator Burt, the Senate concurred in the House amendment.

CS for SB 1930 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Sullivan
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

Vote after roll call:

Yea—Scott

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1956, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1956—A bill to be entitled An act relating to education; amending s. 232.245, F.S.; revising provisions relating to a district's comprehensive program for pupil progression; requiring remedial instruction and retention of students who have not met district-required levels of proficiency; providing reporting requirements; authorizing exemption from retention requirements; amending s. 232.2454, F.S.; revising provisions relating to student performance standards, instruments, and assessment procedures; providing an effective date.

House Amendment 1 (with title amendment)—On page 6, between line(s) 11 and 12 of the bill, insert:

Section 3. *Notwithstanding the provisions of sections 1 and 2 of this act, implementation shall be contingent upon legislative appropriation for this purpose or the identification of federal funds which can be specifically used for this purpose.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 12, after the semicolon (;) insert: providing a contingency for the implementation of the act;

House Amendment 3 (with title amendment)—On page 6, between lines 11 and 12, insert:

Section 3. *The amendments to section 409.908(21), Florida Statutes, contained in HB 1965, enacted by the 1997 Regular Session of the Florida Legislature, are repealed.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 12, after the semicolon (;) insert: repealing the amendments to s. 409.908(21), F.S., contained in HB 1965, relating to Medicaid provider agreements for school districts;

On motion by Senator Lee, the Senate concurred in the House amendments.

CS for SB 1956 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Madam President	Dantzler	Holzendorf	Myers
Bronson	Diaz-Balart	Horne	Rossin
Brown-Waite	Dudley	Jenne	Silver
Burt	Dyer	Kirkpatrick	Sullivan
Campbell	Forman	Klein	Turner
Casas	Grant	Kurth	Williams
Clary	Gutman	Latvala	
Cowin	Hargrett	Lee	
Crist	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Childers, McKay, Scott

SENATOR HORNE PRESIDING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment(s), and concurred in same as amended, and passed HB 2013 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

HB 2013—A bill to be entitled An act relating to regulation of health care professions; amending s. 402.48, F.S., relating to health care services pools; increasing the period of registration; updating a definition and a provision relating to meeting financial responsibility requirements; amending s. 457.102, F.S.; revising definitions applicable to the regulation of acupuncture; amending s. 457.105, F.S.; revising qualifications for licensure to practice acupuncture; revising fees; conforming terminology; amending s. 457.107, F.S.; revising licensure renewal fees; conforming terminology; amending s. 457.1085, F.S.; revising requirements on the adoption of rules relating to infection control and on the use of acupuncture needles; amending ss. 457.103, 457.108, 457.109, and 457.116, F.S., to conform; amending s. 458.303, F.S.; eliminating references to physician's trained assistants; amending s. 458.305, F.S.; updating the definition of "department"; amending s. 458.307, F.S.; revising provisions relating to probable cause panels of the Board of Medicine; amending s. 455.206, F.S.; correcting a cross reference, to conform; amending s. 458.311, F.S.; revising requirements for licensure of physicians by examination; revising an educational and postgraduate training requirement; allowing certain applicants to complete a specified fellowship to partially satisfy the licensing requirements; providing for additional remedial education or training upon failure to pass the licensing examination after a certain number of attempts; authorizing persons in certain training programs to take the examination under certain circumstances; amending s. 458.313, F.S.; revising requirements for licensure of physicians by endorsement; eliminating a provision authorizing oral examinations; providing for additional remedial education or training upon failure to pass the licensing examination after a certain number of attempts; authorizing additional requirements prior to certification of eligibility for licensure; correcting a cross reference; eliminating a provision authorizing licensure under a period of supervision; providing conditions for reactivation of certain licenses issued by endorsement; amending s. 458.317, F.S., relating to limited licenses; eliminating the requirement that applicants for a limited license be retired from the practice of medicine; restricting certain limited licensees to noncompensated practice; requiring the payment of fees if a person receives compensation for the practice of medicine; amending s. 458.319, F.S.; clarifying requirements for renewal of license to practice medicine; revising recent-practice requirements; amending s. 458.320, F.S.; correcting a cross reference; requiring physicians not carrying medical malpractice insurance to post notice and provide a written statement thereof; providing for acknowledgment that the patient has been so informed; amending s. 458.331, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 458.3312, F.S.; prohibiting physicians from falsely representing that they are board-certified specialists; amending s. 458.345, F.S., relating to registration of resident physicians, interns, and fellows; providing for designation of a person responsible at each hospital using such residents for the hospital's semiannual reports to the department; requiring certain notice to the executive director of the board; providing that registrants are subject to specified disciplinary provisions; providing requirements for the prescribing of medicinal drugs and controlled substances; amending s. 458.346, F.S.; providing for meetings of the Public Sector Physician Advisory Committee; amending ss. 458.347 and 459.022, F.S.; revising requirements for certification as a physician assistant; updating terminology; amending s. 458.3485, F.S.; requiring medical assistants to be under the direct supervision of a licensed physician; creating ss. 458.351 and 459.025, F.S.; requiring serious incident reports; providing for rules; amending s. 459.003, F.S.; updating the definition of "department"; providing that certain terms are equivalent; amending s. 459.021, F.S.; revising terminology relating to osteopathic medicine; revising provisions relating to registration of resident physicians, interns, and fellows; providing for designation of a person responsible at each hospital using such residents for the hospital's semiannual reports to the department; requiring certain notice to the executive director of the board; providing that registrants are subject to specified disciplinary provisions; providing conditions under which resident physicians may prescribe medicinal drugs; amending s. 459.0075, F.S., relating to limited licenses; eliminating the requirement that applicants for a limited license be retired from the practice of osteopathic medicine; restricting certain limited licensees to noncompensated practice; requiring the payment of fees if a person receives compensation for the practice of osteopathic medicine; amending s. 459.0085, F.S.; correcting a cross reference; requiring osteopathic physicians not carrying medical malpractice insurance to post notice and provide a written statement thereof; providing for acknowledgment that the patient has been so informed; amending s. 459.015, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 459.0152, F.S.; prohibiting osteopathic physicians from falsely representing that they are board-certified specialists; amending ss. 240.4067, 390.011, 395.0191, 408.035, 409.905, 415.102, 415.1034, 415.504, 440.106, 440.13, 440.134, 440.15, 456.31, 459.006, 462.01, 468.301, 468.302, 476.044, 477.0135, 483.291, 621.03, 627.351, 627.357, 627.6482, 725.01, 766.101, 766.103, 766.105, 766.110, 817.234, and 945.047, F.S.; conforming and correcting terminology relating to osteopathic medicine; amending s. 460.403, F.S.; updating the definition of "department"; amending s. 460.413, F.S.; revising grounds for disciplinary action; providing penalties; providing criteria for determining the applicable penalty; providing certain evidentiary standards; providing authority and procedure to enjoin a chiropractor from providing medical services under certain circumstances; reenacting ss. 320.0848(9), 455.236(4)(g), and 766.111(2), F.S., relating to parking permits for disabled persons, prohibited referrals to home health agencies, and unnecessary diagnostic testing, to incorporate the amendment to s. 460.413, F.S., in references thereto; amending s. 460.4165, F.S.; revising a provision relating to the fee accompanying applications to supervise chiropractic physician's assistants; amending s. 461.003, F.S.; updating the definition of "department"; amending s. 461.013, F.S.; revising a ground for disciplinary action; providing penalties; amending s. 461.018, F.S.; clarifying a provision relating to the limited practice of podiatry in designated areas of need; amending s. 464.003, F.S.; revising a definition to update authority over regulation of nursing; amending ss. 464.004, 464.008, 464.009, 464.012, 464.013, and 464.014, F.S., to conform; amending s. 464.018, F.S.; revising grounds for disciplinary action; providing penalties; conforming terminology; amending s. 464.019, F.S., relating to approval of nursing programs; providing for a program review fee; conforming terminology; creating s. 464.0205, F.S.; providing for certification of retired volunteer nurses; providing requirements, qualifications, fees, and restrictions; amending s. 464.022, F.S.; providing an exemption from regulation relating to certain nurses accompanying and caring for patients temporarily residing in this state; amending s. 465.003, F.S.; updating the definition of "department"; amending s. 465.004, F.S.; increasing the membership of the Board of Pharmacy; revising membership qualifications; amending s. 465.014, F.S.; increasing the number of pharmacy technicians who may be supervised by a licensed pharmacist; amending s. 465.0156, F.S.; revising information required for registration of nonresident pharmacies; amending s. 465.016, F.S.; revising a ground for disciplinary action; providing penalties; amending s. 465.035, F.S.; allowing the dispensing of controlled substances based on electronic facsimiles of the original prescriptions; amending s. 466.003, F.S.; updating the definition of "department"; amending s. 466.006, F.S., relating to the examination of dentists; revising prerequisites for certain applicants to take the examination; amending s. 466.017, F.S.; eliminating obsolete provisions relating to the utilization of general anesthesia and parenteral conscious sedation by licensed dentists; amending s. 466.028, F.S.; revising grounds for disciplinary action; providing penalties; amending s. 468.1115, F.S.; revising

and providing exemptions from regulation as a speech-language pathologist or audiologist; amending s. 468.1125, F.S.; updating the definition of "department"; amending s. 468.1155, F.S.; revising provisional licensure requirements; providing requirements for cross-discipline licensure; amending s. 468.1185, F.S.; revising licensure requirements; conforming a reference; amending s. 468.1195, F.S.; revising continuing education requirements; providing for adoption of standards of approval of continuing education providers; creating s. 468.1201, F.S.; requiring instruction on human immunodeficiency virus and acquired immune deficiency syndrome as a condition of being granted a license or certificate to practice speech-language pathology or audiology; amending s. 468.1215, F.S.; revising requirements for certification as a speech-language pathology or audiology assistant; conforming a reference; amending s. 468.1245, F.S.; revising language relating to certain complaints concerning hearing aids; amending s. 468.1295, F.S.; revising and providing grounds for disciplinary action; revising and providing penalties; creating s. 468.1296, F.S.; prohibiting sexual misconduct in the practice of speech-language pathology and audiology, for which there are penalties; amending s. 468.1655, F.S.; updating the definition of "department"; amending s. 468.1695, F.S.; reducing the number of times a year the examination for licensure as a nursing home administrator must be given; amending s. 468.203, F.S.; revising definitions applicable to regulation of occupational therapy; amending s. 468.205, F.S.; replacing the Occupational Therapy Council with a Board of Occupational Therapy Practice; providing for qualifications, appointments, and terms of board members; providing for the filling of vacancies on the board; amending s. 468.209, F.S.; revising educational requirements for licensure as an occupational therapist or occupational therapy assistant; providing for licensure of certain applicants without meeting such educational requirements; providing for certain temporary permits; requiring documentation of continuing education for certain applicants; amending s. 468.211, F.S.; providing a restriction on the number of times an applicant may fail the examination and requiring remediation after a certain number; amending s. 468.213, F.S.; revising requirements for licensure by endorsement; amending s. 468.225, F.S.; providing exemptions from regulation of occupational therapy; amending ss. 468.351, 468.352, 468.354, 468.355, 468.356, 468.357, 468.358, 468.359, 468.36, 468.361, 468.363, 468.364, 468.365, 468.366, and 468.368, F.S., and transferring and amending s. 468.362, F.S.; providing for licensure of respiratory care practitioners and respiratory therapists; eliminating references to certification and registration; updating the definition of "department"; revising terminology; revising approval of educational programs; eliminating annual continuing education requirements for certain persons; providing penalties; amending s. 478.42, F.S.; updating the definition of "department"; amending s. 478.45, F.S.; revising requirements for licensure as an electrologist; amending s. 478.46, F.S.; revising requirements relating to issuance of temporary permits; correcting a cross reference and terminology; amending s. 478.47, F.S.; revising requirements for licensure by endorsement; amending s. 478.52, F.S.; prohibiting the operation of unlicensed electrolysis facilities; providing penalties; amending s. 480.033, F.S.; revising the definition of "board"; updating the definition of "department"; amending s. 480.034, F.S.; eliminating an exemption from regulation applicable to certain skin treatments and weight-loss programs; amending s. 480.035, F.S.; renaming the Board of Massage as the Board of Massage Therapy; amending s. 480.041, F.S.; eliminating provisional licensure to practice massage therapy; amending s. 480.0415, F.S.; authorizing an increase in the number of classroom hours of continuing education that may be required for renewal of a license to practice massage therapy; amending s. 480.042, F.S.; revising what examinations must measure; repealing s. 480.0425, F.S., relating to inactive status; amending s. 480.043, F.S.; revising provisions relating to the transfer of licenses; amending s. 480.044, F.S.; revising provisions relating to fees; amending s. 480.047, F.S.; prohibiting the practice of massage therapy without a license unless exempted from licensure; creating s. 480.0485, F.S.; prohibiting sexual misconduct in the practice of massage therapy, for which there are disciplinary actions; amending s. 20.43, F.S., relating to the Department of Health; conforming terminology; updating a reference; amending s. 381.81, F.S., to conform; amending s. 483.800, F.S.; revising policy and purpose relating to regulation of clinical laboratory personnel; amending s. 483.801, F.S.; providing a regulatory exemption relating to advanced registered nurse practitioners; amending s. 483.803, F.S.; updating the definition of "department"; providing definitions; amending s. 483.809, F.S.; revising licensing provisions; authorizing an alternative examination for public health laboratory scientists; creating s. 483.812, F.S.; providing for licensure of public health laboratory scientists; amending s. 483.813, F.S.; extending the period of a temporary license for clinical laboratory personnel; providing a period for a conditional license; amending s. 483.823, F.S.; revising provisions relating to qualifications of clinical laboratory personnel; amending s. 483.825, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 483.828, F.S.; providing penalties for specified violations; amending s. 483.901, F.S., the "Florida Medical Physicists Act"; providing that the Advisory Council of Medical Physicists is an advisory rather than a regulatory body; increasing the number and terms of council members; clarifying initial and other appointment provisions; revising provisions relating to council meetings; revising licensure requirements; clarifying that the required continuing education hours are to be satisfied biennially and that the organizations providing such education must be approved by the Department of Health; revising and providing grounds for disciplinary action; revising and providing criminal acts; providing an administrative fine; providing penalties; eliminating a provision authorizing a licensure exception; amending s. 484.041, F.S.; updating the definition of "department"; amending s. 484.042, F.S.; updating a reference, to conform; amending s. 484.051, F.S.; updating a reference, to conform; amending s. 486.021, F.S.; updating the definition of "department"; amending s. 486.023, F.S.; increasing the membership of the Board of Physical Therapy Practice; amending ss. 486.031 and 486.081, F.S.; providing an alternative licensure examination; revising accreditation provisions relating to licensure as a physical therapist; amending s. 486.041, F.S.; revising provisions relating to applying for a license as a physical therapist and to the fee therefor; amending s. 486.051, F.S.; revising provisions relating to examination of applicants for licensure as a physical therapist; amending s. 486.102, F.S.; revising accreditation provisions relating to licensure as a physical therapist assistant; amending s. 486.103, F.S.; revising provisions relating to applying for a license as a physical therapist assistant and to the fee therefor; amending s. 486.104, F.S.; revising provisions relating to examination of applicants for licensure as a physical therapist assistant; creating s. 486.123, F.S.; prohibiting sexual misconduct in the practice of physical therapy, for which there are disciplinary actions; amending s. 486.125, F.S.; providing for recovery of the actual costs of investigation and prosecution; amending s. 641.495, F.S.; requiring a health maintenance organization to designate as medical director a state-licensed physician or osteopathic physician; amending s. 499.012, F.S.; clarifying and providing for additional wholesale distribution exceptions; providing an effective date.

House Amendment 1 (with title amendment) to Senate Amendment 1—On page 1, line 17, through page 274, line 17, remove from the amendment all of said lines and insert in lieu thereof:

Section 1. Paragraph (a) of subsection (1), subsection (4), and paragraph (g) of subsection (8) of section 402.48, Florida Statutes, 1996 Supplement, are amended to read:

402.48 Health care services pools.—

(1) As used in this section, the term:

(a) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

(4) Each registration shall be for a period of *2 years* ~~1 year~~. A new registration is required upon the sale of a controlling interest in a health care services pool.

(8)

(g) Meeting the financial responsibility requirements of this section must be established at the time of issuance or renewal of a certificate of registration ~~on or after January 1, 1991~~.

Section 2. Subsections (2), (4), and (9) of section 455.225, Florida Statutes, 1996 Supplement, are amended to read:

455.225 Disciplinary proceedings.—Disciplinary proceedings for each board shall be within the jurisdiction of the department or the Agency for Health Care Administration, as appropriate.

(2) The department and the Agency for Health Care Administration shall allocate sufficient and adequately trained staff to expeditiously and thoroughly determine legal sufficiency and investigate all legally sufficient complaints. *For purposes of this section, it is the intent of the Legislature that the term "expeditiously" means that the agency, for disciplinary cases under its jurisdiction, shall complete the report of its initial investigative findings and recommendations concerning the existence of*

probable cause within 6 months after its receipt of the complaint. The failure of the agency, for disciplinary cases under its jurisdiction, to comply with the time limits in this section while investigating a complaint against a licensee constitutes harmless error in any subsequent disciplinary action unless a court finds that either the fairness of the proceeding or the correctness of the action may have been impaired by a material error in procedure or a failure to follow prescribed procedure. When its investigation is complete and legally sufficient, the department or the agency shall prepare and submit to the probable cause panel of the appropriate regulatory board the investigative report of the department or the agency. The report shall contain the investigative findings and the recommendations of the department or the agency concerning the existence of probable cause. At any time after legal sufficiency is found, the department or the agency may dismiss any case, or any part thereof, if the department or the agency determines that there is insufficient evidence to support the prosecution of allegations contained therein. The department or the agency shall provide a detailed report to the appropriate probable cause panel prior to dismissal of any case or part thereof, and to the subject of the complaint after dismissal of any case or part thereof, under this section. For cases dismissed prior to a finding of probable cause, such report is confidential and exempt from s. 119.07(1). The probable cause panel shall have access, upon request, to the investigative files pertaining to a case prior to dismissal of such case. If the department or the agency dismisses a case, the probable cause panel may retain independent legal counsel, employ investigators, and continue the investigation and prosecution of the case as it deems necessary.

(4) The determination as to whether probable cause exists shall be made by majority vote of a probable cause panel of the board, or by the department or the Agency for Health Care Administration, as appropriate. Each regulatory board shall provide by rule that the determination of probable cause shall be made by a panel of its members or by the department or the agency. Each board may provide by rule for multiple probable cause panels composed of at least two members. Each board may provide by rule that one or more members of the panel or panels may be a former board member. The length of term or repetition of service of any such former board member on a probable cause panel may vary according to the direction of the board when authorized by board rule. Any probable cause panel must include one of the board's former or present consumer members, if one is available, willing to serve, and is authorized to do so by the board chairman. Any probable cause panel must include a present board member. Any probable cause panel must include a former or present professional board member. However, any former professional board member serving on the probable cause panel must hold an active valid license for that profession. All proceedings of the panel are exempt from s. 286.011 until 10 days after probable cause has been found to exist by the panel or until the subject of the investigation waives his privilege of confidentiality. The probable cause panel may make a reasonable request, and upon such request the department or the agency shall provide such additional investigative information as is necessary to the determination of probable cause. A request for additional investigative information shall be made within 15 days from the date of receipt by the probable cause panel of the investigative report of the department or the agency. The probable cause panel or the department or the agency, as may be appropriate, shall make its determination of probable cause within 30 days after receipt by it of the final investigative report of the department or the agency. The secretary may grant extensions of the 15-day and the 30-day time limits. ~~If the probable cause panel does not find probable cause within the 30-day time limit, as may be extended, or if the probable cause panel finds no probable cause, the department or the agency may determine, within 10 days after the panel fails to determine probable cause or 10 days after the time limit has elapsed, that probable cause exists.~~ In lieu of a finding of probable cause, the probable cause panel, or the department or the agency when there is no board, may issue a letter of guidance to the subject. *If within the 30-day time limit, as may be extended, the probable cause panel does not make a determination regarding the existence of probable cause or does not issue a letter of guidance in lieu of a finding of probable cause, the agency, for disciplinary cases under its jurisdiction, must make a determination regarding the existence of probable cause within 10 days after the expiration of the time limit.* If the probable cause panel finds that probable cause exists, it shall direct the department or the agency to file a formal complaint against the licensee. The department or the agency shall follow the directions of the probable cause panel regarding the filing of a formal complaint. If directed to do so, the department or the agency shall file a formal complaint against the subject of the investigation and prosecute that complaint pursuant to chapter 120. However, the department or the agency may decide not to prosecute the complaint if it finds that probable cause had been improvidently found by the panel. In such cases, the department or the agency shall refer the matter to the board. The board may then file a formal complaint and prosecute the complaint pursuant to chapter 120. The department or the agency shall also refer to the board any investigation or disciplinary proceeding not before the Division of Administrative Hearings pursuant to chapter 120 or otherwise completed by the department or the agency within 1 year after the filing of a complaint. *The agency, for disciplinary cases under its jurisdiction, must establish a uniform reporting system to quarterly refer to each board the status of any investigation or disciplinary proceeding that is not before the Division of Administrative Hearings or otherwise completed by the department or agency within 1 year after the filing of the complaint. Annually, the agency, for disciplinary cases under its jurisdiction, if there is no board, or each board must establish a plan to reduce or otherwise close any investigation or disciplinary proceeding that is not before the Division of Administrative Hearings or otherwise completed by the agency within 1 year after the filing of the complaint.* A probable cause panel or a board may retain independent legal counsel, employ investigators, and continue the investigation as it deems necessary; all costs thereof shall be paid from the Health Care Trust Fund or the Professional Regulation Trust Fund, as appropriate. All proceedings of the probable cause panel are exempt from s. 120.525.

(9)*(a)* The department or the Agency for Health Care Administration, as appropriate, shall periodically notify the person who filed the complaint of the status of the investigation, whether probable cause has been found, and the status of any civil action or administrative proceeding or appeal.

(b) In any disciplinary case under the jurisdiction of the Agency for Health Care Administration for which probable cause has been found, the Agency for Health Care Administration shall provide to the person who filed the complaint a copy of the administrative complaint, including:

1. A written explanation of how an administrative complaint is resolved by the disciplinary process.

2. A written explanation of how and when the person may participate in the disciplinary process.

3. A written notice of any hearing before the Division of Administrative Hearings or the regulatory board at which final agency action is taken.

(c) In any disciplinary case for which probable cause is not found, the Agency for Health Care Administration shall so inform the person who filed the complaint and notify that person that he or she may, within 60 days, provide any additional information to the probable cause panel which may be relevant to the decision. In any administrative proceeding under s. 120.57, the person who filed the disciplinary complaint shall have the right to present oral or written communication relating to the alleged disciplinary violations or to the appropriate penalty.

Section 3. Present subsections (8) and (9) of section 455.2285, Florida Statutes, are redesignated as subsections (9) and (10), respectively, and a new subsection (8) is added to that section, to read:

455.2285 Annual report concerning finances, administrative complaints, disciplinary actions, and recommendations.—The department and the Agency for Health Care Administration are each directed to prepare and submit a report to the President of the Senate and Speaker of the House of Representatives by November 1 of each year. In addition to finances and any other information the Legislature may require, the report shall include statistics and relevant information, profession by profession, detailing:

(8) A description of any effort by the agency, for any disciplinary cases under its jurisdiction, to reduce or otherwise close any investigation or disciplinary proceeding not before the Division of Administrative Hearings under chapter 120 or otherwise not completed within 1 year after the initial filing of a complaint under this chapter.

Section 4. Section 457.102, Florida Statutes, is amended to read:

457.102 Definitions.—As used in this chapter:

(1) "Acupuncture" means a form of primary health care, based on traditional Chinese medical concepts, that employs acupuncture diagno-

sis and treatment, as well as adjunctive therapies and diagnostic techniques, for the promotion, maintenance, and restoration of health and the prevention of disease. Acupuncture shall include, but not be limited to, the insertion of acupuncture needles and the application of moxibustion to specific areas of the human body.

(2) "Acupuncturist" means any person *licensed* ~~certified~~ as provided in this chapter to practice acupuncture as a primary health care provider.

(3) "Board" means the Board of Acupuncture.

(4) "*License* ~~Certificate~~" means the document of authorization issued by the department for a person to engage in the practice of acupuncture.

(5) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

Section 5. Subsection (1) of section 457.103, Florida Statutes, is amended to read:

457.103 Board of Acupuncture; membership; appointment and terms.—

(1) The Board of Acupuncture is created within the department and shall consist of five members, to be appointed by the Governor and confirmed by the Senate. Three members of the board must be *licensed* ~~certified~~ Florida acupuncturists. Two members must be laypersons who are not and who have never been acupuncturists or members of any closely related profession. Members shall be appointed for 4-year terms or for the remainder of the unexpired term of a vacancy.

Section 6. Section 457.105, Florida Statutes, is amended to read:

457.105 *Licensure* ~~Certification~~ qualifications and fees.—

(1) It is unlawful for any person to practice acupuncture in this state unless such person has been *licensed* ~~certified~~ by the board, is in a board-approved ~~tutorial program or~~ course of study, or is otherwise exempted by this chapter.

(2) A person may become *licensed* ~~certified~~ to practice acupuncture if the *person applies to the department and* ~~applicant~~:

(a) Is 18 years of age or older ~~and meets one of the following criteria:~~

~~1. He is a citizen of the United States;~~

~~2. He is a permanent resident of the United States; or~~

~~3. He is a legal alien who has resided in the United States for 6 months immediately prior to qualifying for examination~~;

(b) Has completed *60 college credits from an accredited postsecondary institution as a prerequisite to enrollment in an authorized 3-year course of study in acupuncture, and has completed a 3-year course of study in acupuncture, and effective July 31, 2001, a 4-year course of study in acupuncture, which meets standards established by the board by rule, which standards include successful completion of academic courses in western anatomy, western physiology, western pathology, and western biomedical terminology. However, any person who enrolled in an authorized course of study in acupuncture before August 1, 1997, must have completed only* ~~the following:~~

~~1.~~ a 2-year course of study which meets standards established by the board by rule, which standards *must* ~~shall~~ include, but are not limited to, successful completion of academic courses in western anatomy, western physiology, and western pathology;

~~2. A 2-year tutorial program which meets standards established by the board by rule, which standards shall include, but are not limited to, successful completion of academic courses in western anatomy, western physiology, and western pathology. Prior to entrance in a tutorial program, an individual shall have been approved by the board, registered with the department, and paid a registration fee not to exceed $200 as set by rule of the board. Such tutorial program shall be of a continuous nature for not less than 2 years under the supervision of an acupuncturist certified under this chapter and shall have commenced after October 1, 1986. A person enrolled in a tutorial program approved by the board prior to October 1, 1986, may complete that program to meet the requirement for such training; or~~

~~3. At least 5 years of experience as an acupuncturist pursuant to standards and criteria established by board rule;~~

(c) Has successfully completed a board-approved national certification process, is actively licensed in a state *that* ~~which~~ has examination requirements that are substantially equivalent to or more stringent than those of this state, or passes an examination administered by the department, which examination tests the applicant's competency and knowledge of the practice of acupuncture. At the request of any applicant, oriental nomenclature for the points shall be used in the examination. The examination shall include a practical examination of the knowledge and skills required to practice acupuncture, covering diagnostic and treatment techniques and procedures; and

(d) Pays the required fees set by the board by rule not to exceed the following amounts:

1. Examination fee: *$500* ~~$1,000~~ plus the actual per applicant cost to the department for purchase of the written and practical portions of the examination from ~~the National Commission for the Certification of Acupuncturists or~~ a ~~similar~~ national organization *approved by the board*.

2. Application fee: *$300* ~~$750~~.

3. Reexamination fee: *$500* ~~$1,000~~ plus the actual per applicant cost to the department for purchase of the written and practical portions of the examination from ~~the National Commission for the Certification of Acupuncturists or~~ a ~~similar~~ national organization *approved by the board*.

4. Initial biennial *licensure* ~~certification~~ fee: *$400, if licensed in the first half of the biennium, and $200, if licensed in the second half of the biennium* ~~$2,000~~.

Section 7. Section 457.107, Florida Statutes, is amended to read:

457.107 Renewal of *licenses* ~~certificates~~; continuing education.—

(1) The department shall renew a *license* ~~certificate~~ upon receipt of the renewal application and the fee set by the board by rule, not to exceed *$700* ~~$1,000~~.

(2) The department shall adopt rules establishing a procedure for the biennial renewal of *licenses* ~~certificates~~.

(3) The board shall by rule prescribe continuing education requirements, not to exceed 30 hours biennially, as a condition for renewal of a *license* ~~certificate~~. The criteria for such programs or courses shall be approved by the board. In order to meet continuing education requirements, prior approval by the board of such programs or courses is required. All education programs that contribute to the advancement, extension, or enhancement of professional skills and knowledge related to the practice of acupuncture, whether conducted by a nonprofit or profitmaking entity, are eligible for approval. The board shall have the authority to set a fee, not to exceed $100, for each continuing education provider or program submitted for approval.

Section 8. Section 457.108, Florida Statutes, is amended to read:

457.108 Inactive status; expiration; reactivation of *licenses* ~~certificates~~.—

(1) A *license* ~~certificate~~ that has become inactive may be reactivated under this section upon application to the department. The board shall prescribe by rule continuing education requirements as a condition of reactivating a *license* ~~certificate~~. The continuing education requirements for reactivating a *license* ~~certificate~~ must not exceed 10 classroom hours for each year the *license* ~~certificate~~ was inactive, in addition to completion of the number of hours required for renewal on the date the *license* ~~certificate~~ became inactive.

(2) The board shall adopt rules relating to application procedures for inactive status, renewal of inactive *licenses* ~~certificates~~, and reactivation of *licenses* ~~certificates~~. The board shall prescribe by rule an application fee for inactive status, a renewal fee for inactive status, a delinquency fee, and a fee for the reactivation of a *license* ~~certificate~~. None of these

fees may exceed the biennial renewal fee established by the board for an active *license* ~~certificate~~.

(3) The department shall not reactivate a *license* ~~certificate~~ unless the inactive or delinquent *licensee* ~~certificateholder~~ has paid any applicable biennial renewal or delinquency fee, or both, and a reactivation fee.

Section 9. Section 457.1085, Florida Statutes, is amended to read:

457.1085 Infection control.—Prior to November 1, 1986, the board shall adopt rules relating to the prevention of infection, ~~the sterilization of needles and other equipment or materials capable of transmitting possible infection,~~ the safe disposal of any potentially infectious materials, and other requirements to protect the health, safety, and welfare of the public. *Beginning October 1, 1997, all acupuncture needles that are to be used on a patient must be sterile and disposable, and each needle may be used only once.* ~~Acupuncture needles shall be thoroughly cleansed with an antiseptic solution and hot water prior to sterilization by autoclave. Presterilized, prewrapped, disposable needles may be used.~~

Section 10. Section 457.109, Florida Statutes, is amended to read:

457.109 Disciplinary actions; grounds; action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(a) Attempting to obtain, obtaining, or renewing a *license* ~~certificate~~ to practice acupuncture by bribery, by fraudulent misrepresentations, or through an error of the department.

(b) Having a *license* ~~certificate~~ to practice acupuncture revoked, suspended, or otherwise acted against, including the denial of *licensure* ~~certification~~, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, in any jurisdiction of a crime which directly relates to the practice of acupuncture or to the ability to practice acupuncture. Any plea of nolo contendere shall be considered a conviction for purposes of this chapter.

(d) False, deceptive, or misleading advertising or advertising which claims that acupuncture is useful in curing any disease.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Failing to report to the department any person who the *licensee* ~~certificateholder~~ knows is in violation of this chapter or of the rules of the department.

(g) Aiding, assisting, procuring, employing, or advising any *unlicensed* ~~uncertified~~ person to practice acupuncture contrary to this chapter or to a rule of the department.

(h) Failing to perform any statutory or legal obligation placed upon a *licensed* ~~certified~~ acupuncturist.

(i) Making or filing a report which the *licensee* ~~certificateholder~~ knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity as a *licensed* ~~certified~~ acupuncturist.

(j) Exercising influence within a patient-acupuncturist relationship for purposes of engaging a patient in sexual activity. A patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with his acupuncturist.

(k) Making deceptive, untrue, or fraudulent representations in the practice of acupuncture or employing a trick or scheme in the practice of acupuncture when such scheme or trick fails to conform to the generally prevailing standards of treatment in the community.

(l) Soliciting patients, either personally or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct. A solicitation is any communication which directly or implicitly requests an immediate oral response from the recipient.

(m) Failing to keep written medical records justifying the course of treatment of the patient.

(n) Exercising influence on the patient to exploit the patient for the financial gain of the *licensee* ~~certificateholder~~ or of a third party.

(o) Being unable to practice acupuncture with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, upon a finding of the secretary or his designee that probable cause exists to believe that the *licensee* ~~certificateholder~~ is unable to serve as an acupuncturist due to the reasons stated in this paragraph, the department shall have the authority to issue an order to compel the *licensee* ~~certificateholder~~ to submit to a mental or physical examination by a physician designated by the department. If the *licensee* ~~certificateholder~~ refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the *licensee* ~~certificateholder~~ resides or serves as an acupuncturist. The *licensee* ~~certificateholder~~ against whom the petition is filed shall not be named or identified by initials in any public court record or document, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. An acupuncturist affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of acupuncture with reasonable skill and safety to patients. In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the department shall be used against an acupuncturist in any other proceeding.

(p) Gross or repeated malpractice or the failure to practice acupuncture with that level of care, skill, and treatment which is recognized by a reasonably prudent similar acupuncturist as being acceptable under similar conditions and circumstances.

(q) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the *licensee* ~~certificateholder~~ knows or has reason to know that he is not competent to perform.

(r) Delegating professional responsibilities to a person when the *licensee* ~~certificateholder~~ delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or *licensure* ~~certification~~ to perform them.

(s) Violating any provision of this chapter, a rule of the department, or a lawful order of the department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.

(t) Conspiring with another to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another *licensee* ~~certificateholder~~ from lawfully advertising his services.

(u) Fraud or deceit or gross negligence, incompetence, or misconduct in the operation of a ~~tutorial program or a~~ course of study.

(v) Failing to comply with state, county, or municipal regulations or reporting requirements relating to public health and the control of contagious and infectious diseases.

(w) Failing to comply with any rule of the board relating to health and safety, including, but not limited to, the sterilization of needles and equipment and the disposal of potentially infectious materials.

(2) When the board finds any person guilty of any of the acts set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Refusal to certify to the department an application for licensure.

(b) Revocation or suspension of a *license* ~~certificate~~.

(c) Restriction of practice.

(d) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.

(e) Issuance of a reprimand.

(f) Placement of the acupuncturist on probation for a period of time and subject to such conditions as the board may specify.

(3) The department shall not reinstate the *license* ~~certificate~~ of an acupuncturist, or cause a *license* ~~certificate~~ to be issued to a person it has deemed to be unqualified, until such time as the board is satisfied that he has complied with all the terms and conditions set forth in the final order and that he is capable of safely engaging in the practice of acupuncture.

Section 11. Section 457.116, Florida Statutes, is amended to read:

457.116 Prohibited acts; penalty.—

(1) It is unlawful for any person to:

(a) Hold himself out as a certified or licensed acupuncturist unless *licensed under this chapter* ~~certified as provided herein~~.

(b) Practice ~~acupuncture~~ or attempt to practice acupuncture without an active *license* ~~certificate or as otherwise permitted by board rule established under the authority of s. 457.105(2)(b)~~ or as otherwise provided by this chapter.

(c) *Obtain or* attempt to obtain or obtain a *license* ~~certificate~~ to practice acupuncture by fraudulent misrepresentation.

(d) Permit an employed person to engage in the practice of acupuncture unless such person holds an active *license* ~~certificate~~ as an acupuncturist, except as otherwise provided by this chapter.

(2) Any person who violates any provision of this section *commits* ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 12. Subsection (2) of section 458.303, Florida Statutes, is amended to read:

458.303 Provisions not applicable to other practitioners; exceptions, etc.—

(2) Nothing in s. 458.301, s. 458.303, s. 458.305, s. 458.307, s. 458.309, s. 458.311, s. 458.313, s. 458.319, s. 458.321, s. 458.327, s. 458.329, s. 458.331, s. 458.337, s. 458.339, s. 458.341, s. 458.343, s. 458.345, or s. 458.347 shall be construed to prohibit any service rendered by a ~~physician's trained assistant, a~~ registered nurse~~,~~ or a licensed practical nurse, if such service is rendered under the direct supervision and control of a licensed physician who provides specific direction for any service to be performed and gives final approval to all services performed. Further, nothing in this or any other chapter shall be construed to prohibit any service rendered by a *medical assistant* ~~physician's trained assistant~~ in accordance with the provisions of *s. 458.3485* ~~this subsection~~.

Section 13. Subsection (2) of section 458.305, Florida Statutes, is amended to read:

458.305 Definitions.—As used in this chapter:

(2) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

Section 14. Subsections (2) and (5) of section 458.307, Florida Statutes, are amended to read:

458.307 Board of Medicine.—

(2)~~(a)~~ Twelve members of the board must be licensed physicians in good standing in this state who are residents of the state and who have been engaged in the active practice or teaching of medicine for at least 4 years immediately preceding their appointment. One of the physicians must be on the full-time faculty of a medical school in this state, and one of the physicians must be in private practice and on the full-time staff of a statutory teaching hospital in this state as defined in s. 408.07. At least one of the physicians must be a graduate of a foreign medical school. The remaining three members must be residents of the state who are not, and never have been, licensed health care practitioners. One member must be a hospital risk manager certified under part IX of chapter 626. At least one member of the board must be 60 years of age or older.

~~(b) The board shall establish at least one, but not more than two, probable cause panels to meet the responsibilities set out in s. 455.225(4). Each probable cause panel shall be composed of three members, one of whom shall be a lay member. One physician member may, if provided for in administrative rule, be a past board member who is not currently appointed to the board.~~

(5) During the time members are appointed to a probable cause panel, they shall attempt to complete their work on every case presented to them. In the event that consideration of a case is begun but not completed during the term of those members on the panel, they may reconvene as a probable cause panel~~, in addition to the panels established under paragraph (2)(b),~~ for the purpose of completing their deliberations on that case.

Section 15. Section 455.206, Florida Statutes, is amended to read:

455.206 Board members.—Notwithstanding any provision of law to the contrary, any person who otherwise meets the requirements of law for board membership and who is connected in any way with any medical college, dental college, or community college may be appointed to any board so long as that connection does not result in a relationship wherein such college represents the person's principal source of income. However, this section shall not apply to the physicians required by s. 458.307(2)~~(a)~~ to be on the faculty of a medical school in this state or on the full-time staff of a teaching hospital in this state.

Section 16. Paragraph (f) of subsection (1) and subsection (2) of section 458.311, Florida Statutes, 1996 Supplement, are amended, and subsection (10) is added to said section, to read:

458.311 Licensure by examination; requirements; fees.—

(1) Any person desiring to be licensed as a physician shall apply to the department to take the licensure examination. The department shall examine each applicant whom the board certifies:

(f) Meets one of the following medical education and postgraduate training requirements:

1.a. Is a graduate of an allopathic medical school or allopathic college recognized and approved by an accrediting agency recognized by the United States Office of Education *or is a graduate of an allopathic medical school or allopathic college within a territorial jurisdiction of the United States recognized by the accrediting agency of the governmental body of that jurisdiction*;

b. If the language of instruction of the medical school is other than English, has demonstrated competency in English through presentation of a satisfactory grade on the Test of Spoken English of the Educational Testing Service or a similar test approved by rule of the board; and

c. Has completed an approved residency of at least 1 year.

2.a. Is a graduate of a foreign medical school registered with the World Health Organization and certified pursuant to s. 458.314 as having met the standards required to accredit medical schools in the United States or reasonably comparable standards;

b. If the language of instruction of the foreign medical school is other than English, has demonstrated competency in English through presentation of the Educational Commission *for* ~~on~~ Foreign Medical Graduates English proficiency certificate or by a satisfactory grade on the Test of Spoken English of the Educational Testing Service or a similar test approved by rule of the board; and

c. Has completed an approved residency of at least 1 year.

3.a. Is a graduate of a foreign medical school which has not been certified pursuant to s. 458.314;

b. Has had his medical credentials evaluated by the *Educational* ~~Education~~ Commission *for* ~~on~~ Foreign Medical Graduates, holds an active, valid certificate issued by that commission, and has passed the examination utilized by that commission; and

c. Has completed an approved residency of at least 1 year; however, after October 1, 1992, the applicant shall have completed an approved residency *or fellowship* of at least *2* ~~3~~ years in one specialty area. *However, to be acceptable, the fellowship experience and training must be counted toward regular or subspecialty certification by a board recognized and certified by the American Board of Medical Specialties.*

(2) *As prescribed by board rule, the board may require an applicant who does not pass the licensing examination after five attempts to complete additional remedial education or training. The board shall prescribe the additional requirements in a manner that permits the applicant to complete the requirements and be reexamined within 2 years after the date the applicant petitions the board to retake the examination a sixth or subsequent time.* ~~Every applicant who is otherwise qualified may take the licensing examination five times after October 1, 1986, notwithstanding the number of times the examination has been previously failed. If an applicant fails the examination taken after October 1, 1986, five times, he shall no longer be eligible for licensure.~~

(10) Notwithstanding any other provision of this section, the department shall examine any person who meets the criteria set forth in sub-subparagraph (1)(f)1.a., sub-subparagraphs (1)(f)3.a. and b., or subsection (3), if the person:

(a) Submits proof of successful completion of Steps I and II of the United States Medical Licensing Examination or the equivalent, as defined by rule of the board;

(b) Is participating in an allocated slot in an allopathic training program in this state on a full-time basis at the time of examination;

(c) Makes a written request to the department that he or she be administered the examination without applying for a license as a physician in this state; and

(d) Remits a nonrefundable administration fee not to exceed $50 and an examination fee not to exceed $300 plus the actual cost per person to the department for the purchase of the examination from the Federation of State Medical Boards of the United States or a similar national organization. The examination fee is refundable if the person is found to be ineligible to take the examination.

Section 17. Section 458.313, Florida Statutes, 1996 Supplement, is amended to read:

458.313 Licensure by endorsement; requirements; fees.—

(1) The department shall issue a license by endorsement to any applicant who, upon applying to the department and remitting a fee not to exceed $500 set by the board, ~~demonstrates to~~ the board *certifies* ~~that he~~:

(a) Has met the qualifications for licensure in s. 458.311(1)(b)-(f);

(b) Has obtained a passing score, as established by rule of the board, on the licensure examination of the Federation of State Medical Boards of the United States, Inc. (FLEX), *or of* the United States Medical Licensing Examination (USMLE), or the examination of the National Board of Medical Examiners, or on a combination thereof, provided *the board certifies as eligible for licensure by endorsement any applicant who took the required examinations more than 10 years prior to application* ~~that said examination or combination of examinations required shall have been so taken within the 10 years immediately preceding the filing of his application for licensure under this section~~; and

(c) *Has submitted* ~~Shows~~ evidence of the active licensed practice of medicine in another jurisdiction, for at least 2 of the immediately preceding 4 years, or *evidence of successful* completion of *either* board-approved postgraduate training*, or a board-approved clinical competency examination,* within the year preceding the filing of an application for licensure. *For purposes of this paragraph, "active licensed practice of medicine" means that practice of medicine by physicians, including those employed by any governmental entity in community or public health, as defined by this chapter, medical directors under s. 641.495(11) who are practicing medicine, and those on the active teaching faculty of an accredited medical school.*

(2)*(a) As prescribed by board rule, the board may require an applicant who does not pass the licensing examination after five attempts to complete additional remedial education or training. The board shall prescribe the additional requirements in a manner that permits the applicant to complete the requirements and be reexamined within 2 years after the date the applicant petitions the board to retake the examination a sixth or subsequent time.* ~~The board may require oral examinations of any applicant under the provisions of this section. However, the applicant must be given adequate notice of the examination, both as to the time, place, nature, and scope thereof, as well as a statement of the reasons requiring such examination. Failure to successfully complete an oral examination, if required by the board, shall result in revocation of the license.~~

(b) The board may require an applicant for licensure by endorsement to take and pass the appropriate licensure examination prior to certifying the applicant as eligible for licensure.

(3) The department and the board shall *ensure* ~~assure~~ that applicants for licensure by endorsement meet applicable criteria in this chapter through an investigative process. When the investigative process is not completed within the time set out in s. 120.60(1) and the department or board has reason to believe that the applicant does not meet the criteria, the secretary or his designee may issue a 90-day licensure delay which shall be in writing and sufficient to notify the applicant of the reason for the delay. The provisions of this subsection shall control over any conflicting provisions of s. 120.60(1).

~~(4) If the applicant has not actively practiced medicine or been on the active teaching faculty of an accredited medical school within the previous 4 years, the board shall certify the applicant to the department for licensure by endorsement subject to the condition that the applicant work under the supervision of another physician for a period, not to exceed 1 year, as determined by the board based on its determination of the licensee's ability to practice medicine. The supervising physician shall have had no probable cause findings against him within the previous 3 years.~~

(4)~~(5)~~ The board may promulgate rules and regulations, to be applied on a uniform and consistent basis, which may be necessary to carry out the provisions of this section.

(5)~~(6)~~ Upon certification by the board, the department shall impose conditions, limitations, or restrictions on a license by endorsement if the applicant is on probation in another jurisdiction for an act which would constitute a violation of this chapter.

(6)~~(7)~~ The department shall not issue a license by endorsement to any applicant who is under investigation in any jurisdiction for an act or offense which would constitute a violation of this chapter until such time as the investigation is complete, at which time the provisions of s. 458.331 shall apply. Furthermore, the department may not issue an unrestricted license to any individual who has committed any act or offense in any jurisdiction which would constitute the basis for disciplining a physician pursuant to s. 458.331. When the board finds that an individual has committed an act or offense in any jurisdiction which would constitute the basis for disciplining a physician pursuant to s. 458.331, ~~then~~ the board may enter an order imposing one or more of the terms set forth in subsection *(7)* ~~(8)~~.

(7)~~(8)~~ When the board determines that any applicant for licensure by endorsement has failed to meet, to the board's satisfaction, each of the appropriate requirements set forth in this section, it may enter an order requiring one or more of the following terms:

(a) Refusal to certify to the department an application for licensure, certification, or registration;

(b) Certification to the department of an application for licensure, certification, or registration with restrictions on the scope of practice of the licensee; or

(c) Certification to the department of an application for licensure, certification, or registration with placement of the physician on probation for a period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the physician to submit to treatment, attend continuing education courses, submit to reexamination, or work under the supervision of another physician.

(8) The department shall reactivate the license of any physician whose license has become void by failure to practice in Florida for a

period of 1 year within 3 years after issuance of the license by endorsement, if the physician was issued a license by endorsement prior to 1989, has actively practiced medicine in another state for the last 4 years, applies for licensure before October 1, 1998, pays the applicable fees, and otherwise meets any continuing education requirements for reactivation of the license as determined by the board.

Section 18. Paragraphs (a) and (b) of subsection (1) of section 458.317, Florida Statutes, are amended to read:

458.317 Limited licenses.—

(1)(a) Any person desiring to obtain a limited license shall:

1. Submit to the board, with an application and fee not to exceed $300, an affidavit stating that he has been licensed to practice medicine in any jurisdiction in the United States for at least 10 years ~~and has retired or intends to retire from the practice of medicine~~ and intends to practice only pursuant to the restrictions of a limited license granted pursuant to this section. *However, a physician who is not fully retired in all jurisdictions, may use a limited license only for noncompensated practice.* If the person applying for a limited license submits a notarized statement from the employing agency or institution stating that he will not receive ~~monetary~~ compensation for any service involving the practice of medicine, the application fee and all licensure fees shall be waived. *However, any person who receives a waiver of fees for a limited license shall pay such fees if the person receives compensation for the practice of medicine.*

2. Meet the requirements in s. 458.311(1)(b)-(f) and (5). If the applicant graduated from medical school prior to 1946, the board or its appropriate committee may accept military medical training or medical experience as a substitute for the approved 1-year residency requirement in s. 458.311(1)(f).

(b) After approval of an application under this section, no license shall be issued until the applicant provides to the board an affidavit that ~~the applicant has in fact retired from the practice of medicine in this or any other jurisdiction in which the applicant holds a license and that~~ there have been no substantial changes in status since initial application.

Nothing herein limits in any way any policy by the board, otherwise authorized by law, to grant licenses to physicians duly licensed in other states under conditions less restrictive than the requirements of this section. Notwithstanding the other provisions of this section, the board may refuse to authorize a physician otherwise qualified to practice in the employ of any agency or institution otherwise qualified if the agency or institution has caused or permitted violations of the provisions of this chapter which it knew or should have known were occurring.

Section 19. Subsection (1) of section 458.319, Florida Statutes, is amended to read:

458.319 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application, evidence that the applicant has actively practiced medicine or has been on the active teaching faculty of an accredited medical school *for at least 2 years of the immediately preceding* ~~within the previous~~ 4 years, and a fee not to exceed $500; provided, however, that if the licensee is either a resident physician, assistant resident physician, fellow, house physician, or intern in an approved postgraduate training program, as defined by the board by rule, the fee shall not exceed $100 per annum. If the licensee has not actively practiced medicine *for at least 2 years of the immediately preceding* ~~within the previous~~ 4 years, the board shall require that the licensee successfully complete a board-approved clinical competency examination prior to renewal of the license. "Actively practiced medicine" means that practice of medicine by physicians, including those employed by any governmental entity in community or public health, as defined by this chapter, including physicians practicing administrative medicine.

Section 20. Paragraphs (a) and (g) of subsection (5) of section 458.320, Florida Statutes, 1996 Supplement, are amended to read:

458.320 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) shall not apply to:

(a) Any person licensed under this chapter who practices medicine exclusively as an officer, employee, or agent of the Federal Government or of the state or its agencies or its subdivisions. For the purposes of this subsection, an agent of the state, its agencies, or its subdivisions is a person who is eligible for coverage under any self-insurance or insurance program authorized by the provisions of s. 768.28*(15)*~~(14)~~.

(g) Any person holding an active license under this chapter who agrees to meet all of the following criteria:

1. Upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the judgment creditor the lesser of the entire amount of the judgment with all accrued interest or either $100,000, if the physician is licensed pursuant to this chapter but does not maintain hospital staff privileges, or $250,000, if the physician is licensed pursuant to this chapter and maintains hospital staff privileges, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. Such adverse final judgment shall include any cross-claim, counterclaim, or claim for indemnity or contribution arising from the claim of medical malpractice. Upon notification of the existence of an unsatisfied judgment or payment pursuant to this subparagraph, the department shall notify the licensee by certified mail that he shall be subject to disciplinary action unless, within 30 days from the date of mailing, he either:

a. Shows proof that the unsatisfied judgment has been paid in the amount specified in this subparagraph; or

b. Furnishes the department with a copy of a timely filed notice of appeal and either:

(I) A copy of a supersedeas bond properly posted in the amount required by law; or

(II) An order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

2. Upon the next meeting of the probable cause panel of the board following 30 days after the date of mailing the notice of disciplinary action to the licensee, the panel shall make a determination of whether probable cause exists to take disciplinary action against the licensee pursuant to subparagraph 1.

3. If the board determines that the factual requirements of subparagraph 1. are met, it shall take disciplinary action as it deems appropriate against the licensee. Such disciplinary action shall include, at a minimum, probation of the license with the restriction that the licensee must make payments to the judgment creditor on a schedule determined by the board to be reasonable and within the financial capability of the physician. Notwithstanding any other disciplinary penalty imposed, the disciplinary penalty may include suspension of the license for a period not to exceed 5 years. In the event that an agreement to satisfy a judgment has been met, the board shall remove any restriction on the license.

4. The licensee has completed a form supplying necessary information as required by the department.

A licensee who meets the requirements of this paragraph shall be required to ~~either~~ post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients *and* ~~or~~ provide a written statement to any person to whom medical services are being provided. *A copy of the written statement shall be given to each patient to sign, acknowledging receipt thereof, and the signed copy shall be maintained in the patient's file. If the patient refuses to sign or is unable to sign the written statement, the licensee shall so note it on the form.* Such sign *and* ~~or~~ statement shall state ~~that~~: "Under Florida law, physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. YOUR DOCTOR HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This is permitted under Florida law subject to certain conditions. Florida law imposes penalties against noninsured physicians who fail to satisfy adverse judgments arising from claims of medical malpractice. This notice is provided pursuant to Florida law."

Section 21. Paragraphs (m), (cc), and (ii) of subsection (1) of section 458.331, Florida Statutes, 1996 Supplement, are amended, and paragraph (ll) is added to said subsection, to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(m) Failing to keep *legible, as defined by department rule in consultation with the board,* ~~written~~ medical records *that identify the licensed physician or the physician extender and supervising physician by name and professional title who is or are responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify* ~~justifying~~ the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.

(cc) Prescribing, ordering, dispensing, administering, supplying, selling, or giving any drug which is a Schedule II amphetamine or a Schedule II sympathomimetic amine drug or any compound thereof, pursuant to chapter 893, to or for any person except for:

1. The treatment of narcolepsy; hyperkinesis; behavioral syndrome ~~in children~~ characterized by the developmentally inappropriate symptoms of moderate to severe distractability, short attention span, hyperactivity, emotional lability, and impulsivity; or drug-induced brain dysfunction;

2. The differential diagnostic psychiatric evaluation of depression or the treatment of depression shown to be refractory to other therapeutic modalities; or

3. The clinical investigation of the effects of such drugs or compounds when an investigative protocol therefor is submitted to, reviewed, and approved by the board before such investigation is begun.

(ii) Failing to report to the *department* ~~Division of Medical Quality Assurance~~ any *licensee* ~~physician licensed~~ under this chapter or ~~osteopathic physician licensed~~ under chapter 459 who the physician *or physician assistant* knows has violated the grounds for disciplinary action set out in the law under which that *person* ~~physician or osteopathic physician~~ is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the physician *or physician assistant* also provides services.

(ll) Advertising or holding oneself out as a board-certified specialist, if not qualified under s. 458.3312, in violation of this chapter.

Section 22. Section 458.3312, Florida Statutes, is created to read:

458.3312 Specialties.—A physician licensed under this chapter may not hold himself or herself out as a board-certified specialist unless the physician has received formal recognition as a specialist from a specialty board of the American Board of Medical Specialties or other recognizing agency approved by the board. However, a physician may indicate the services offered and may state that his or her practice is limited to one or more types of services when this accurately reflects the scope of practice of the physician.

Section 23. Section 458.345, Florida Statutes, is amended to read:

458.345 Registration of resident physicians, interns, and fellows; list of hospital employees; *prescribing of medicinal drugs;* penalty.—

(1) Any person desiring to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training which leads to subspecialty board certification in this state who does not hold a valid, active license issued under this chapter shall apply to the department to be registered and shall remit a fee not to exceed $300 as set by the board. The department shall register any applicant the board certifies has met the following requirements:

(a) Is at least 21 years of age.

(b) Has not committed any act or offense within or without the state which would constitute the basis for refusal to certify an application for licensure pursuant to s. 458.331.

(c) Is a graduate of a medical school or college as specified in s. 458.311(1)(f).

(2) The board shall not certify to the department for registration any applicant who is under investigation in any state or jurisdiction for an act which would constitute the basis for imposing a disciplinary penalty specified in s. 458.331(2)(b) until such time as the investigation is completed, at which time the provisions of s. 458.331 shall apply.

(3) Every hospital employing or utilizing the services of a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training which leads to subspecialty board certification *shall designate a person who* shall, on January 1 and July 1 of each year, furnish the department with a list of *the hospital's* ~~its~~ employees and such other information as the board may direct. *The chief executive officer of each such hospital shall provide the executive director of the board with the name, title, and address of the person responsible for furnishing such reports.*

(4) Registration under this section shall automatically expire after 2 years without further action by the board or the department unless an application for renewal is approved by the board. No person registered under this section may be employed or utilized as a house physician or act as a resident physician, an assistant resident physician, an intern, or a fellow in fellowship training which leads to a subspecialty board certification in a hospital of this state for more than 2 years without a valid, active license or renewal of registration under this section. Requirements for renewal of registration shall be established by rule of the board. An application fee not to exceed $300 as set by the board shall accompany the application for renewal, except that resident physicians, assistant resident physicians, interns, and fellows in fellowship training which leads to subspecialty board certification shall be exempt from payment of any renewal fees.

(5) Notwithstanding any provision of this section or s. 120.52 to the contrary, any person who is registered under this section is subject to the provisions of s. 458.331.

(6) A person registered as a resident physician under this section may in the normal course of his or her employment prescribe medicinal drugs described in schedules set out in chapter 893 when:

(a) The person prescribes such medicinal drugs through use of a Drug Enforcement Administration number issued to the hospital by which the person is employed or at which the person's services are used;

(b) The person is identified by a discrete suffix to the identification number issued to the hospital; and

(c) The use of the institutional identification number and individual suffixes conforms to the requirements of the federal Drug Enforcement Administration.

(7)~~(5)~~ Any person willfully violating this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 24. Subsection (2) of section 458.346, Florida Statutes, is amended to read:

458.346 Public Sector Physician Advisory Committee.—

(2) PUBLIC SECTOR PHYSICIAN ADVISORY COMMITTEE.—There is hereby created a Public Sector Physician Advisory Committee which shall be comprised of three physicians. One physician shall be appointed by the *chair* ~~chairman~~ of the Board of Medicine. The two remaining physicians shall be appointed by the secretary of the department from recommendations of the appropriate organization, if any, representing such physicians for the purpose of collective bargaining. The *chair* ~~chairman~~ of the committee shall be one of the two public sector physicians who shall be elected by majority vote of the committee members. Members of the committee shall serve 3-year terms and *shall* meet at least *once each year or upon the call of the committee chair* ~~on a quarterly basis~~. The initial term for one public sector physician shall be for 2 years, and the other for 3 years. Members of the committee are subject to reappointment. Committee members shall receive reimbursement for per diem and travel expenses.

Section 25. Section 458.347, Florida Statutes, 1996 Supplement, is amended to read:

458.347 Physician assistants.—

(1) LEGISLATIVE INTENT.—

(a) The purpose of this section is to encourage more effective utilization of the skills of physicians or groups of physicians by enabling them to delegate health care tasks to qualified assistants when such delegation is consistent with the patient's health and welfare.

(b) In order that maximum skills may be obtained within a minimum time period of education, a physician assistant shall be specialized to the extent that he can operate efficiently and effectively in the specialty areas in which he has been trained or is experienced.

(c) The purpose of this section is to encourage the utilization of physician assistants by physicians and to allow for innovative development of programs for the education of physician assistants.

(2) DEFINITIONS.—As used in this section:

~~(a) "Agency" means the Agency for Health Care Administration.~~

(a)~~(b)~~ "Approved program" means a program, formally approved by the boards, for the education of physician assistants.

(b)~~(c)~~ "Boards" means the Board of Medicine and the Board of Osteopathic Medicine.

(c)~~(d)~~ "Council" means the Council on Physician Assistants.

(d)~~(e)~~ "Trainee" means a person who is currently enrolled in an approved program.

(e)~~(f)~~ "Physician assistant" means a person who is a graduate of an approved program or its equivalent or meets standards approved by the boards and is certified to perform medical services delegated by the supervising physician.

(f)~~(g)~~ "Supervision" means responsible supervision and control. Except in cases of emergency, supervision requires the easy availability or physical presence of the licensed physician for consultation and direction of the actions of the physician assistant. For the purposes of this definition, the term "easy availability" includes the ability to communicate by way of telecommunication. The boards shall establish rules as to what constitutes responsible supervision of the physician assistant.

(g)~~(h)~~ "Proficiency examination" means an entry-level examination approved by the boards, including, but not limited to, those examinations administered by the National Commission on Certification of Physician Assistants.

(h)~~(i)~~ "Continuing medical education" means courses recognized and approved by the boards, the American Academy of Physician Assistants, the American Medical Association, the American Osteopathic Association, or the Accreditation Council on Continuing Medical Education.

(3) PERFORMANCE OF SUPERVISING PHYSICIAN.—Each physician or group of physicians supervising a certified physician assistant must be qualified in the medical areas in which the physician assistant is to perform and shall be individually or collectively responsible and liable for the performance and the acts and omissions of the physician assistant. A physician may not supervise more than four currently certified physician assistants at any one time.

(4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

(a) The boards shall adopt, by rule, the general principles that supervising physicians must use in developing the scope of practice of a physician assistant under direct supervision and under indirect supervision. These principles shall recognize the diversity of both specialty and practice settings in which physician assistants are used.

(b) This chapter does not prevent third-party payors from reimbursing employers of physician assistants for covered services rendered by certified physician assistants.

(c) Certified physician assistants may not be denied clinical hospital privileges, except for cause, so long as the supervising physician is a staff member in good standing.

(d) A supervisory physician may delegate to a certified physician assistant, pursuant to a written protocol, the authority to act according to s. 154.04(1)*(c)*~~(d)~~. Such delegated authority is limited to the supervising physician's practice in connection with a county ~~public~~ health *department* ~~unit~~ as defined and established pursuant to chapter 154. The boards shall adopt rules governing the supervision of physician assistants by physicians in county ~~public~~ health *departments* ~~units~~.

(e) A supervisory physician may delegate to a fully certified physician assistant the authority to prescribe any medication used in the supervisory physician's practice if such medication is listed on the formulary created pursuant to paragraph (f). A fully certified physician assistant may only prescribe such medication under the following circumstances:

1. A physician assistant must clearly identify to the patient that he is a physician assistant. Furthermore, the physician assistant must inform the patient that the patient has the right to see the physician prior to any prescription being prescribed by the physician assistant.

2. The supervisory physician must notify the *department* ~~agency~~ of his intent to delegate, on *a department-approved* ~~an agency-approved~~ form, before delegating such authority and with each certification renewal application filed by the physician assistant.

3. The physician assistant must file with the *department* ~~agency~~, before commencing to prescribe, evidence that he has completed a continuing medical education course of at least 3 classroom hours in prescriptive practice, conducted by an accredited program approved by the boards, which course covers the limitations, responsibilities, and privileges involved in prescribing medicinal drugs, or evidence that he has received education comparable to the continuing education course as part of an accredited physician assistant training program.

4. The physician assistant must file with the *department* ~~agency~~, before commencing to prescribe, evidence that the physician assistant has a minimum of 3 months of clinical experience in the specialty area of the supervising physician.

5. The physician assistant must file with the *department* ~~agency~~ a signed affidavit that he has completed a minimum of 10 continuing medical education hours in the specialty practice in which the physician assistant has prescriptive privileges with each certification renewal application.

6. The *department* ~~agency~~ shall issue certification and a prescriber number to the physician assistant granting authority for the prescribing of medicinal drugs authorized within this paragraph upon completion of the foregoing requirements.

7. The prescription must be written in a form that complies with chapter 499 and must contain, in addition to the supervisory physician's name, address, and telephone number, the physician assistant's prescriber number. The prescription must be filled in a pharmacy permitted under chapter 465 and must be dispensed in that pharmacy by a pharmacist licensed under chapter 465. The appearance of the prescriber number creates a presumption that the physician assistant is authorized to prescribe the medicinal drug and the prescription is valid.

8. The physician assistant must note the prescription in the appropriate medical record, and the supervisory physician must review and sign each notation. For dispensing purposes only, the failure of the supervisory physician to comply with these requirements does not affect the validity of the prescription.

9. This paragraph does not prohibit a supervisory physician from delegating to a physician assistant the authority to order medication for a hospitalized patient of the supervisory physician.

This paragraph does not apply to facilities licensed pursuant to chapter 395.

(f)1. There is created a five-member committee appointed by the Director of Health Care Administration. The committee must be composed of one fully certified physician assistant certified pursuant to this section or s. *459.022* ~~458.022~~, two physicians licensed pursuant to this chapter, one of whom supervises a fully licensed physician assistant, one osteopathic physician licensed pursuant to chapter 459, and one pharmacist licensed pursuant to chapter 465 who is not licensed pursuant to

this chapter or chapter 459. The committee shall establish a formulary of medicinal drugs for which a fully certified physician assistant may prescribe. The formulary may not include controlled substances as defined in chapter 893, antineoplastics, antipsychotics, radiopharmaceuticals, general anesthetics or radiographic contrast materials, or any parenteral preparations except insulin and epinephrine.

2. Only the committee shall add to, delete from, or modify the formulary. Any person who requests an addition, deletion, or modification of a medicinal drug listed on such formulary has the burden of proof to show cause why such addition, deletion, or modification should be made.

3. The boards shall adopt the formulary required by this paragraph, and each addition, deletion, or modification to the formulary, by rule. Notwithstanding any provision of chapter 120 to the contrary, the formulary rule shall be effective 60 days after the date it is filed with the Secretary of State. Upon adoption of the formulary, the *department* ~~agency~~ shall mail a copy of such formulary to each fully certified physician assistant and to each pharmacy licensed by the state. The boards shall establish, by rule, a fee not to exceed $200 to fund the provisions of this paragraph and paragraph (e).

(5) PERFORMANCE BY TRAINEES.—Notwithstanding any other law, a trainee may perform medical services when such services are rendered within the scope of an approved program.

(6) PROGRAM APPROVAL.—

(a) The boards shall approve programs, based on recommendations by the council, for the education and training of physician assistants which meet standards established by rule of the boards. *The council may recommend only those physician assistant programs that hold full accreditation or provisional accreditation from the Commission on Accreditation of Allied Health Programs or its successor organization.* Any educational institution offering a physician assistant program approved by the boards pursuant to this paragraph may also offer the physician assistant program authorized in paragraph (c) for unlicensed physicians.

(b) The boards shall adopt and publish standards to ensure that such programs operate in a manner that does not endanger the health or welfare of the patients who receive services within the scope of the programs. The boards shall review the quality of the curricula, faculties, and facilities of such programs and take whatever other action is necessary to determine that the purposes of this section are being met.

(c) Any community college with the approval of the State Board of Community Colleges may conduct a physician assistant program which shall apply for national accreditation through the American Medical Association's Committee on Allied Health, Education, and Accreditation, or its successor organization, and which may admit unlicensed physicians, as authorized in subsection (7), who are graduates of foreign medical schools listed with the World Health Organization. The unlicensed physician must have been a resident of this state for a minimum of 12 months immediately prior to admission to the program. An evaluation of knowledge base by examination shall be required to grant advanced academic credit and to fulfill the necessary requirements to graduate. A minimum of one 16-week semester of supervised clinical and didactic education, which may be completed simultaneously, shall be required before graduation from the program. All other provisions of this section shall remain in effect.

(7) PHYSICIAN ASSISTANT CERTIFICATION.—

(a) Any person desiring to be certified as a physician assistant must apply to the *department* ~~agency~~. The *department* ~~agency~~ shall issue a certificate to any person certified by the council as having met the following requirements:

1. Is at least 18 years of age.

2. Has satisfactorily passed a proficiency examination by an acceptable score established by the National Commission on Certification of Physician Assistants. *If an applicant does not hold a current certificate issued by the National Commission on Certification of Physician Assistants and has not actively practiced as a physician assistant within the immediately preceding 4 years, the applicant must retake and successfully complete the entry-level examination of the National Commission on Certification of Physician Assistants to be eligible for certification.*

3. Has completed the application form and remitted an application fee not to exceed $300 as set by the boards. An application for certification made by a physician assistant must include:

a. A certificate of completion of a physician assistant training program specified in subsection (6).

b. A sworn statement of any prior felony convictions.

c. A sworn statement of any previous revocation or denial of licensure or certification in any state.

d. Two letters of recommendation.

(b)1. Notwithstanding subparagraph (a)2. and sub-subparagraph (a)3.a., the *department* ~~agency~~ shall examine each applicant who the Board of Medicine certifies:

a. Has completed the application form and remitted a nonrefundable application fee not to exceed $500 and an examination fee not to exceed $300, plus the actual cost to the *department* ~~agency~~ to provide the examination. The examination fee is refundable if the applicant is found to be ineligible to take the examination. The *department* ~~agency~~ shall translate the examination into the native language of any applicant who requests and agrees to pay all costs of such translation, provided the applicant demonstrates to the *department* ~~agency~~ the ability to communicate orally in basic English.

b. Is an unlicensed physician who graduated from a foreign medical school listed with the World Health Organization who has not previously taken and failed the examination of the National Commission on Certification of Physician Assistants and who has been certified by the Board of Medicine as having met the requirements for licensure as a medical doctor by examination as set forth in s. 458.311(1), (3), (4), and (5), with the exception that the applicant is not required to have completed an approved residency of at least 1 year and the applicant is not required to have passed the licensing examination specified under s. 458.311 or hold a valid, active certificate issued by the Educational Commission for Foreign Medical Graduates.

c. Was eligible and made initial application for certification as a physician assistant in this state between July 1, 1990, and June 30, 1991.

d. Was a resident of this state on July 1, 1990, or was licensed or certified in any state in the United States as a physician assistant on July 1, 1990.

2. The *department* ~~agency~~ may grant temporary certification to an applicant who meets the requirements of subparagraph 1. Between meetings of the council, the *department* ~~agency~~ may grant temporary certification to practice based on the completion of all temporary certification requirements. All such administratively issued certifications shall be reviewed and acted on at the next regular meeting of the council. A temporary certificate expires upon receipt and notice of scores to the certificateholder from the first available examination specified in subparagraph 1. following certification by the *department* ~~agency~~. An applicant who fails the proficiency examination is no longer temporarily certified, but may apply for a one-time extension of temporary certification after reapplying for the next available examination. Extended certification shall expire upon failure of the certificateholder to sit for the next available examination or upon receipt and notice of scores to the certificateholder from such examination.

3. Notwithstanding any other provision of law, the examination specified pursuant to subparagraph 1. shall be administered by the *department* ~~agency~~ only five times. Applicants certified by the board for examination shall receive at least 6 months' notice of eligibility prior to the administration of the initial examination. Subsequent examinations shall be administered at intervals determined by the *department* ~~agency~~ after the reporting of the scores of the first examination. For the purposes of this paragraph, the *department* ~~agency~~ may develop, contract for the development of, purchase, or approve an examination, including a practical component, that adequately measures an applicant's ability to practice with reasonable skill and safety. The minimum passing score on the examination shall be established by the *department* ~~agency~~, with the advice of the board. Those applicants failing to pass that examination or any subsequent examination shall receive notice of the administration of the next examination with the notice of scores following such

examination. Any applicant who passes the examination and meets the requirements of this section shall be certified as a physician assistant with all rights defined thereby.

(c) The certification must be renewed biennially. Each renewal must include:

1. A renewal fee not to exceed $500 as set by the boards.

2. A sworn statement of no felony convictions in the previous 2 years.

(d) Each certified physician assistant shall biennially complete 100 hours of continuing medical education or shall hold a current certificate issued by the National Commission on Certification of Physician Assistants.

(e) Upon employment as a physician assistant, a certified physician assistant must notify the *department* ~~agency~~ in writing within 30 days after such employment or after any subsequent changes in the supervising physician. The notification must include the full name, Florida medical license number, specialty, and address of the supervising physician.

(f) Notwithstanding subparagraph (a)2., the *department* ~~agency~~ may grant to a recent graduate of an approved program, as specified in subsection (6), temporary certification to expire upon receipt of scores of the proficiency examination administered by the National Commission on Certification of Physician Assistants. Between meetings of the council, the *department* ~~agency~~ may grant temporary certification to practice based on the completion of all temporary certification requirements. All such administratively issued certifications shall be reviewed and acted on at the next regular meeting of the council. The recent graduate may be certified prior to employment, but must comply with paragraph (e). An applicant who has passed the proficiency examination may be granted permanent certification. An applicant failing the proficiency examination is no longer temporarily certified, but may reapply for a 1-year extension of temporary certification. An applicant may not be granted more than two temporary certificates and may not be certified as a physician assistant until he passes the examination administered by the National Commission on Certification of Physician Assistants. As prescribed by board rule, the council may require an applicant who does not pass the licensing examination after five or more attempts to complete additional remedial education or training. The council shall prescribe the additional requirements in a manner that permits the applicant to complete the requirements and be reexamined within 2 years after the date the applicant petitions the council to retake the examination a sixth or subsequent time.

(g) The Board of Medicine may impose any of the penalties specified in ss. 455.227 and 458.331(2) upon a physician assistant if the physician assistant or the supervising physician has been found guilty of or is being investigated for any act that constitutes a violation of this chapter or chapter 455.

(8) DELEGATION OF POWERS AND DUTIES.—The boards may delegate such powers and duties to the council as they may deem proper.

(9) COUNCIL ON PHYSICIAN ASSISTANTS.—The Council on Physician Assistants is created within the *department* ~~Agency for Health Care Administration~~.

(a) The council shall consist of five members appointed as follows:

1. The chairperson of the Board of Medicine shall appoint three members who are physicians and members of the Board of Medicine. One of the physicians must supervise a physician assistant in the physician's practice.

2. The chairperson of the Board of Osteopathic Medicine shall appoint one member who is a physician~~, supervises a physician assistant in the physician's practice,~~ and ~~is~~ a member of the Board of Osteopathic Medicine.

3. The *secretary of the department* ~~head of the agency~~ or his designee shall appoint a fully certified physician assistant licensed under this chapter or chapter 459.

(b) Two of the members appointed to the council must be physicians who supervise physician assistants in their practice. Members shall be appointed to terms of 4 years, except that of the initial appointments, two members shall be appointed to terms of 2 years, two members shall be appointed to terms of 3 years, and one member shall be appointed to a term of 4 years, as established by rule of the boards. Council members may not serve more than two consecutive terms. The council shall annually elect a chairperson from among its members.

(c) The council shall:

1. Recommend to the *department* ~~agency~~ the certification of physician assistants.

2. Develop all rules regulating the use of physician assistants by physicians under this chapter and chapter 459, except for rules relating to the formulary developed under paragraph (4)(f). The council shall also develop rules to ensure that the continuity of supervision is maintained in each practice setting. The boards shall consider adopting a proposed rule developed by the council at the regularly scheduled meeting immediately following the submission of the proposed rule by the council. A proposed rule submitted by the council may not be adopted by either board unless both boards have accepted and approved the identical language contained in the proposed rule. The language of all proposed rules submitted by the council must be approved by both boards pursuant to each respective board's guidelines and standards regarding the adoption of proposed rules. If either board rejects the council's proposed rule, that board must specify its objection to the council with particularity and include any recommendations it may have for the modification of the proposed rule.

3. Make recommendations to the boards regarding all matters relating to physician assistants.

4. Address concerns and problems of practicing physician assistants in order to improve safety in the clinical practices of certified physician assistants.

(10) INACTIVE AND DELINQUENT STATUS.—A certificate on inactive or delinquent status may be reactivated only as provided in s. 455.271.

(11) PENALTY.—Any person who has not been certified by the council and approved by the *department* ~~agency~~ and who holds himself out as a physician assistant or who uses any other term in indicating or implying that he is a physician assistant commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.084 or by a fine not exceeding $5,000.

(12) DENIAL, SUSPENSION, OR REVOCATION OF CERTIFICATION.—The boards may deny, suspend, or revoke a physician assistant certification if a board determines that the physician assistant has violated this chapter.

(13) RULES.—The boards shall adopt rules to implement this section, including rules detailing the contents of the application for certification and notification pursuant to subsection (7) and rules to ensure both the continued competency of physician assistants and the proper utilization of them by physicians or groups of physicians.

(14) EXISTING PROGRAMS.—This section does not eliminate or supersede existing laws relating to other paramedical professions or services and is supplemental to all such existing laws relating to the certification and practice of paramedical professions.

(15) LIABILITY.—Each supervising physician using a physician assistant is liable for any acts or omissions of the physician assistant acting under the physician's supervision and control.

(16) LEGAL SERVICES.—The Department of Legal Affairs shall provide legal services to the council as authorized in s. 455.221(1).

(17) FEES.—The *department* ~~agency~~ shall allocate the fees collected under this section to the council.

Section 26. Subsections (1) and (2) of section 458.3485, Florida Statutes, are amended to read:

458.3485 Medical assistant.—

(1) DEFINITION.—As used in this section, "medical assistant" means a professional multiskilled person dedicated to assisting in all

aspects of medical practice under the direct *supervision and* responsibility of a physician. This practitioner assists with patient care management, executes administrative and clinical procedures, and often performs managerial and supervisory functions. Competence in the field also requires that a medical assistant adhere to ethical and legal standards of professional practice, recognize and respond to emergencies, and demonstrate professional characteristics.

(2) DUTIES.—Under the direct *supervision and* responsibility of a licensed physician, ~~the duties of~~ a medical assistant *may undertake the following duties* ~~are to~~:

(a) *Performing* ~~Perform~~ clinical procedures, to include:
1. Performing aseptic procedures.
2. Taking vital signs.
3. Preparing patients for the physician's care.
4. *Performing* venipunctures and nonintravenous injections.
5. Observing and reporting patients' signs or symptoms.
(b) Administering basic first aid.
(c) Assisting with patient examinations or treatments.
(d) Operating office medical equipment.
(e) Collecting routine laboratory specimens as directed by the physician.
(f) Administering medication as directed by the physician.
(g) Performing basic laboratory procedures.
(h) Performing office procedures including all general administrative duties required by the physician.
(i) *Performing* ~~Perform~~ dialysis procedures, including home dialysis.

Section 27. Subsection (2) of section 459.003, Florida Statutes, is amended, and subsection (5) is added to said section, to read:

459.003 Definitions.—As used in this chapter:

(2) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

(5) "Doctor of Osteopathy" and "Doctor of Osteopathic Medicine," when referring to degrees, shall be construed to be equivalent and equal degrees.

Section 28. Subsections (1) and (3) and paragraph (b) of subsection (5) of section 459.021, Florida Statutes, are amended, and subsections (8) and (9) are added to that section, to read:

459.021 Registration of resident physicians, interns, and fellows; list of hospital employees; penalty.—

(1) Any person who holds a degree of Doctor of *Osteopathic Medicine* ~~Osteopathy~~ from a college of osteopathic medicine recognized and approved by the American Osteopathic Association who desires to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training which leads to subspecialty board certification in this state who does not hold an active license issued under this chapter shall apply to the department to be registered, on an application provided by the department, within 30 days of commencing such a training program and shall remit a fee not to exceed $300 as set by the board.

(3) Every hospital having employed or contracted with or utilized the services of a person who holds a degree of Doctor of *Osteopathic Medicine* ~~Osteopathy~~ from a college of osteopathic medicine recognized and approved by the American Osteopathic Association as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training which leads to subspecialty board certification *shall designate a person who* shall furnish, in January and July of each year, to the department a list of all such persons who have served in the hospital during the preceding 6-month period. *The chief executive officer of each such hospital shall provide the executive director of the board with the name, title, and address of the person responsible for filing such reports.*

(5) It is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 for any hospital, and also for the superintendent, administrator, and other person or persons having administrative authority in a hospital:

(b) To fail to furnish to the department the list *and information* required by subsection (3).

(8) Notwithstanding any provision of this section or s. 120.52 to the contrary, any person who is registered under this section is subject to the provisions of s. 459.015.

(9) A person registered as a resident physician under this section may in the normal course of his or her employment prescribe medicinal drugs described in schedules set out in chapter 893 when:

(a) The person prescribes such medicinal drugs through use of a Drug Enforcement Administration number issued to the hospital by which the person is employed or at which the person's services are used;

(b) The person is identified by a discrete suffix to the identification number issued to the hospital; and

(c) The use of the institutional identification number and individual suffixes conforms to the requirements of the federal Drug Enforcement Administration.

Section 29. Subsection (1) of section 459.0075, Florida Statutes, is amended to read:

459.0075 Limited licenses.—

(1) Any person desiring to obtain a limited license shall:

(a) Submit to the board a licensure application and fee required by this chapter. *However, an osteopathic physician who is not fully retired in all jurisdictions, may use a limited license only for noncompensated practice.* ~~However,~~ If the person applying for a limited license submits a notarized statement from the employing agency or institution stating that he will not receive monetary compensation for any service involving the practice of osteopathic medicine, the application fee and all licensure fees shall be waived. *However, any person who receives a waiver of fees for a limited license shall pay such fees if the person receives compensation for the practice of osteopathic medicine.*

(b) Submit an affidavit that such osteopathic physician has been licensed to practice osteopathic medicine in any jurisdiction in the United States in good standing and pursuant to law for at least 10 years ~~and has now retired and that he was in good standing at the time of his retirement~~.

(c) Complete an amount of continuing education established by the board.

Section 30. Paragraphs (a) and (g) of subsection (5) of section 459.0085, Florida Statutes, 1996 Supplement, are amended to read:

459.0085 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) shall not apply to:

(a) Any person licensed under this chapter who practices medicine exclusively as an officer, employee, or agent of the Federal Government or of the state or its agencies or its subdivisions. For the purposes of this subsection, an agent of the state, its agencies, *or its* ~~and~~ subdivisions is a person who is eligible for coverage under any self-insurance or insurance program authorized by the provisions of s. 768.28*(15)*~~(14)~~.

(g) Any person holding an active license under this chapter who agrees to meet all of the following criteria:

1. Upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the judgment creditor the lesser of the entire amount of the judgment with all accrued interest or either $100,000, if the osteopathic physician is licensed pursuant to this chapter but does not maintain hospital staff privileges, or $250,000, if the osteopathic physician is licensed pursuant to this chapter and maintains hospital staff privileges, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. Such adverse final judgment shall include any cross-claim, counterclaim, or claim for indemnity or contribution arising from the claim of medical malpractice. Upon notification of the existence of an unsatisfied judgment or payment pursuant to this subparagraph, the department shall notify the licensee by certified mail

that he shall be subject to disciplinary action unless, within 30 days from the date of mailing, he either:

a. Shows proof that the unsatisfied judgment has been paid in the amount specified in this subparagraph; or

b. Furnishes the department with a copy of a timely filed notice of appeal and either:

(I) A copy of a supersedeas bond properly posted in the amount required by law; or

(II) An order from a court of competent jurisdiction staying execution on the final judgment, pending disposition of the appeal.

2. Upon the next meeting of the probable cause panel of the board following 30 days after the date of mailing the notice of disciplinary action to the licensee, the panel shall make a determination of whether probable cause exists to take disciplinary action against the licensee pursuant to subparagraph 1.

3. If the board determines that the factual requirements of subparagraph 1. are met, it shall take disciplinary action as it deems appropriate against the licensee. Such disciplinary action shall include, at a minimum, probation of the license with the restriction that the licensee must make payments to the judgment creditor on a schedule determined by the board to be reasonable and within the financial capability of the osteopathic physician. Notwithstanding any other disciplinary penalty imposed, the disciplinary penalty may include suspension of the license for a period not to exceed 5 years. In the event that an agreement to satisfy a judgment has been met, the board shall remove any restriction on the license.

4. The licensee has completed a form supplying necessary information as required by the department.

A licensee who meets the requirements of this paragraph shall be required to ~~either~~ post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients *and* ~~or~~ provide a written statement to any person to whom medical services are being provided. *A copy of the written statement shall be given to each patient to sign, acknowledging receipt thereof, and the signed copy shall be maintained in the patient's file. If the patient refuses to sign or is unable to sign the written statement, the licensee shall so note it on the form.* Such sign *and* ~~or~~ statement shall state ~~that~~: "Under Florida law, osteopathic physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. YOUR OSTEOPATHIC PHYSICIAN HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This is permitted under Florida law subject to certain conditions. Florida law imposes strict penalties against noninsured osteopathic physicians who fail to satisfy adverse judgments arising from claims of medical malpractice. This notice is provided pursuant to Florida law."

Section 31. Paragraphs (o), (gg), and (ll) of subsection (1) of section 459.015, Florida Statutes, 1996 Supplement, are amended, and paragraph (nn) is added to said subsection, to read:

459.015 Grounds for disciplinary action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(o) Failing to keep *legible, as defined by department rule in consultation with the board,* ~~written~~ medical records *that identify the licensed osteopathic physician or the osteopathic physician extender and supervising osteopathic physician by name and professional title who is or are responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify* ~~justifying~~ the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.

(gg) Prescribing, ordering, dispensing, administering, supplying, selling, or giving any drug which is a Schedule II amphetamine or Schedule II sympathomimetic amine drug or any compound thereof, pursuant to chapter 893, to or for any person except for:

1. The treatment of narcolepsy; hyperkinesis; behavioral syndrome ~~in children~~ characterized by the developmentally inappropriate symptoms of moderate to severe distractability, short attention span, hyperactivity, emotional lability, and impulsivity; or drug-induced brain dysfunction;

2. The differential diagnostic psychiatric evaluation of depression or the treatment of depression shown to be refractory to other therapeutic modalities; or

3. The clinical investigation of the effects of such drugs or compounds when an investigative protocol therefor is submitted to, reviewed, and approved by the board before such investigation is begun.

(ll) Failing to report to the *department* ~~Division of Medical Quality Assurance~~ any *licensee* ~~physician licensed~~ under chapter 458 or ~~osteopathic physician licensed~~ under this chapter who the osteopathic physician *or physician assistant* knows has violated the grounds for disciplinary action set out in the law under which that *person* ~~physician or osteopathic physician~~ is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the osteopathic physician *or physician assistant* also provides services.

(nn) Advertising or holding oneself out as a board-certified specialist in violation of this chapter.

Section 32. Section 459.0152, Florida Statutes, is created to read:

459.0152 Specialties.—An osteopathic physician licensed under this chapter may not hold himself or herself out as a board-certified specialist unless the osteopathic physician has successfully completed the requirements for certification by the American Osteopathic Association or the Accreditation Council on Graduate Medical Education and is certified as a specialist by a certifying agency approved by the board. However, an osteopathic physician may indicate the services offered and may state that his or her practice is limited to one or more types of services when this accurately reflects the scope of practice of the osteopathic physician.

Section 33. Section 459.022, Florida Statutes, 1996 Supplement, is amended to read:

459.022 Physician assistants.—

(1) LEGISLATIVE INTENT.—

(a) The purpose of this section is to encourage more effective utilization of the skills of osteopathic physicians or groups of osteopathic physicians by enabling them to delegate health care tasks to qualified assistants when such delegation is consistent with the patient's health and welfare.

(b) In order that maximum skills may be obtained within a minimum time period of education, a physician assistant shall be specialized to the extent that he can operate efficiently and effectively in the specialty areas in which he has been trained or is experienced.

(c) The purpose of this section is to encourage the utilization of physician assistants by osteopathic physicians and to allow for innovative development of programs for the education of physician assistants.

(2) DEFINITIONS.—As used in this section:

~~(a) "Agency" means the Agency for Health Care Administration.~~

(a)~~(b)~~ "Approved program" means a program, formally approved by the boards, for the education of physician assistants.

(b)~~(c)~~ "Boards" means the Board of Medicine and the Board of Osteopathic Medicine.

(c)~~(d)~~ "Council" means the Council on Physician Assistants.

(d)~~(e)~~ "Trainee" means a person who is currently enrolled in an approved program.

(e)~~(f)~~ "Physician assistant" means a person who is a graduate of an approved program or its equivalent or meets standards approved by the boards and is certified to perform medical services delegated by the supervising physician.

(f)~~(g)~~ "Supervision" means responsible supervision and control. Except in cases of emergency, supervision requires the easy availability or physical presence of the licensed physician for consultation and direction of the actions of the physician assistant. For the purposes of this definition, the term "easy availability" includes the ability to communicate by way of telecommunication. The boards shall establish rules as to what constitutes responsible supervision of the physician assistant.

(g)~~(h)~~ "Proficiency examination" means an entry-level examination approved by the boards, including, but not limited to, those examinations administered by the National Commission on Certification of Physician Assistants.

(h)~~(i)~~ "Continuing medical education" means courses recognized and approved by the boards, the American Academy of Physician Assistants, the American Medical Association, the American Osteopathic Association, or the Accreditation Council on Continuing Medical Education.

(3) PERFORMANCE OF SUPERVISING PHYSICIAN.—Each physician or group of physicians supervising a certified physician assistant must be qualified in the medical areas in which the physician assistant is to perform and shall be individually or collectively responsible and liable for the performance and the acts and omissions of the physician assistant. A physician may not supervise more than four currently certified physician assistants at any one time.

(4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

(a) The boards shall adopt, by rule, the general principles that supervising physicians must use in developing the scope of practice of a physician assistant under direct supervision and under indirect supervision. These principles shall recognize the diversity of both specialty and practice settings in which physician assistants are used.

(b) This chapter does not prevent third-party payors from reimbursing employers of physician assistants for covered services rendered by certified physician assistants.

(c) Certified physician assistants may not be denied clinical hospital privileges, except for cause, so long as the supervising physician is a staff member in good standing.

(d) A supervisory physician may delegate to a certified physician assistant, pursuant to a written protocol, the authority to act according to s. 154.04(1)*(c)*~~(d)~~. Such delegated authority is limited to the supervising physician's practice in connection with a county ~~public~~ health *department* ~~unit~~ as defined and established pursuant to chapter 154. The boards shall adopt rules governing the supervision of physician assistants by physicians in county ~~public~~ health *departments* ~~units~~.

(e) A supervisory physician may delegate to a fully certified physician assistant the authority to prescribe any medication used in the supervisory physician's practice if such medication is listed on the formulary created pursuant to s. 458.347. A fully certified physician assistant may only prescribe such medication under the following circumstances:

1. A physician assistant must clearly identify to the patient that he is a physician assistant. Furthermore, the physician assistant must inform the patient that the patient has the right to see the physician prior to any prescription being prescribed by the physician assistant.

2. The supervisory physician must notify the *department* ~~agency~~ of his intent to delegate, on *a department-approved* ~~an agency-approved~~ form, before delegating such authority and with each certification renewal application filed by the physician assistant.

3. The physician assistant must file with the *department* ~~agency~~, before commencing to prescribe, evidence that he has completed a continuing medical education course of at least 3 classroom hours in prescriptive practice, conducted by an accredited program approved by the boards, which course covers the limitations, responsibilities, and privileges involved in prescribing medicinal drugs, or evidence that he has received education comparable to the continuing education course as part of an accredited physician assistant training program.

4. The physician assistant must file with the *department* ~~agency~~, before commencing to prescribe, evidence that the physician assistant has a minimum of 3 months of clinical experience in the specialty area of the supervising physician.

5. The physician assistant must file with the *department* ~~agency~~ a signed affidavit that he has completed a minimum of 10 continuing medical education hours in the specialty practice in which the physician assistant has prescriptive privileges with each certification renewal application.

6. The *department* ~~agency~~ shall issue certification and a prescriber number to the physician assistant granting authority for the prescribing of medicinal drugs authorized within this paragraph upon completion of the foregoing requirements.

7. The prescription must be written in a form that complies with chapter 499 and must contain, in addition to the supervisory physician's name, address, and telephone number, the physician assistant's prescriber number. The prescription must be filled in a pharmacy permitted under chapter 465, and must be dispensed in that pharmacy by a pharmacist licensed under chapter 465. The appearance of the prescriber number creates a presumption that the physician assistant is authorized to prescribe the medicinal drug and the prescription is valid.

8. The physician assistant must note the prescription in the appropriate medical record, and the supervisory physician must review and sign each notation. For dispensing purposes only, the failure of the supervisory physician to comply with these requirements does not affect the validity of the prescription.

9. This paragraph does not prohibit a supervisory physician from delegating to a physician assistant the authority to order medication for a hospitalized patient of the supervisory physician.

This paragraph does not apply to facilities licensed pursuant to chapter 395.

(f)1. There is created a five-member committee appointed by the Director of Health Care Administration. The committee must be composed of one fully certified physician assistant certified pursuant to this section or s. 458.347, two physicians licensed pursuant to chapter 458, one of whom supervises a fully licensed physician assistant, one osteopathic physician licensed pursuant to this chapter, and one pharmacist licensed pursuant to chapter 465 who is not licensed pursuant to this chapter or chapter 458. The committee shall establish a formulary of medicinal drugs for which a fully certified physician assistant may prescribe. The formulary may not include controlled substances as defined in chapter 893, antineoplastics, antipsychotics, radiopharmaceuticals, general anesthetics or radiographic contrast materials, or any parenteral preparations except insulin and epinephrine.

2. Only the committee shall add to, delete from, or modify the formulary. Any person who requests an addition, deletion, or modification of a medicinal drug listed on such formulary has the burden of proof to show cause why such addition, deletion, or modification should be made.

3. The boards shall adopt the formulary required by this paragraph, and each addition, deletion, or modification to the formulary, by rule. Notwithstanding any provision of chapter 120 to the contrary, the formulary rule shall be effective 60 days after the date it is filed with the Secretary of State. Upon adoption of the formulary, the *department* ~~agency~~ shall mail a copy of such formulary to each fully certified physician assistant and to each pharmacy licensed by the state. The boards shall establish, by rule, a fee not to exceed $200 to fund the provisions of this paragraph and paragraph (e).

(5) PERFORMANCE BY TRAINEES.—Notwithstanding any other law, a trainee may perform medical services when such services are rendered within the scope of an approved program.

(6) PROGRAM APPROVAL.—

(a) The boards shall approve programs, based on recommendations by the council, for the education and training of physician assistants which meet standards established by rule of the boards. *The council may recommend only those physician assistant programs that hold full accreditation or provisional accreditation from the Commission on Accreditation of Allied Health Programs or its successor organization.*

(b) The boards shall adopt and publish standards to ensure that such programs operate in a manner that does not endanger the health or welfare of the patients who receive services within the scope of the programs. The boards shall review the quality of the curricula, faculties,

and facilities of such programs and take whatever other action is necessary to determine that the purposes of this section are being met.

(7) PHYSICIAN ASSISTANT CERTIFICATION.—

(a) Any person desiring to be certified as a physician assistant must apply to the *department* ~~agency~~. The *department* ~~agency~~ shall issue a certificate to any person certified by the council as having met the following requirements:

1. Is at least 18 years of age.

2. Has satisfactorily passed a proficiency examination by an acceptable score established by the National Commission on Certification of Physician Assistants. *If an applicant does not hold a current certificate issued by the National Commission on Certification of Physician Assistants and has not actively practiced as a physician assistant within the immediately preceding 4 years, the applicant must retake and successfully complete the entry-level examination of the National Commission on Certification of Physician Assistants to be eligible for certification.*

3. Has completed the application form and remitted an application fee not to exceed $300 as set by the boards. An application for certification made by a physician assistant must include:

a. A certificate of completion of a physician assistant training program specified in subsection (6).

b. A sworn statement of any prior felony convictions.

c. A sworn statement of any previous revocation or denial of licensure or certification in any state.

d. Two letters of recommendation.

(b) The certification must be renewed biennially. Each renewal must include:

1. A renewal fee not to exceed $500 as set by the boards.

2. A sworn statement of no felony convictions in the previous 2 years.

(c) Each certified physician assistant shall biennially complete 100 hours of continuing medical education or shall hold a current certificate issued by the National Commission on Certification of Physician Assistants.

(d) Upon employment as a physician assistant, a certified physician assistant must notify the *department* ~~agency~~ in writing within 30 days after such employment or after any subsequent changes in the supervising physician. The notification must include the full name, Florida medical license number, specialty, and address of the supervising physician.

(e) Notwithstanding subparagraph (a)2., the *department* ~~agency~~ may grant to a recent graduate of an approved program, as specified in subsection (6), temporary certification to expire upon receipt of scores of the proficiency examination administered by the National Commission on Certification of Physician Assistants. Between meetings of the council, the *department* ~~agency~~ may grant temporary certification to practice to physician assistant applicants based on the completion of all temporary certification requirements. All such administratively issued certifications shall be reviewed and acted on at the next regular meeting of the council. The recent graduate may be certified prior to employment, but must comply with paragraph (d). An applicant who has passed the proficiency examination may be granted permanent certification. An applicant failing the proficiency examination is no longer temporarily certified, but may reapply for a 1-year extension of temporary certification. An applicant may not be granted more than two temporary certificates and may not be certified as a physician assistant until he passes the examination administered by the National Commission on Certification of Physician Assistants. As prescribed by board rule, the council may require an applicant who does not pass the licensing examination after five or more attempts to complete additional remedial education or training. The council shall prescribe the additional requirements in a manner that permits the applicant to complete the requirements and be reexamined within 2 years after the date the applicant petitions the council to retake the examination a sixth or subsequent time.

(f) The Board of Osteopathic Medicine may impose any of the penalties specified in ss. 455.227 and 459.015(2) upon a physician assistant if the physician assistant or the supervising physician has been found guilty of or is being investigated for any act that constitutes a violation of this chapter or chapter 455.

(8) DELEGATION OF POWERS AND DUTIES.—The boards may delegate such powers and duties to the council as they may deem proper.

(9) COUNCIL ON PHYSICIAN ASSISTANTS.—The Council on Physician Assistants is created within the *department* ~~Agency for Health Care Administration~~.

(a) The council shall consist of five members appointed as follows:

1. The chairperson of the Board of Medicine shall appoint three members who are physicians and members of the Board of Medicine. One of the physicians must supervise a physician assistant in the physician's practice.

2. The chairperson of the Board of Osteopathic Medicine shall appoint one member who is a physician~~, supervises a physician assistant in the physician's practice,~~ and ~~is~~ a member of the Board of Osteopathic Medicine.

3. The *secretary of the department* ~~head of the agency~~ or his designee shall appoint a fully certified physician assistant licensed under chapter 458 or this chapter.

(b) Two of the members appointed to the council must be physicians who supervise physician assistants in their practice. Members shall be appointed to terms of 4 years, except that of the initial appointments, two members shall be appointed to terms of 2 years, two members shall be appointed to terms of 3 years, and one member shall be appointed to a term of 4 years, as established by rule of the boards. Council members may not serve more than two consecutive terms. The council shall annually elect a chairperson from among its members.

(c) The council shall:

1. Recommend to the *department* ~~agency~~ the certification of physician assistants.

2. Develop all rules regulating the use of physician assistants by physicians under chapter 458 and this chapter, except for rules relating to the formulary developed under s. 458.347(4)(f). The council shall also develop rules to ensure that the continuity of supervision is maintained in each practice setting. The boards shall consider adopting a proposed rule developed by the council at the regularly scheduled meeting immediately following the submission of the proposed rule by the council. A proposed rule submitted by the council may not be adopted by either board unless both boards have accepted and approved the identical language contained in the proposed rule. The language of all proposed rules submitted by the council must be approved by both boards pursuant to each respective board's guidelines and standards regarding the adoption of proposed rules. If either board rejects the council's proposed rule, that board must specify its objection to the council with particularity and include any recommendations it may have for the modification of the proposed rule.

3. Make recommendations to the boards regarding all matters relating to physician assistants.

4. Address concerns and problems of practicing physician assistants in order to improve safety in the clinical practices of certified physician assistants.

(10) INACTIVE AND DELINQUENT STATUS.—A certificate on inactive or delinquent status may be reactivated only as provided in s. 455.271.

(11) PENALTY.—Any person who has not been certified by the council and approved by the *department* ~~agency~~ and who holds himself out as a physician assistant or who uses any other term in indicating or implying that he is a physician assistant commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.084 or by a fine not exceeding $5,000.

(12) DENIAL, SUSPENSION, OR REVOCATION OF CERTIFICATION.—The boards may deny, suspend, or revoke a physician assistant certification if a board determines that the physician assistant has violated this chapter.

(13) RULES.—The boards shall adopt rules to implement this section, including rules detailing the contents of the application for certification and notification pursuant to subsection (7) and rules to ensure both the continued competency of physician assistants and the proper utilization of them by physicians or groups of physicians.

(14) EXISTING PROGRAMS.—This section does not eliminate or supersede existing laws relating to other paramedical professions or services and is supplemental to all such existing laws relating to the certification and practice of paramedical professions.

(15) LIABILITY.—Each supervising physician using a physician assistant is liable for any acts or omissions of the physician assistant acting under the physician's supervision and control.

(16) LEGAL SERVICES.—The Department of Legal Affairs shall provide legal services to the council as authorized in s. 455.221(1).

(17) FEES.—The *department* ~~agency~~ shall allocate the fees collected under this section to the council.

Section 34. Subsection (1) of section 240.4067, Florida Statutes, is amended to read:

240.4067 Medical Education Reimbursement and Loan Repayment Program.—

(1) To encourage qualified medical professionals to practice in underserved locations where there are shortages of such personnel, there is established the Medical Education Reimbursement and Loan Repayment Program. The function of the program is to make payments that offset loans and educational expenses incurred by students for studies leading to a medical or nursing degree, medical or nursing licensure, or advanced registered nurse practitioner or physician's assistant certification. The following licensed or certified health care professionals are eligible to participate in this program: medical doctors with primary care specialties, doctors of *osteopathic medicine* ~~osteopathy~~ with primary care specialties, physician's assistants, licensed practical nurses and registered nurses, and advanced registered nurse practitioners with primary care specialties such as certified nurse midwives. Primary care medical specialties for physicians include obstetrics, gynecology, general and family practice, internal medicine, pediatrics, and other specialties which may be identified by the Department of Health and Rehabilitative Services.

Section 35. Subsection (5) of section 390.011, Florida Statutes, is amended to read:

390.011 Definitions.—As used in this act:

(5) "Physician" means a physician licensed under chapter 458 or chapter 459 or a physician practicing medicine or *osteopathic medicine* ~~osteopathy~~ in the employment of the United States or this state.

Section 36. Subsection (1) of section 395.0191, Florida Statutes, is amended to read:

395.0191 Staff membership and clinical privileges.—

(1) No licensed facility, in considering and acting upon an application for staff membership or clinical privileges, shall deny the application of a qualified doctor of medicine licensed under chapter 458, a doctor of *osteopathic medicine* ~~osteopathy~~ licensed under chapter 459, a doctor of dentistry licensed under chapter 466, a doctor of podiatry licensed under chapter 461, or a psychologist licensed under chapter 490 for such staff membership or clinical privileges within the scope of his or her respective licensure solely because the applicant is licensed under any of such chapters.

Section 37. Paragraph (g) of subsection (1) of section 408.035, Florida Statutes, is amended to read:

408.035 Review criteria.—

(1) The agency shall determine the reviewability of applications and shall review applications for certificate-of-need determinations for health care facilities and services, hospices, and health maintenance organizations in context with the following criteria:

(g) The need for research and educational facilities, including, but not limited to, institutional training programs and community training programs for health care practitioners and for doctors of *osteopathic medicine* ~~osteopathy~~ and medicine at the student, internship, and residency training levels.

Section 38. Subsection (9) of section 409.905, Florida Statutes, 1996 Supplement, is amended to read:

409.905 Mandatory Medicaid services.—The agency may make payments for the following services, which are required of the state by Title XIX of the Social Security Act, furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any service under this section shall be provided only when medically necessary and in accordance with state and federal law. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, number of services, or any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216.

(9) PHYSICIAN SERVICES.—The agency shall pay for covered services and procedures rendered to a recipient by, or under the personal supervision of, a person licensed under state law to practice medicine or *osteopathic medicine* ~~osteopathy~~. These services may be furnished in the physician's office, the Medicaid recipient's home, a hospital, a nursing facility, or elsewhere, but shall be medically necessary for the treatment of an injury, illness, or disease within the scope of the practice of medicine or *osteopathic medicine* ~~osteopathy~~ as defined by state law. The agency shall not pay for services that are clinically unproven, experimental, or for purely cosmetic purposes.

Section 39. Subsection (33) of section 415.102, Florida Statutes, is amended to read:

415.102 Definitions of terms used in ss. 415.101-415.113.—As used in ss. 415.101-415.113, the term:

(33) "Specified medical personnel" means licensed or certified physicians, *osteopathic physicians* ~~osteopaths~~, nurses, paramedics, advanced registered nurse practitioners, psychologists, psychiatrists, mental health professionals, or any other licensed or certified medical personnel.

Section 40. Paragraph (a) of subsection (1) of section 415.1034, Florida Statutes, is amended to read:

415.1034 Mandatory reporting of abuse, neglect, or exploitation of disabled adults or elderly persons; mandatory reports of death.—

(1) MANDATORY REPORTING.—

(a) Any person, including, but not limited to, any:

1. Physician, *osteopathic physician* ~~osteopath~~, medical examiner, chiropractor, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of disabled adults or elderly persons;

2. Health professional or mental health professional other than one listed in subparagraph 1.;

3. Practitioner who relies solely on spiritual means for healing;

4. Nursing home staff; assisted living facility staff; adult day care center staff; adult family-care home staff; social worker; or other professional adult care, residential, or institutional staff;

5. State, county, or municipal criminal justice employee or law enforcement officer;

6. Human rights advocacy committee or long-term care ombudsman council member; or

7. Bank, savings and loan, or credit union officer, trustee, or employee,

who knows, or has reasonable cause to suspect, that a disabled adult or an elderly person has been or is being abused, neglected, or exploited shall immediately report such knowledge or suspicion to the central abuse registry and tracking system on the single statewide toll-free telephone number.

Section 41. Paragraph (a) of subsection (1) of section 415.504, Florida Statutes, 1996 Supplement, is amended to read:

415.504 Mandatory reports of child abuse or neglect; mandatory reports of death; central abuse hotline.—

(1) Any person, including, but not limited to, any:

(a) Physician, *osteopathic physician* ~~osteopath~~, medical examiner, chiropractor, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons;

who knows, or has reasonable cause to suspect, that a child is an abused, abandoned, or neglected child shall report such knowledge or suspicion to the department in the manner prescribed in subsection (2).

Section 42. Subsection (2) of section 440.106, Florida Statutes, is amended to read:

440.106 Civil remedies; administrative penalties.—

(2) Whenever a physician, *osteopathic physician* ~~osteopath~~, chiropractor, podiatrist, or other practitioner is determined to have violated s. 440.105, the Board of *Medicine* ~~Medical Examiners~~ as set forth in chapter 458, the Board of Osteopathic *Medicine* ~~Medical Examiners~~ as set forth in chapter 459, the Board of Chiropractic as set forth in chapter 460, the Board of Podiatric Medicine as set forth in chapter 461, or other appropriate licensing authority, shall hold an administrative hearing to consider the imposition of administrative sanctions as provided by law against said physician, *osteopathic physician* ~~osteopath~~, chiropractor, or other practitioner.

Section 43. Paragraph (r) of subsection (1) of section 440.13, Florida Statutes, 1996 Supplement, is amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(1) DEFINITIONS.—As used in this section, the term:

(r) "Physician" or "doctor" means ~~a medical doctor or doctor of osteopathy licensed under chapter 458,~~ a physician licensed under chapter 458, an *osteopathic physician* ~~osteopath~~ licensed under chapter 459, a chiropractor licensed under chapter 460, a podiatrist licensed under chapter 461, an optometrist licensed under chapter 463, or a dentist licensed under chapter 466, each of whom must be certified by the division as a health care provider.

Section 44. Paragraphs (i) and (k) of subsection (1) of section 440.134, Florida Statutes, are amended to read:

440.134 Workers' compensation managed care arrangement.—

(1) As used in this section, the term:

(i) "Medical care coordinator" means a primary care provider within a provider network who is responsible for managing the medical care of an injured worker including determining other health care providers and health care facilities to which the injured employee will be referred for evaluation or treatment. A medical care coordinator shall be a physician licensed under chapter 458 or an *osteopathic physician* ~~osteopath~~ licensed under chapter 459.

(k) "Primary care provider" means, except in the case of emergency treatment, the initial treating physician and, when appropriate, continuing treating physician, who may be a family practitioner, general practitioner, or internist physician licensed under chapter 458; a family practitioner, general practitioner, or internist *osteopathic physician* ~~osteopath~~ licensed under chapter 459; a chiropractor licensed under chapter 460; a podiatrist licensed under chapter 461; an optometrist licensed under chapter 463; or a dentist licensed under chapter 466.

Section 45. Paragraph (a) of subsection (3) of section 440.15, Florida Statutes, 1996 Supplement, is amended to read:

440.15 Compensation for disability.—Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

(3) PERMANENT IMPAIRMENT AND WAGE-LOSS BENEFITS.—

(a) Impairment benefits.—

1. Once the employee has reached the date of maximum medical improvement, impairment benefits are due and payable within 20 days after the carrier has knowledge of the impairment.

2. The three-member panel, in cooperation with the division, shall establish and use a uniform permanent impairment rating schedule. This schedule must be based on medically or scientifically demonstrable findings as well as the systems and criteria set forth in the American Medical Association's Guides to the Evaluation of Permanent Impairment; the Snellen Charts, published by American Medical Association Committee for Eye Injuries; and the Minnesota Department of Labor and Industry Disability Schedules. The schedule should be based upon objective findings. The schedule shall be more comprehensive than the AMA Guides to the Evaluation of Permanent Impairment and shall expand the areas already addressed and address additional areas not currently contained in the guides. On August 1, 1979, and pending the adoption, by rule, of a permanent schedule, Guides to the Evaluation of Permanent Impairment, copyright 1977, 1971, 1988, by the American Medical Association, shall be the temporary schedule and shall be used for the purposes hereof. For injuries after July 1, 1990, pending the adoption by division rule of a uniform disability rating schedule, the Minnesota Department of Labor and Industry Disability Schedule shall be used unless that schedule does not address an injury. In such case, the Guides to the Evaluation of Permanent Impairment by the American Medical Association shall be used. Determination of permanent impairment under this schedule must be made by a physician licensed under chapter 458, a doctor of *osteopathic medicine* ~~osteopathy~~ licensed under chapters 458 and 459, a chiropractor licensed under chapter 460, a podiatrist licensed under chapter 461, an optometrist licensed under chapter 463, or a dentist licensed under chapter 466, as appropriate considering the nature of the injury. No other persons are authorized to render opinions regarding the existence of or the extent of permanent impairment.

3. All impairment income benefits shall be based on an impairment rating using the impairment schedule referred to in subparagraph 2. Impairment income benefits are paid weekly at the rate of 50 percent of the employee's average weekly temporary total disability benefit not to exceed the maximum weekly benefit under s. 440.12. An employee's entitlement to impairment income benefits begins the day after the employee reaches maximum medical improvement or the expiration of temporary benefits, whichever occurs earlier, and continues until the earlier of:

a. The expiration of a period computed at the rate of 3 weeks for each percentage point of impairment; or

b. The death of the employee.

4. After the employee has been certified by a doctor as having reached maximum medical improvement or 6 weeks before the expiration of temporary benefits, whichever occurs earlier, the certifying doctor shall evaluate the condition of the employee and assign an impairment rating, using the impairment schedule referred to in subparagraph 2. Compensation is not payable for the mental, psychological, or emotional injury arising out of depression from being out of work. If the certification and evaluation are performed by a doctor other than the employee's treating doctor, the certification and evaluation must be submitted to the treating doctor, and the treating doctor must indicate agreement or disagreement with the certification and evaluation. The certifying doctor shall issue a written report to the division, the employee, and the carrier certifying that maximum medical improvement has been reached, stating the impairment rating, and providing any other information required by the division. If the employee has not been certified as having reached maximum medical improvement before the expiration of 102 weeks after the date temporary total disability benefits begin to accrue, the carrier shall notify the treating doctor of the requirements of this section.

5. The carrier shall pay the employee impairment income benefits for a period based on the impairment rating.

Section 46. Subsection (2) of section 456.31, Florida Statutes, is amended to read:

456.31 Legislative intent.—

(2) It is the intent of the Legislature to provide for certain practitioners of the healing arts, such as a trained and qualified dentist, to use

hypnosis for hypnoanesthesia or for the allaying of anxiety in relation to dental work; however, under no circumstances shall it be legal or proper for the dentist or the individual to whom the dentist may refer the patient, to use hypnosis for the treatment of the neurotic difficulties of a patient. The same applies to the optometrist, podiatrist, chiropractor, *osteopathic physician* ~~osteopath~~, or physician of medicine.

Section 47. Subsection (1) of section 459.006, Florida Statutes, is amended to read:

459.006 Licensure by examination.—Any person desiring to be licensed by examination shall:

(1) Have successfully completed a resident internship of not less than 12 months in a hospital approved for this purpose by the Board of Trustees of the American Osteopathic Association or any other internship program approved by the board upon a showing of good cause by the applicant. This requirement may be waived for applicants who matriculated in a college of *osteopathic medicine* ~~osteopathy~~ during or before 1948.

Section 48. Subsection (1) of section 462.01, Florida Statutes, is amended to read:

462.01 Definitions.—As used in this chapter:

(1) "Natureopathy" and "Naturopathy" shall be construed as synonymous terms and mean the use and practice of psychological, mechanical, and material health sciences to aid in purifying, cleansing, and normalizing human tissues for the preservation or restoration of health, according to the fundamental principles of anatomy, physiology, and applied psychology, as may be required. Naturopathic practice employs, among other agencies, phytotherapy, dietetics, psychotherapy, suggestotherapy, hydrotherapy, zone therapy, biochemistry, external applications, electrotherapy, mechanotherapy, mechanical and electrical appliances, hygiene, first aid, sanitation, and heliotherapy; provided, however, that nothing in this chapter shall be held or construed to authorize any naturopathic physician licensed hereunder to practice materia medica or surgery or chiropractic, nor shall the provisions of this law in any manner apply to or affect the practice of *osteopathic medicine* ~~osteopathy~~, chiropractic, Christian Science, or any other treatment authorized and provided for by law for the cure or prevention of disease and ailments.

Section 49. Subsection (10) of section 468.301, Florida Statutes, is amended to read:

468.301 Definitions.—As used in this part, the term:

(10) "Licensed practitioner" means a person who is licensed or otherwise authorized by law to practice medicine, podiatry, chiropody, *osteopathic medicine* ~~osteopathy~~, naturopathy, or chiropractic in this state.

Section 50. Paragraph (a) of subsection (6) of section 468.302, Florida Statutes, 1996 Supplement, is amended to read:

468.302 Use of radiation; identification of certified persons; limitations; exceptions.—

(6) Requirement for certification does not apply to:

(a) A hospital resident who is not a licensed practitioner in this state or a student enrolled in and attending a school or college of medicine, *osteopathic medicine* ~~osteopathy~~, chiropody, podiatry, or chiropractic or a radiologic technology educational program and who applies radiation to a human being while under the direct supervision of a licensed practitioner.

Section 51. Section 476.044, Florida Statutes, is amended to read:

476.044 Exemptions.—This chapter does not apply to the following persons when practicing pursuant to their professional responsibilities and duties:

(1) Persons authorized under the laws of this state to practice medicine, surgery, *osteopathic medicine* ~~osteopathy~~, chiropractic, naturopathy, or podiatry;

(2) Commissioned medical or surgical officers of the United States Armed Forces hospital service;

(3) Licensed nurses under the laws of this state;

(4) Persons practicing cosmetology under the laws of this state;

(5) Persons employed in federal, state, or local institutions, hospitals, or military bases as barbers whose practice is limited to the inmates, patients, or authorized military personnel of such institutions, hospitals, or bases; ~~or~~

(6) Persons who practice only shampooing as defined in s. 477.013 and whose practice is limited to the acts described therein*; or*~~.~~

(7) Persons whose occupation or practice is confined solely to cutting, trimming, polishing, or cleansing the fingernails of any person when said cutting, trimming, polishing, or cleansing is done in a barbershop licensed pursuant to this chapter which is carrying on a regular and customary business of barbering, and such individual has been practicing the activities set forth in this subsection prior to October 1, 1985.

Section 52. Paragraph (a) of subsection (1) of section 477.0135, Florida Statutes, is amended to read:

477.0135 Exemptions.—

(1) This chapter does not apply to the following persons when practicing pursuant to their professional or occupational responsibilities and duties:

(a) Persons authorized under the laws of this state to practice medicine, surgery, *osteopathic medicine* ~~osteopathy~~, chiropractic, massage, naturopathy, or podiatry.

Section 53. Paragraph (a) of subsection (8) of section 483.291, Florida Statutes, is amended to read:

483.291 Powers and duties of the agency; rules.—The agency shall adopt rules to implement this part, which rules must include the following:

(8) PERSONNEL.—The agency shall prescribe minimum qualifications for center personnel. A center may employ as a medical assistant a person who has at least one of the following qualifications:

(a) Prior experience of not less than 6 months as a medical assistant in the office of a licensed medical doctor or *osteopathic physician* ~~osteopath~~ or in a hospital, an ambulatory surgical center, a home health agency, or a health maintenance organization.

Section 54. Subsection (1) of section 621.03, Florida Statutes, is amended to read:

621.03 Definitions.—As used in this act the following words shall have the meaning indicated:

(1) The term "professional service" means any type of personal service to the public which requires as a condition precedent to the rendering of such service the obtaining of a license or other legal authorization. By way of example and without limiting the generality thereof, the personal services which come within the provisions of this act are the personal services rendered by certified public accountants, public accountants, chiropractors, dentists, *osteopathic physicians* ~~osteopaths~~, physicians and surgeons, doctors of medicine, doctors of dentistry, podiatrists, chiropodists, architects, veterinarians, attorneys at law, and life insurance agents.

Section 55. Paragraph (h) of subsection (4) of section 627.351, Florida Statutes, 1996 Supplement, is amended to read:

627.351 Insurance risk apportionment plans.—

(4) MEDICAL MALPRACTICE RISK APPORTIONMENT.—

(h) As used in this subsection:

1. "Health care provider" means hospitals licensed under chapter 395; physicians licensed under chapter 458; *osteopathic physicians* ~~osteopaths~~ licensed under chapter 459; podiatrists licensed under chapter 461; dentists licensed under chapter 466; chiropractors licensed under chapter 460; naturopaths licensed under chapter 462; nurses licensed

under chapter 464; midwives licensed under chapter 467; clinical laboratories registered under chapter 483; physician assistants certified under chapter 458; physical therapists and physical therapist assistants licensed under chapter 486; health maintenance organizations certificated under part I of chapter 641; ambulatory surgical centers licensed under chapter 395; other medical facilities as defined in subparagraph 2.; blood banks, plasma centers, industrial clinics, and renal dialysis facilities; or professional associations, partnerships, corporations, joint ventures, or other associations for professional activity by health care providers.

2. "Other medical facility" means a facility the primary purpose of which is to provide human medical diagnostic services or a facility providing nonsurgical human medical treatment, to which facility the patient is admitted and from which facility the patient is discharged within the same working day, and which facility is not part of a hospital. However, a facility existing for the primary purpose of performing terminations of pregnancy or an office maintained by a physician or dentist for the practice of medicine shall not be construed to be an "other medical facility."

3. "Health care facility" means any hospital licensed under chapter 395, health maintenance organization certificated under part I of chapter 641, ambulatory surgical center licensed under chapter 395, or other medical facility as defined in subparagraph 2.

Section 56. Paragraph (b) of subsection (1) of section 627.357, Florida Statutes, is amended to read:

627.357 Medical malpractice self-insurance.—

(1) DEFINITIONS.—As used in this section, the term:

(b) "Health care provider" means any:
1. Hospital licensed under chapter 395.
2. Physician licensed, or physician assistant certified, under chapter 458.
3. *Osteopathic physician* ~~Osteopath~~ licensed under chapter 459.
4. Podiatrist licensed under chapter 461.
5. Health maintenance organization certificated under part I of chapter 641.
6. Ambulatory surgical center licensed under chapter 395.
7. Chiropractor licensed under chapter 460.
8. Psychologist licensed under chapter 490.
9. Optometrist licensed under chapter 463.
10. Dentist licensed under chapter 466.
11. Pharmacist licensed under chapter 465.
12. Registered nurse, licensed practical nurse, or advanced registered nurse practitioner licensed or registered under chapter 464.
13. Other medical facility.
14. Professional association, partnership, corporation, joint venture, or other association established by the individuals set forth in subparagraphs 2., 3., 4., 7., 8., 9., 10., 11., and 12. for professional activity.

Section 57. Subsection (10) of section 627.6482, Florida Statutes, is amended to read:

627.6482 Definitions.—As used in ss. 627.648-627.6498, the term:

(10) "Physician" means a physician licensed under chapter 458; an *osteopathic physician* ~~osteopath~~ licensed under chapter 459; a chiropractor licensed under chapter 460; a podiatrist licensed under chapter 461; or, for purposes of oral surgery only, a dental surgeon licensed under chapter 466.

Section 58. Section 725.01, Florida Statutes, is amended to read:

725.01 Promise to pay another's debt, etc.—No action shall be brought whereby to charge any executor or administrator upon any special promise to answer or pay any debt or damages out of his own estate, or whereby to charge the defendant upon any special promise to answer for the debt, default or miscarriage of another person or to charge any person upon any agreement made upon consideration of marriage, or upon any contract for the sale of lands, tenements or hereditaments, or of any uncertain interest in or concerning them, or for any lease thereof for a period longer than 1 year, or upon any agreement that is not to be performed within the space of 1 year from the making thereof, or whereby to charge any health care provider upon any guarantee, warranty, or assurance as to the results of any medical, surgical, or diagnostic procedure performed by any physician licensed under chapter 458, *osteopathic physician* ~~osteopath~~ licensed under chapter 459, chiropractor licensed under chapter 460, podiatrist licensed under chapter 461, or dentist licensed under chapter 466, unless the agreement or promise upon which such action shall be brought, or some note or memorandum thereof shall be in writing and signed by the party to be charged therewith or by some other person by him thereunto lawfully authorized.

Section 59. Paragraph (b) of subsection (1) of section 766.101, Florida Statutes, 1996 Supplement, is amended to read:

766.101 Medical review committee, immunity from liability.—

(1) As used in this section:

(b) The term "health care providers" means physicians licensed under chapter 458, *osteopathic physicians* ~~osteopaths~~ licensed under chapter 459, podiatrists licensed under chapter 461, optometrists licensed under chapter 463, dentists licensed under chapter 466, chiropractors licensed under chapter 460, pharmacists licensed under chapter 465, or hospitals or ambulatory surgical centers licensed under chapter 395.

Section 60. Subsection (3) of section 766.103, Florida Statutes, is amended to read:

766.103 Florida Medical Consent Law.—

(3) No recovery shall be allowed in any court in this state against any physician licensed under chapter 458, *osteopathic physician* ~~osteopath~~ licensed under chapter 459, chiropractor licensed under chapter 460, podiatrist licensed under chapter 461, or dentist licensed under chapter 466 in an action brought for treating, examining, or operating on a patient without his informed consent when:

(a)1. The action of the physician, *osteopathic physician* ~~osteopath~~, chiropractor, podiatrist, or dentist in obtaining the consent of the patient or another person authorized to give consent for the patient was in accordance with an accepted standard of medical practice among members of the medical profession with similar training and experience in the same or similar medical community; and

2. A reasonable individual, from the information provided by the physician, *osteopathic physician* ~~osteopath~~, chiropractor, podiatrist, or dentist, under the circumstances, would have a general understanding of the procedure, the medically acceptable alternative procedures or treatments, and the substantial risks and hazards inherent in the proposed treatment or procedures, which are recognized among other physicians, *osteopathic physicians* ~~osteopaths~~, chiropractors, podiatrists, or dentists in the same or similar community who perform similar treatments or procedures; or

(b) The patient would reasonably, under all the surrounding circumstances, have undergone such treatment or procedure had he been advised by the physician, *osteopathic physician* ~~osteopath~~, chiropractor, podiatrist, or dentist in accordance with the provisions of paragraph (a).

Section 61. Paragraphs (b) and (i) of subsection (1) and paragraph (e) of subsection (2) of section 766.105, Florida Statutes, 1996 Supplement, are amended to read:

766.105 Florida Patient's Compensation Fund.—

(1) DEFINITIONS.—The following definitions apply in the interpretation and enforcement of this section:

(b) The term "health care provider" means any:

1. Hospital licensed under chapter 395.

2. Physician licensed, or physician assistant certified, under chapter 458.

3. *Osteopathic physician* ~~Osteopath~~ licensed under chapter 459.

4. Podiatrist licensed under chapter 461.

5. Health maintenance organization certificated under part I of chapter 641.

6. Ambulatory surgical center licensed under chapter 395.

7. "Other medical facility" as defined in paragraph (c).

8. Professional association, partnership, corporation, joint venture, or other association by the individuals set forth in subparagraphs 2., 3., and 4. for professional activity.

(i) The term "house physician" means any physician, *osteopathic physician* ~~osteopath~~, podiatrist, or dentist except: a physician, *osteopathic physician* ~~osteopath~~, podiatrist, or dentist with staff privileges at a hospital; a physician, *osteopathic physician* ~~osteopath~~, podiatrist, or dentist providing emergency room services; an anesthesiologist, pathologist, or radiologist; or a physician, *osteopathic physician* ~~osteopath~~, podiatrist, or dentist who performs a service for a fee.

(2) COVERAGE.—

(e) The coverage afforded by the fund for a participating hospital or ambulatory surgical center shall apply to the officers, trustees, volunteer workers, trainees, committee members (including physicians, *osteopathic physicians* ~~osteopaths~~, podiatrists, and dentists), and employees of the hospital or ambulatory surgical center, other than employed physicians licensed under chapter 458, physician assistants licensed under chapter 458, *osteopathic physicians* ~~osteopaths~~ licensed under chapter 459, dentists licensed under chapter 466, and podiatrists licensed under chapter 461. However, the coverage afforded by the fund for a participating hospital shall apply to house physicians, interns, employed physician residents in a resident training program, or physicians performing purely administrative duties for the participating hospitals other than the treatment of patients. This coverage shall apply to the hospital or ambulatory surgical center and those included in this subsection as one health care provider.

Section 62. Subsection (2) of section 766.110, Florida Statutes, is amended to read:

766.110 Liability of health care facilities.—

(2) Every hospital licensed under chapter 395 may carry liability insurance or adequately insure itself in an amount of not less than $1.5 million per claim, $5 million annual aggregate to cover all medical injuries to patients resulting from negligent acts or omissions on the part of those members of its medical staff who are covered thereby in furtherance of the requirements of ss. 458.320 and 459.0085. Self-insurance coverage extended hereunder to a member of a hospital's medical staff meets the financial responsibility requirements of ss. 458.320 and 459.0085 if the physician's coverage limits are not less than the minimum limits established in ss. 458.320 and 459.0085 and the hospital is a verified trauma center as of July 1, 1990, that has extended self-insurance coverage continuously to members of its medical staff for activities both inside and outside of the hospital since January 1, 1987. Any insurer authorized to write casualty insurance may make available, but shall not be required to write, such coverage. The hospital may assess on an equitable and pro rata basis the following professional health care providers for a portion of the total hospital insurance cost for this coverage: physicians licensed under chapter 458, *osteopathic physicians* ~~osteopaths~~ licensed under chapter 459, podiatrists licensed under chapter 461, dentists licensed under chapter 466, and nurses licensed under chapter 464. The hospital may provide for a deductible amount to be applied against any individual health care provider found liable in a law suit in tort or for breach of contract. The legislative intent in providing for the deductible to be applied to individual health care providers found negligent or in breach of contract is to instill in each individual health care provider the incentive to avoid the risk of injury to the fullest extent and ensure that the citizens of this state receive the highest quality health care obtainable.

Section 63. Subsection (2) of section 817.234, Florida Statutes, is amended to read:

817.234 False and fraudulent insurance claims.—

(2) Any physician licensed under chapter 458, *osteopathic physician* ~~osteopath~~ licensed under chapter 459, chiropractor licensed under chapter 460, or other practitioner licensed under the laws of this state who knowingly and willfully assists, conspires with, or urges any insured party to fraudulently violate any of the provisions of this section or part XI of chapter 627, or any person who, due to such assistance, conspiracy, or urging by said physician, *osteopathic physician* ~~osteopath~~, chiropractor, or practitioner, knowingly and willfully benefits from the proceeds derived from the use of such fraud, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In the event that a physician, *osteopathic physician* ~~osteopath~~, chiropractor, or practitioner is adjudicated guilty of a violation of this section, the Board of Medicine as set forth in chapter 458, the Board of Osteopathic Medicine as set forth in chapter 459, the Board of Chiropractic as set forth in chapter 460, or other appropriate licensing authority shall hold an administrative hearing to consider the imposition of administrative sanctions as provided by law against said physician, *osteopathic physician* ~~osteopath~~, chiropractor, or practitioner.

Section 64. Subsection (1) of section 945.047, Florida Statutes, is amended to read:

945.047 Licensing requirements for physicians, osteopathic physicians, and chiropractors employed by the department.—

(1) The Department of Corrections shall employ only physicians, osteopathic physicians, or chiropractic physicians holding licenses in good standing to practice medicine in this state, except that, by October 1, 1980, no more than 10 percent of the total number of such physicians employed by the department may be exempted from the provisions of this subsection. Each such exempted physician shall hold a valid license to practice medicine, *osteopathic medicine* ~~osteopathy~~, or chiropractic in another state and shall have been certified by the appropriate board as eligible for admission for examination in this state under chapter 458, chapter 459, or chapter 460, as applicable. The appropriate board shall not certify as eligible for admission for examination any person who has been adjudged unqualified or guilty of any of the acts enumerated in the disciplinary provisions contained in chapter 458, chapter 459, or chapter 460, as applicable.

Section 65. Subsection (1) of section 460.403, Florida Statutes, 1996 Supplement, is amended to read:

460.403 Definitions.—As used in this chapter, the term:

(1) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

Section 66. Paragraphs (bb) and (cc) of subsection (1) of section 460.413, Florida Statutes, 1996 Supplement, are repealed, paragraphs (q) and (gg) of subsection (1) and subsection (2) of that section are amended, and subsections (6) and (7) are added to that section, to read:

460.413 Grounds for disciplinary action; action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(q) Being unable to practice chiropractic with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. *In enforcing this paragraph, upon a finding by the secretary of the department, or his or her designee, or the probable cause panel of the board that probable cause exists to believe that the licensee is unable to practice the profession because of reasons stated in this paragraph, the department shall have the authority to compel a licensee to submit to a mental or physical examination by a physician designated by the department. If the licensee refuses to comply with the department's order, the department may file a petition for enforcement in the circuit court of the circuit in which the licensee resides or does business. The department shall be entitled to the summary procedure provided in s. 51.011. The record of proceedings to obtain a compelled mental or physical examination shall not be used against a licensee in any other proceedings.* A chiropractic physician affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of chiropractic with reasonable skill and safety to patients.

(gg) Failing to report to the *department* ~~Division of Medical Quality Assurance~~ any *licensee* ~~physician licensed~~ under chapter 458 or ~~osteopathic physician licensed~~ under chapter 459 who the chiropractic physician *or chiropractic physician's assistant* knows has violated the grounds

for disciplinary action set out in the law under which that *person* ~~physician or osteopathic physician~~ is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the chiropractic physician *or chiropractic physician's assistant* also provides services.

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Refusal to certify to the department an application for licensure.

(b) Revocation or suspension of a license.

(c) Restriction of practice.

(d) Imposition of an administrative fine not to exceed $2,000 for each count or separate offense.

(e) Issuance of a reprimand.

(f) Placement of the chiropractic physician on probation for a period of time and subject to such conditions as the board may specify, including requiring the chiropractic physician to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of another chiropractic physician.

(g) Imposition of costs of the investigation and prosecution.

(h) Requirement that the chiropractic physician undergo remedial education.

(i) Issuance of a letter of concern.

(j) Corrective action.

(k) Refund of fees billed to and collected from the patient or a third party.

In determining what action is appropriate, the board must first consider what sanctions are necessary to protect the public or to compensate the patient. Only after those sanctions have been imposed may the disciplining authority consider and include in the order requirements designed to rehabilitate the chiropractic physician. All costs associated with compliance with orders issued under this subsection are the obligation of the chiropractic physician.

(6) In any administrative action against a chiropractic physician which does not involve revocation or suspension of license, the department shall have the burden, by the greater weight of the evidence, to establish the existence of grounds for disciplinary action. The department shall establish grounds for revocation or suspension of license by clear and convincing evidence.

(7) If any chiropractic physician is guilty of such unprofessional conduct, negligence, or mental or physical incapacity or impairment that the department determines that the chiropractic physician is unable to practice with reasonable skill and safety and presents a danger to patients, the department shall be authorized to maintain an action in circuit court enjoining such chiropractic physician from providing medical services to the public until the chiropractic physician demonstrates the ability to practice with reasonable skill and safety and without danger to patients.

Section 67. For the purpose of incorporating the amendment to section 460.413, Florida Statutes, 1996 Supplement, in a reference thereto, subsection (9) of section 320.0848, Florida Statutes, is reenacted to read:

320.0848 Persons who have disabilities; issuance of disabled parking permits; temporary permits; permits for certain providers of transportation services to persons who have disabilities.—

(9) A violation of this section is grounds for disciplinary action under s. 458.331, s. 459.015, s. 460.413, or s. 461.013, as applicable.

Section 68. For the purpose of incorporating the amendment to section 460.413, Florida Statutes, 1996 Supplement, in a reference thereto, paragraph (g) of subsection (4) of section 455.236, Florida Statutes, is reenacted to read:

455.236 Financial arrangements between referring health care providers and providers of health care services.—

(4) PROHIBITED REFERRALS AND CLAIMS FOR PAYMENT.—Except as provided in this section:

(g) A violation of this section by a health care provider shall constitute grounds for disciplinary action to be taken by the applicable board pursuant to s. 458.331(2), s. 459.015(2), s. 460.413(2), s. 461.013(2), s. 463.016(2), or s. 466.028(2). Any hospital licensed under chapter 395 found in violation of this section shall be subject to the rules adopted by the Department of Health and Rehabilitative Services pursuant to s. 395.0185(2).

Section 69. For the purpose of incorporating the amendment to section 460.413, Florida Statutes, 1996 Supplement, in a reference thereto, subsection (2) of section 766.111, Florida Statutes, is reenacted to read:

766.111 Engaging in unnecessary diagnostic testing; penalties.—

(2) A violation of this section shall be grounds for disciplinary action pursuant to s. 458.331, s. 459.015, s. 460.413, s. 461.013, or s. 466.028, as applicable.

Section 70. Paragraph (a) of subsection (8) of section 460.4165, Florida Statutes, is amended to read:

460.4165 Chiropractic physician's assistants.—

(8) FEES.—

(a) A fee not to exceed $100 set by the board shall accompany the ~~annual~~ application by a chiropractic physician ~~or group of chiropractic physicians~~ for authorization to supervise a certified chiropractic physician's assistant.

Section 71. Subsection (1) of section 461.003, Florida Statutes, is amended to read:

461.003 Definitions.—As used in this chapter:

(1) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

Section 72. Paragraph (aa) of subsection (1) of section 461.013, Florida Statutes, is amended to read:

461.013 Grounds for disciplinary action; action by the board; investigations by department.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(aa) Failing to report to the *department* ~~Division of Medical Quality Assurance~~ any *licensee* ~~physician licensed~~ under chapter 458 or ~~osteopathic physician licensed under~~ chapter 459 who the podiatrist knows has violated the grounds for disciplinary action set out in the law under which that *person* ~~physician or osteopathic physician~~ is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the podiatrist also provides services.

Section 73. Section 461.018, Florida Statutes, 1996 Supplement, is amended to read:

461.018 Limited scope of practice; area of need.—Those persons holding valid certificates on October 1, 1991, who were certified pursuant to chapters 88-205 and 88-392, Laws of Florida, and who have been practicing under a board-approved protocol for at least 2 years are eligible to receive a *podiatry* license to practice without supervision under their present limited scope of practice of the nonsurgical treatment of corns, calluses, and ingrown toenails in a specially designated area of need as provided by rule of the board.

Section 74. Subsection (1) and paragraph (c) of subsection (3) of section 464.003, Florida Statutes, 1996 Supplement, are amended to read:

464.003 Definitions.—As used in this chapter:

(1) "*Department* ~~Agency~~" means the *Department of* ~~Agency for~~ Health ~~Care Administration~~.

(3)

(c) "Advanced or specialized nursing practice" means, in addition to the practice of professional nursing, the performance of advanced-level nursing acts approved by the board which, by virtue of postbasic specialized education, training, and experience, are proper to be performed by an advanced registered nurse practitioner. Within the context of advanced or specialized nursing practice, the advanced registered nurse practitioner may perform acts of nursing diagnosis and nursing treatment of alterations of the health status. The advanced registered nurse practitioner may also perform acts of medical diagnosis and treatment, prescription, and operation which are identified and approved by a joint committee composed of three members appointed by the Board of Nursing, two of whom shall be advanced registered nurse practitioners; three members appointed by the Board of Medicine, two of whom shall have had work experience with advanced registered nurse practitioners; and the *secretary* ~~director~~ of the *department* ~~agency~~ or the *secretary's* ~~director's~~ designee. Each committee member appointed by a board shall be appointed to a term of 4 years unless a shorter term is required to establish or maintain staggered terms. The Board of Nursing shall adopt rules authorizing the performance of any such acts approved by the joint committee. Unless otherwise specified by the joint committee, such acts shall be performed under the general supervision of a practitioner licensed under chapter 458, chapter 459, or chapter 466 within the framework of standing protocols which identify the medical acts to be performed and the conditions for their performance. The *department* ~~agency~~ may, by rule, require that a copy of the protocol be filed with the *department* ~~agency~~ along with the notice required by s. 458.348.

Section 75. Subsection (1) of section 464.004, Florida Statutes, 1996 Supplement, is amended to read:

464.004 Board of Nursing; membership; appointment; terms.—

(1) The Board of Nursing is created within the *department* ~~agency~~ and shall consist of 13 members to be appointed by the Governor and confirmed by the Senate.

Section 76. Subsection (1) of section 464.008, Florida Statutes, 1996 Supplement, is amended to read:

464.008 Licensure by examination.—

(1) Any person desiring to be licensed as a registered nurse or licensed practical nurse shall apply to the *department* ~~agency~~ to take the licensure examination. The *department* ~~agency~~ shall examine each applicant who:

(a) Has completed the application form and remitted a fee set by the board not to exceed $150 and has remitted an examination fee set by the board not to exceed $75 plus the actual per applicant cost to the *department* ~~agency~~ for purchase of the examination from the National Council of State Boards of Nursing or a similar national organization.

(b) Has provided sufficient information on or after October 1, 1989, which must be submitted by the *department* ~~agency~~ for a statewide criminal records correspondence check through the Department of Law Enforcement.

(c) Is in good mental and physical health, is a recipient of a high school diploma or the equivalent, and has completed the requirements for graduation from an approved program for the preparation of registered nurses or licensed practical nurses, whichever is applicable. Courses successfully completed in a professional nursing program which are at least equivalent to a practical nursing program may be used to satisfy the education requirements for licensure as a licensed practical nurse.

(d) Has the ability to communicate in the English language, which may be determined by an examination given by the *department* ~~agency~~.

Section 77. Subsections (1) and (3) of section 464.009, Florida Statutes, 1996 Supplement, are amended to read:

464.009 Licensure by endorsement.—

(1) The *department* ~~agency~~ shall issue the appropriate license by endorsement to practice professional or practical nursing to an applicant who, upon applying to the *department* ~~agency~~ and remitting a fee set by the board not to exceed $100, demonstrates to the board that he:

(a) Holds a valid license to practice professional or practical nursing in another state of the United States, provided that, when the applicant secured his original license, the requirements for licensure were substantially equivalent to or more stringent than those existing in Florida at that time; or

(b) Meets the qualifications for licensure in s. 464.008 and has successfully completed a state, regional, or national examination which is substantially equivalent to or more stringent than the examination given by the *department* ~~agency~~.

(3) The *department* ~~agency~~ shall not issue a license by endorsement to any applicant who is under investigation in another state for an act which would constitute a violation of this chapter until such time as the investigation is complete, at which time the provisions of s. 464.018 shall apply.

Section 78. Subsections (1) and (5) of section 464.012, Florida Statutes, 1996 Supplement, are amended to read:

464.012 Certification of advanced registered nurse practitioners; fees.—

(1) Any nurse desiring to be certified as an advanced registered nurse practitioner shall apply to the *department* ~~agency~~ and submit proof that he holds a current license to practice professional nursing and that he meets one or more of the following requirements as determined by the board:

(a) Satisfactory completion of a formal postbasic educational program of at least one academic year, the primary purpose of which is to prepare nurses for advanced or specialized practice.

(b) Certification by an appropriate specialty board. Such certification shall be required for initial state certification and any recertification as a registered nurse anesthetist or nurse midwife. The board may by rule provide for provisional state certification of graduate nurse anesthetists and nurse midwives for a period of time determined to be appropriate for preparing for and passing the national certification examination.

(c) Graduation from a program leading to a master's degree in a nursing clinical specialty area with preparation in specialized practitioner skills. For applicants graduating on or after October 1, 1998, graduation from a master's degree program shall be required for initial certification as a nurse practitioner under paragraph (4)(c). For applicants graduating on or after October 1, 2001, graduation from a master's degree program shall be required for initial certification as a registered nurse anesthetist under paragraph (4)(a).

(5) The board shall certify, and the *department* ~~agency~~ shall issue a certificate to, any nurse meeting the qualifications in this section. The board shall establish an application fee not to exceed $100 and a biennial renewal fee not to exceed $50. The board is authorized to adopt such other rules as are necessary to implement the provisions of this section.

Section 79. Subsections (1) and (2) of section 464.013, Florida Statutes, 1996 Supplement, are amended to read:

464.013 Renewal of license or certificate.—

(1) The *department* ~~agency~~ shall renew a license upon receipt of the renewal application and fee.

(2) The *department* ~~agency~~ shall adopt rules establishing a procedure for the biennial renewal of licenses.

Section 80. Subsection (2) of section 464.014, Florida Statutes, 1996 Supplement, is amended to read:

464.014 Inactive status.—

(2) The *department* ~~agency~~ may not reactivate a license unless the inactive or delinquent licensee has paid any applicable biennial renewal or delinquency fee, or both, and a reactivation fee.

Section 81. Paragraphs (a), (c), (j), (k), (l), and (m) of subsection (1) and paragraph (a) of subsection (2) of section 464.018, Florida Statutes, 1996 Supplement, are amended to read:

464.018 Disciplinary actions.—

(1) The following acts shall be grounds for disciplinary action set forth in this section:

(a) Procuring, attempting to procure, or renewing a license to practice nursing by bribery, by knowing misrepresentations, or through an error of the *department* ~~agency~~ or the board.

(c) Being *convicted or* found guilty *of, or entering a plea of nolo contendere to,* regardless of adjudication, ~~of~~ a crime in any jurisdiction which directly relates to the practice of nursing or to the ability to practice nursing.

(j) Being unable to practice nursing with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, or chemicals or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the *department* ~~agency~~ shall have, upon a finding of the *secretary* ~~director~~ or *the secretary's* ~~his~~ designee that probable cause exists to believe that the licensee is unable to practice nursing because of the reasons stated in this paragraph, the authority to issue an order to compel a licensee to submit to a mental or physical examination by physicians designated by the *department* ~~agency~~. If the licensee refuses to comply with such order, the *department's* ~~agency's~~ order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or does business. The licensee against whom the petition is filed shall not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The *department* ~~agency~~ shall be entitled to the summary procedure provided in s. 51.011. A nurse affected by the provisions of this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of nursing with reasonable skill and safety to patients.

(k) Failing to report to the *department* ~~agency~~ any person who the licensee knows is in violation of this chapter or of the rules of the *department* ~~agency~~ or the board; however, if the licensee verifies that such person is actively participating in a board-approved program for the treatment of a physical or mental condition, the licensee is required to report such person only to an impaired professionals consultant.

(l) Knowingly violating any provision of this chapter, a rule of the board or the *department* ~~agency~~, or a lawful order of the board or *department* ~~agency~~ previously entered in a disciplinary proceeding or failing to comply with a lawfully issued subpoena of the *department* ~~agency~~.

(m) Failing to report to the *department* ~~Division of Health Quality Assurance~~ any *licensee* ~~physician licensed~~ under chapter 458 or ~~osteopathic physician licensed~~ under chapter 459 who the nurse knows has violated the grounds for disciplinary action set out in the law under which that *person* ~~physician or osteopathic physician~~ is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the nurse also provides services.

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Refusal to certify to the *department* ~~agency~~ an application for licensure.

Section 82. Subsections (1), (3), and (4) of section 464.019, Florida Statutes, 1996 Supplement, are amended to read:

464.019 Approval of nursing programs.—

(1) An institution desiring to conduct an approved program for the education of professional or practical nurses shall apply to the *department* ~~agency~~ and submit such evidence as may be required to show that it complies with the provisions of this chapter and with the rules of the board. *The application shall include a program review fee, as set by the board, not to exceed $1,000.*

(3) The *department* ~~agency~~ shall survey each institution applying for approval and submit its findings to the board. If the board is satisfied that the program meets the requirements of this chapter and rules pursuant thereto, it shall certify the program for approval and the *department* ~~agency~~ shall approve the program.

(4) If the board, through an investigation by the *department* ~~agency~~, finds that an approved program no longer meets the required standards, it may place the program on probationary status until such time as the standards are restored. If a program fails to correct these conditions within a specified period of time, the board may rescind the approval. Any program having its approval rescinded shall have the right to reapply.

Section 83. Section 464.0205, Florida Statutes, is created to read:

464.0205 Retired volunteer nurse certificate.—

(1) Any retired practical or registered nurse desiring to serve indigent, underserved, or critical need populations in this state may apply to the department for a retired volunteer nurse certificate by providing:

(a) A complete application.
(b) An application and processing fee of $25.
(c) Verification that the applicant had been licensed to practice nursing in any jurisdiction in the United States for at least 10 years, had retired or plans to retire, intends to practice nursing only pursuant to the limitations provided by the retired volunteer nurse certificate, and has not committed any act that would constitute a violation under s. 464.018(1).
(d) Proof that the applicant meets the requirements for licensure under s. 464.008 or s. 464.009.

(2) All related administrative costs shall be borne by the applicant.

(3) The board may deny a retired volunteer nurse certificate to any applicant who has committed, or who is under investigation or prosecution for, any act that would constitute a ground for disciplinary action under s. 464.018.

(4) A retired volunteer nurse receiving certification from the board shall:

(a) Work under the direct supervision of the director of a county health department, a physician working under a limited license issued pursuant to s. 458.317 or s. 459.0075, a physician licensed under chapter 458 or chapter 459, an advanced registered nurse practitioner certified under s. 464.012, or a registered nurse licensed under s. 464.008 or s. 464.009.
(b) Comply with the minimum standards of practice for nurses and be subject to disciplinary action for violations of s. 464.018, except that the scope of practice for certified volunteers shall be limited to primary and preventive health care, or as further defined by board rule.
(c) Work only in a setting for which there are provisions for professional liability coverage for acts or omissions of the retired volunteer nurse.
(d) Provide services under the certificate only in settings whose sponsors have been approved by the board.

(5) A retired volunteer nurse receiving certification from the board shall not:

(a) Administer controlled substances.
(b) Supervise other nurses.
(c) Receive monetary compensation.

(6) A retired volunteer nurse certified under this section may practice only in board-approved settings in public agencies or institutions or in nonprofit agencies or institutions meeting the requirements of s. 501(c)(3) of the Internal Revenue Code, which agencies or institutions are located in areas of critical nursing need as determined by the board. Determination of underserved areas shall be made by the board after consultation with the Department of Health, the Department of Children and Family Services, the Agency for Health Care Administration, and the Department of Elderly Affairs; however, such determination shall include, but not be limited to, health manpower shortage areas designated by the United States Department of Health and Human Services. The sponsoring agencies desiring to use certified retired volunteer nurses shall submit

to the board verification of their status under s. 501(c)(3) of the Internal Revenue Code, the sites at which such volunteer nurses would work, the duties and scope of practice intended for such volunteer nurses, and the training or skills validation for such volunteer nurses.

(7) The retired volunteer nurse certificate shall be valid for 2 years, and a certificateholder may reapply for a certificate so long as the certificateholder continues to meet the eligibility requirements of this section. Any legislatively mandated continuing education on specific topics must be completed by the certificateholder prior to renewal; otherwise, the provisions of s. 464.013 do not apply.

Section 84. Subsection (12) is added to section 464.022, Florida Statutes, to read:

464.022 Exceptions.—No provision of this chapter shall be construed to prohibit:

(12) The practice of nursing by any legally qualified nurse of another state whose employment requires the nurse to accompany and care for a patient temporarily residing in this state for not more than 30 consecutive days, provided the patient is not in an inpatient setting, the board is notified prior to arrival of the patient and nurse, the nurse has the standing physician orders and current medical status of the patient available, and prearrangements with the appropriate licensed health care providers in this state have been made in case the patient needs placement in an inpatient setting.

Section 85. Subsections (4) and (10) of section 465.003, Florida Statutes, are amended to read:

465.003 Definitions.—As used in this chapter, the term:

(4) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

(10)*(a)* "Pharmacy" includes a community pharmacy, an institutional pharmacy, a nuclear pharmacy, and a special pharmacy.

1.~~(a)~~ The term "community pharmacy" includes every location where medicinal drugs are compounded, dispensed, stored, or sold or where prescriptions are filled or dispensed on an outpatient basis.

2.~~(b)~~ The term "institutional pharmacy" includes every location in a hospital, clinic, nursing home, dispensary, sanitarium, extended care facility, or other facility, hereinafter referred to as "health care institutions," where medicinal drugs are compounded, dispensed, stored, or sold.

3.~~(c)~~ The term "nuclear pharmacy" includes every location where radioactive drugs and chemicals within the classification of medicinal drugs are compounded, dispensed, stored, or sold. The term "nuclear pharmacy" does not include hospitals licensed under chapter 395 or the nuclear medicine facilities of such hospitals.

4.~~(d)~~ The term "special pharmacy" includes every location where medicinal drugs are compounded, dispensed, stored, or sold if such locations are not otherwise defined in this subsection.

(b) The pharmacy department of any permittee shall be considered closed whenever a Florida licensed pharmacist is not present and on duty. The term "not present and on duty" shall not be construed to prevent a pharmacist from exiting the prescription department for the purposes of consulting or responding to inquiries or providing assistance to patients or customers, attending to personal hygiene needs, or performing any other function for which the pharmacist is responsible, provided that such activities are conducted in a manner consistent with the pharmacist's responsibility to provide pharmacy services.

Section 86. Subsections (1) and (2) of section 465.004, Florida Statutes, are amended to read:

465.004 Board of Pharmacy.—

(1) The Board of Pharmacy is created within the department and shall consist of *nine* ~~seven~~ members to be appointed by the Governor and confirmed by the Senate.

(2) *Seven* ~~Five~~ members of the board must be licensed pharmacists who are residents of this state and who have been engaged in the practice of the profession of pharmacy in this state for at least 4 years *and, to the extent practicable, represent the various pharmacy practice settings. Of the pharmacist members, one must be currently engaged in the practice of pharmacy in a community pharmacy, one must be currently engaged in the practice of pharmacy in a Class II institutional pharmacy or a Modified Class II institutional pharmacy, and five shall be pharmacists licensed in this state irrespective of practice setting.* The remaining two members must be residents of the state who have never been licensed as pharmacists and who are in no way connected with the practice of the profession of pharmacy. No person may be appointed as a *consumer* ~~lay~~ member who is in any way connected with a drug manufacturer or wholesaler. At least one member of the board must be 60 years of age or older.

Section 87. Section 465.0125, Florida Statutes, is amended to read:

465.0125 Consultant pharmacist license; application, renewal, fees*; responsibilities; rules*.—

(1) The department shall issue or renew a consultant pharmacist license upon receipt of an initial or renewal application which conforms to the requirements for consultant pharmacist initial licensure or renewal as promulgated by the board by rule and a fee set by the board not to exceed $250. The consultant pharmacist shall be responsible for maintaining all drug records required by law and for establishing drug handling procedures for the safe handling and storage of drugs. The consultant pharmacist may also be responsible for ordering and evaluating any laboratory or clinical testing when, in the judgment of the consultant pharmacist, such activity is necessary for the proper performance of the consultant pharmacist's responsibilities. Such laboratory or clinical testing may be ordered only with regard to patients residing in a nursing home facility, and then only when authorized by the medical director of the nursing home facility. The consultant pharmacist must have completed such additional training and demonstrate such additional qualifications in the practice of institutional pharmacy as shall be required by the board ~~of Pharmacy~~ in addition to licensure as a registered pharmacist. ~~The board shall promulgate rules necessary to implement and administer this section.~~

(2) Notwithstanding the provisions of subsection (1), a consultant pharmacist or a doctor of pharmacy licensed in this state may also be responsible for ordering and evaluating any laboratory or clinical testing for persons under the care of a licensed home health agency when, in the judgment of the consultant pharmacist or doctor of pharmacy, such activity is necessary for the proper performance of his or her responsibilities and only when authorized by a practitioner licensed under chapter 458, chapter 459, chapter 461, or chapter 466. In order for the consultant pharmacist or doctor of pharmacy to qualify and accept this authority, he or she must receive 3 hours of continuing education relating to laboratory and clinical testing as established by the board.

(3) The board shall promulgate rules necessary to implement and administer this section.

Section 88. Subsection (1) of section 465.0156, Florida Statutes, is amended to read:

465.0156 Registration of nonresident pharmacies.—

(1) Any pharmacy which is located outside this state and which ships, mails, or delivers, in any manner, a dispensed medicinal drug into this state shall be considered a nonresident pharmacy, shall be registered with the board, *shall* provide pharmacy services at a high level of protection and competence, and *shall* disclose to the board the following specific information:

(a) That it maintains at all times a valid, unexpired license, permit, or registration to operate the pharmacy in compliance with the laws of the state in which the dispensing facility is located and from which the medicinal drugs shall be dispensed;

(b) The location, names, and titles of all principal corporate officers and *the pharmacist who serves as the prescription department manager for* ~~all pharmacists who are~~ dispensing medicinal drugs to residents of this state. This disclosure shall be made ~~on an annual basis and~~ within 30 days after any change of ~~office~~ location, corporate officer, or pharmacist *serving as the prescription department manager for dispensing medicinal drugs to residents of this state*;

(c) That it complies with all lawful directions and requests for information from the regulatory or licensing agency of all states in which it is licensed as well as with all requests for information made by the board pursuant to this section. It shall respond directly to all communications from the board concerning emergency circumstances arising from errors in the dispensing of medicinal drugs to the residents of this state;

(d) That it maintains its records of medicinal drugs dispensed to patients in this state so that the records are readily retrievable from the other business records of the pharmacy and from the records of other medicinal drugs dispensed; and

(e) That during its regular hours of operation but not less than 6 days per week, for a minimum of 40 hours per week, a toll-free telephone service shall be provided to facilitate communication between patients in this state and a pharmacist at the pharmacy who has access to the patient's records. This toll-free number must be disclosed on the label affixed to each container of dispensed medicinal drugs.

Section 89. Paragraph (o) of subsection (1) and paragraph (e) of subsection (2) of section 465.016, Florida Statutes, are amended to read:

465.016 Disciplinary actions.—

(1) The following acts shall be grounds for disciplinary action set forth in this section:

(o) Failing to report to the *department* ~~Division of Medical Quality Assurance~~ any *licensee* ~~physician licensed~~ under chapter 458 or ~~osteopathic physician licensed~~ under chapter 459 who the pharmacist knows has violated the grounds for disciplinary action set out in the law under which that *person* ~~physician or osteopathic physician~~ is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the pharmacist also provides services.

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(e) Placement of the pharmacist on probation for a period of time and subject to such conditions as the board may specify, including, *but not limited to,* requiring the pharmacist to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of another pharmacist.

Section 90. Section 465.0196, Florida Statutes, is amended to read:

465.0196 Special pharmacy permits.—Any person desiring a permit to operate a pharmacy which does not fall within the definitions set forth in s. 465.003(10)(a)*1.*, *2.*~~(b)~~, and *3.*~~(c)~~ shall apply to the department for a special pharmacy permit. If the board certifies that the application complies with the applicable laws and rules of the board governing the practice of the profession of pharmacy, the department shall issue the permit. No permit shall be issued unless a licensed pharmacist is designated to undertake the professional supervision of the compounding and dispensing of all drugs dispensed by the pharmacy. The licensed pharmacist shall be responsible for maintaining all drug records and for providing for the security of the area in the facility in which the compounding, storing, and dispensing of medicinal drugs occurs. The permittee shall notify the department within 10 days of any change of the licensed pharmacist responsible for such duties.

Section 91. Section 465.026, Florida Statutes, is amended to read:

465.026 Filling of certain prescriptions.—Nothing contained in this chapter shall be construed to prohibit a pharmacist licensed in this state from filling or refilling a valid prescription which is on file in a pharmacy located in this state or in another state and has been transferred from one pharmacy to another by any means, including *any electronic means* ~~transfer by way of electronic data processing equipment~~, under the following conditions:

(1) Prior to dispensing *any transferred* ~~pursuant to any such~~ prescription, the dispensing pharmacist *must, either verbally or by any electronic means, do all of the following* ~~shall~~:

(a) Advise the patient that the prescription on file at *the* ~~such~~ other pharmacy must be canceled before *it may be filled or refilled* ~~he will be able to fill or refill it~~.

(b) Determine ~~from the requested pharmacist~~ that the prescription is valid and on file at *the* ~~such~~ other pharmacy and that *the* ~~such~~ prescription may be filled or refilled, as requested, in accordance with the prescriber's intent expressed on *the* ~~such~~ prescription.

(c) Notify the pharmacist *or* ~~at the~~ pharmacy where the prescription is on file that the prescription must be canceled.

(d) Record in writing, *or by any electronic means,* ~~or cause to be recorded by data processing equipment~~ the prescription order, the name of the pharmacy at which the prescription was on file, the prescription number, the name of the drug and the original amount dispensed, the date of original dispensing, and the number of remaining authorized refills.

(e) Obtain the consent of the prescriber to the refilling of the prescription when the prescription, in the *dispensing pharmacist's* professional judgment ~~of the dispensing pharmacist~~, so requires. Any interference with the professional judgment of the dispensing pharmacist by any *pharmacist or* pharmacy permittee, *or* its agents~~,~~ or employees, shall be grounds for *discipline* ~~revocation or suspension of the permit issued to the pharmacy~~.

(2) Upon receipt of a ~~request for~~ prescription *transfer request* ~~information set forth in paragraph (1)(d)~~, if the ~~requested~~ pharmacist is satisfied in his professional judgment that *the* ~~such~~ request is valid, *or if the request has been validated by any electronic means,* the ~~requested~~ pharmacist *or pharmacy must do all of the following* ~~shall~~:

(a) *Transfer the information required by paragraph (1)(d)* ~~Provide such information~~ accurately and completely.

(b) Record on the prescription, *or by any electronic means,* ~~or record with data processing equipment the name of~~ the requesting pharmacy and pharmacist and the date of request.

(c) Cancel the prescription on file by *electronic means or by* recording the word "void" on the prescription record. No further prescription information shall be given or medication dispensed pursuant to *the* ~~said~~ original prescription.

(3) *If a transferred prescription is not dispensed within a reasonable time, the pharmacist shall, by any means, so notify the transferring pharmacy.* ~~In the event that, after the information set forth in paragraph (1)(d) has been provided, a prescription is not dispensed by the requesting pharmacist, then such pharmacist shall provide notice of this fact to the pharmacy from which said information was obtained;~~ Such notice shall serve to revalidate the *canceled* ~~voided~~ prescription. The pharmacist who has served such notice shall then cancel the prescription in the same manner as set forth in paragraph (2)(c).

(4) In the case of a prescription to be transferred from or to a pharmacy located *in another* ~~outside of the~~ state, it shall be the responsibility of the pharmacist *or pharmacy* located in the State of Florida to *verify, whether by electronic means or otherwise,* ~~assure~~ that the person *or entity involved in the* ~~performing the act of~~ transfer *is a licensed pharmacist or pharmacy in the other state* ~~from outside the state is a practitioner licensed to practice pharmacy in the jurisdiction wherein the non-Florida pharmacy involved is located~~.

(5) Electronic transfers of prescriptions are permitted regardless of whether the transferor or transferee pharmacy is open for business.

(6)~~(5)~~ The transfer of a prescription for medicinal drugs listed in Schedules III, IV, and V appearing in chapter 893 for the purpose of refill dispensing is permissible, ~~between pharmacies on a one-time basis~~ subject to the requirements of this section and federal law. Compliance with federal law shall be deemed compliance with the requirements of this section.

Section 92. Section 465.035, Florida Statutes, is amended to read:

465.035 Dispensing of *medicinal* ~~medical~~ drugs pursuant to facsimile of prescription.—

(1) Notwithstanding any other provision of this chapter, it is lawful for a pharmacy to dispense medicinal drugs, *including controlled substances authorized under subsection (2),* based on reception of an electronic facsimile of the original prescription if all of the following conditions are met:

(a) In the course of the transaction the pharmacy complies with laws and administrative rules relating to pharmacies and pharmacists.

(b) Except in the case of the transmission of a prescription by a person authorized by law to prescribe medicinal drugs:

1. The facsimile system making the transmission provides the pharmacy receiving the transmission with audio communication via telephonic, electronic, or similar means with the person presenting the prescription.

2. At the time of the delivery of the medicinal drugs, the pharmacy has in its possession the original prescription for the medicinal drug involved.

3. The recipient of the prescription shall sign a log and shall indicate the name and address of both the recipient and the patient for whom the medicinal drug was prescribed.

(2) ~~This section does not apply to the dispensing of~~ Controlled substances listed in Schedule II as defined in s. 893.03(2) *may be dispensed as provided in this section to the extent allowed by 21 C.F.R. s. 1306.11.*

Section 93. Subsection (1) of section 465.186, Florida Statutes, is amended to read:

465.186 Pharmacist's order for medicinal drugs; dispensing procedure; development of formulary.—

(1) There is hereby created a committee composed of two members of the Board of Medicine licensed under chapter 458 chosen by said board, one member of the Board of Osteopathic Medicine licensed under chapter 459 chosen by said board, three members of the Board of Pharmacy licensed under this chapter and chosen by said board, and one additional person with a background in health care or pharmacology chosen by the committee. The committee shall establish a formulary of medicinal drug products and dispensing procedures which shall be used by a pharmacist when ordering and dispensing such drug products to the public. Dispensing procedures may include matters related to reception of patient, description of his *or her* condition, patient interview, patient physician referral, product selection, and dispensing and use limitations. In developing the formulary of medicinal drug products, the committee may include products falling within the following categories:

(a) Any medicinal drug of single or multiple active ingredients in any strengths when such active ingredients have been approved individually or in combination for over-the-counter sale by the United States Food and Drug Administration.

(b) Any medicinal drug recommended by the United States Food and Drug Administration Advisory Panel for transfer to over-the-counter status pending approval by the United States Food and Drug Administration.

(c) Any medicinal drug containing any antihistamine or decongestant as a single active ingredient or in combination.

(d) Any medicinal drug containing fluoride in any strength.

(e) Any medicinal drug containing lindane in any strength.

(f) Any over-the-counter proprietary drug under federal law that has been approved for reimbursement by the Florida Medicaid Program.

(g) Any topical anti-infectives excluding eye and ear topical anti-infectives.

However, any drug which is sold as an over-the-counter proprietary drug under federal law shall not be included in the formulary or otherwise affected by this section.

Section 94. Paragraph (iii) is added to subsection (4) of section 893.03, Florida Statutes, 1996 Supplement, to read:

893.03 Standards and schedules.—The substances enumerated in this section are controlled by this chapter. The controlled substances listed or to be listed in Schedules I, II, III, IV, and V are included by whatever official, common, usual, chemical, or trade name designated. The provisions of this section shall not be construed to include within any of the schedules contained in this section any excluded drugs listed within the purview of 21 C.F.R. s. 1308.22, styled "Excluded Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt Anabolic Steroid Products."

(4) SCHEDULE IV.—A substance in Schedule IV has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States, and abuse of the substance may lead to limited physical or psychological dependence relative to the substances in Schedule III. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, are controlled in Schedule IV:

(iii) Butorphanol tartrate.

Section 95. For the purpose of incorporating the amendment to section 893.03, Florida Statutes, 1996 Supplement, in references thereto, subsection (5) of section 316.193, Florida Statutes, 1996 Supplement, is reenacted to read:

316.193 Driving under the influence; penalties.—

(5) The court shall place any offender convicted of violating this section on monthly reporting probation and shall require attendance at a substance abuse course licensed by the department; and the agency conducting the course may refer the offender to an authorized service provider for substance abuse evaluation and treatment, in addition to any sentence or fine imposed under this section. The offender shall assume reasonable costs for such education, evaluation, and treatment, with completion of all such education, evaluation, and treatment being a condition of reporting probation. Treatment resulting from a psychosocial evaluation may not be waived without a supporting psychosocial evaluation conducted by an agency appointed by the court and with access to the original evaluation. The offender shall bear the cost of this procedure. The term "substance abuse" means the abuse of alcohol or any substance named or described in Schedules I through V of s. 893.03. If an offender referred to treatment under this subsection fails to report for or complete such treatment or fails to complete the substance abuse education course, the DUI program shall notify the court and the department of the failure. Upon receipt of the notice, the department shall cancel the offender's driving privilege. The department shall reinstate the driving privilege when the offender completes the substance abuse education course or enters treatment required under this subsection. The organization that conducts the substance abuse education and evaluation may not provide required substance abuse treatment unless a waiver has been granted to that organization by the department. A waiver may be granted only if the department determines, in accordance with its rules, that the service provider that conducts the substance abuse education and evaluation is the most appropriate service provider and is licensed under chapter 397 or is exempt from such licensure. All DUI treatment programs providing treatment services on January 1, 1994, shall be allowed to continue to provide such services until the department determines whether a waiver should be granted. A statistical referral report shall be submitted quarterly to the department by each organization authorized to provide services under this section.

Section 96. For the purpose of incorporating the amendment to section 893.03, Florida Statutes, 1996 Supplement, in references thereto, subsection (5) of section 327.35, Florida Statutes, 1996 Supplement, is reenacted to read:

327.35 Boating under the influence; penalties.—

(5) In addition to any sentence or fine, the court shall place any offender convicted of violating this section on monthly reporting probation and shall require attendance at a substance abuse course specified by the court; and the agency conducting the course may refer the offender to an authorized service provider for substance abuse evaluation and treatment, in addition to any sentence or fine imposed under this section. The offender shall assume reasonable costs for such education, evaluation, and treatment, with completion of all such education, evaluation, and treatment being a condition of reporting probation. Treatment resulting from a psychosocial evaluation may not be waived without a supporting psychosocial evaluation conducted by an agency appointed by the court and with access to the original evaluation. The offender shall bear the cost of this procedure. The term "substance

abuse" means the abuse of alcohol or any substance named or described in Schedules I through V of s. 893.03.

Section 97. For the purpose of incorporating the amendment to section 893.03, Florida Statutes, 1996 Supplement, in references thereto, paragraph (b) of subsection (11) of section 440.102, Florida Statutes, 1996 Supplement, is reenacted to read:

440.102 Drug-free workplace program requirements.—The following provisions apply to a drug-free workplace program implemented pursuant to law or to rules adopted by the Agency for Health Care Administration:

(11) PUBLIC EMPLOYEES IN SAFETY-SENSITIVE OR SPECIAL-RISK POSITIONS.—

(b) An employee who is employed by a public employer in a special-risk position may be discharged or disciplined by a public employer for the first positive confirmed test result if the drug confirmed is an illicit drug under s. 893.03. A special-risk employee who is participating in an employee assistance program or drug rehabilitation program may not be allowed to continue to work in any special-risk or safety-sensitive position of the public employer, but may be assigned to a position other than a safety-sensitive position or placed on leave while the employee is participating in the program. However, the employee shall be permitted to use any accumulated annual leave credits before leave may be ordered without pay.

Section 98. For the purpose of incorporating the amendment to section 893.03, Florida Statutes, 1996 Supplement, in references thereto, subsection (3) of section 458.326, Florida Statutes, is reenacted to read:

458.326 Intractable pain; authorized treatment.—

(3) Notwithstanding any other provision of law, a physician may prescribe or administer any controlled substance under Schedules II-V, as provided for in s. 893.03, to a person for the treatment of intractable pain, provided the physician does so in accordance with that level of care, skill, and treatment recognized by a reasonably prudent physician under similar conditions and circumstances.

Section 99. For the purpose of incorporating the amendment to section 893.03, Florida Statutes, 1996 Supplement, in references thereto, subsection (1) of section 817.563, Florida Statutes, is reenacted to read:

817.563 Controlled substance named or described in s. 893.03; sale of substance in lieu thereof.—It is unlawful for any person to agree, consent, or in any manner offer to unlawfully sell to any person a controlled substance named or described in s. 893.03 and then sell to such person any other substance in lieu of such controlled substance. Any person who violates this section with respect to:

(1) A controlled substance named or described in s. 893.03(1), (2), (3), or (4) is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 100. For the purpose of incorporating the amendment to section 893.03, Florida Statutes, 1996 Supplement, in references thereto, section 831.31, Florida Statutes, is reenacted to read:

831.31 Counterfeit controlled substance; sale, manufacture, delivery, or possession with intent to sell, manufacture, or deliver.—

(1) It is unlawful for any person to sell, manufacture, or deliver, or to possess with intent to sell, manufacture, or deliver, a counterfeit controlled substance. Any person who violates this subsection with respect to:

(a) A controlled substance named or described in s. 893.03(1), (2), (3), or (4) is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) For purposes of this section, "counterfeit controlled substance" means:

(a) A controlled substance named or described in s. 893.03 which, or the container or labeling of which, without authorization bears the trademark, trade name, or other identifying mark, imprint, or number, or any likeness thereof, of a manufacturer other than the person who in fact manufactured the controlled substance; or

(b) Any substance which is falsely identified as a controlled substance named or described in s. 893.03.

Section 101. For the purpose of incorporating the amendment to section 893.03, Florida Statutes, 1996 Supplement, in references thereto, paragraph (d) of subsection (1) of section 856.015, Florida Statutes, is reenacted to read:

856.015 Open house parties.—

(1) Definitions.—As used in this section:

(d) "Drug" means a controlled substance, as that term is defined in ss. 893.02(4) and 893.03.

Section 102. For the purpose of incorporating the amendment to section 893.03, Florida Statutes, 1996 Supplement, in references thereto, subsection (4) of section 893.02, Florida Statutes, is reenacted to read:

893.02 Definitions.—The following words and phrases as used in this chapter shall have the following meanings, unless the context otherwise requires:

(4) "Controlled substance" means any substance named or described in Schedules I through V of s. 893.03. Laws controlling the manufacture, distribution, preparation, dispensing, or administration of such substances are drug abuse laws.

Section 103. For the purpose of incorporating the amendment to section 893.03, Florida Statutes, 1996 Supplement, in references thereto, paragraph (b) of subsection (1) of section 893.08, Florida Statutes, is reenacted to read:

893.08 Exceptions.—

(1) The following may be distributed at retail without a prescription, but only by a registered pharmacist:

(b) Any compound, mixture, or preparation containing any depressant or stimulant substance described in s. 893.03(2)(a) or (c) except any amphetamine drug or sympathomimetic amine drug or compound designated as a Schedule II controlled substance pursuant to this chapter; in s. 893.03(3)(a); or in Schedule IV, if:

1. The compound, mixture, or preparation contains one or more active medicinal ingredients not having depressant or stimulant effect on the central nervous system, and

2. Such ingredients are included therein in such combinations, quantity, proportion, or concentration as to vitiate the potential for abuse of the controlled substances which do have a depressant or stimulant effect on the central nervous system.

Section 104. For the purpose of incorporating the amendment to section 893.03, Florida Statutes, 1996 Supplement, in references thereto, paragraphs (a), (c), and (d) of subsection (1), paragraph (a) of subsection (2), paragraph (b) of subsection (4), and paragraph (b) of subsection (5) of section 893.13, Florida Statutes, 1996 Supplement, are reenacted to read:

893.13 Prohibited acts; penalties.—

(1)(a) Except as authorized by this chapter and chapter 499, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance. Any person who violates this provision with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c), (3), or (4) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. A controlled substance named or described in s. 893.03(5) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) Except as authorized by this chapter, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver a controlled substance in, on, or within 1,000 feet of the real property comprising a public or private elementary, middle, or secondary school between the hours of 6 a.m. and 12 a.m. Any person who violates this paragraph with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084 and must be sentenced to a minimum term of imprisonment of 3 calendar years.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c), (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Any other controlled substance, except as lawfully sold, manufactured, or delivered, must be sentenced to pay a $500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law.

(d) Except as authorized by this chapter, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 200 feet of the real property comprising a public housing facility, within 200 feet of the real property comprising a public or private college, university, or other postsecondary educational institution, or within 200 feet of any public park. Any person who violates this paragraph with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c), (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Any other controlled substance, except as lawfully sold, manufactured, or delivered, must be sentenced to pay a $500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law.

(2)(a) Except as authorized by this chapter and chapter 499, it is unlawful for any person to purchase, or possess with intent to purchase, a controlled substance. Any person who violates this provision with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c), (3), or (4) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. A controlled substance named or described in s. 893.03(5) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) Except as authorized by this chapter, it is unlawful for any person 18 years of age or older to deliver any controlled substance to a person under the age of 18 years, or to use or hire a person under the age of 18 years as an agent or employee in the sale or delivery of such a substance, or to use such person to assist in avoiding detection or apprehension for a violation of this chapter. Any person who violates this provision with respect to:

(b) A controlled substance named or described in s. 893.03(1)(c), (2)(c), (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Imposition of sentence may not be suspended or deferred, nor shall the person so convicted be placed on probation.

(5) It is unlawful for any person to bring into this state any controlled substance unless the possession of such controlled substance is authorized by this chapter or unless such person is licensed to do so by the appropriate federal agency. Any person who violates this provision with respect to:

(b) A controlled substance named or described in s. 893.03(1)(c), (2)(c), (3), or (4) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 105. Subsection (7) of section 466.003, Florida Statutes, is amended to read:

466.003 Definitions.—As used in this chapter:

(7) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

Section 106. Subsection (3) of section 466.006, Florida Statutes, is amended to read:

466.006 Examination of dentists.—

(3) If an applicant is a graduate of a dental college or school not accredited in accordance with paragraph (2)(b) or of a dental college or school not approved by the board, he shall not be entitled to take the examinations required in this section to practice dentistry until he ~~meets the following requirements:~~

~~(a) Furnishes evidence to the board of a score on the examination of the National Board of Dental Examiners taken within 10 years of the date of application, which score is at least equal to the minimum score required for certification by that board. If the applicant fails to attain the score needed for certification on part I of the national board examination in two attempts, or fails to attain the score needed for certification on part II of the national board examination in two attempts, he shall not be entitled to take the laboratory model examination authorized in paragraph (c).~~

~~(b) Submits, upon meeting the requirements of paragraph (a), the following credentials for review by the board:~~

~~1. Transcripts of predental education and dental education totaling 7 academic years of postsecondary education, including 4 academic years of dental education; and~~

~~2. A dental school diploma.~~

~~The board shall not review the credentials specified in this paragraph until the applicant has furnished to the board evidence of satisfactory completion of the National Board of Dental Examiners examination as required by paragraph (a). Such credentials shall be submitted in a manner provided by rule of the board. The board shall approve those credentials which comply with this paragraph and with rules of the board adopted pursuant hereto. The provisions of this paragraph notwithstanding, an applicant who cannot produce the credentials required by this paragraph as a result of political or other conditions in the country in which he received his education may seek approval by the board of his educational background prior to complying with the provisions of paragraph (a) by submitting such other reasonable and reliable evidence as may be set forth by rule of the board in lieu of the credentials required in this paragraph. The board shall not accept such alternative evidence until it has made a reasonable attempt to obtain the credentials required by this paragraph from the educational institutions the applicant is alleged to have attended, unless the board is otherwise satisfied that such credentials cannot be obtained.~~

~~(c)~~ satisfies one of the following:

(a)~~1.~~ Completes a program of study, as defined by the board by rule, at an accredited American dental school and demonstrates receipt of a D.D.S. or D.M.D. from said school; *or*

(b)~~2.~~ Completes a 2-year supplemental dental education program at an accredited dental school and receives a dental diploma, degree, or certificate as evidence of program completion.~~; or~~

~~3. Exhibits manual skills on a laboratory model pursuant to rules of the board. The board may charge a reasonable fee, not to exceed $250, to cover the costs of administering the exhibition of competency in manual skills. If the applicant fails to exhibit competent clinical skills in two attempts, he shall not be entitled to take the examinations authorized in subsection (4). Effective December 31, 1991, no applicant may fulfill the requirements of this paragraph by taking the laboratory model exam. On or after said date, applicants must complete the educational requirements set forth in subparagraph 1. or subparagraph 2.~~

~~The provisions of paragraph (a) and subparagraph (c)3. notwithstanding, an applicant who is a graduate of a dental college or school not accredited in accordance with paragraph (2)(b) and who has failed to pass part I or part II of the national board examination in two attempts may take the laboratory model exam required in subparagraph (c)3. if the board finds that he has taken remedial training in the subject areas in which he tested below standard on said national board examination and that he has subsequently passed that part of such exam which he had previously failed, provided that no applicant shall be entitled to this exception who fails either part of the national board examination a total of three times. Further, an applicant who has failed to pass the laboratory model exam required in subparagraph (c)3. in two attempts may be allowed by the board to make a third and final attempt if the board finds that he has taken remedial training in clinical subjects in which he tested below standard. Upon passing said laboratory model exam, the applicant may take the licensure examinations required in subsection (4). Further, the educational requirements found in subparagraph (b)1. do not apply to persons who began dental education prior to October 1, 1983, and such persons shall be governed by the educational requirements in existence on September 30, 1983.~~

Section 107. Section 466.017, Florida Statutes, is amended to read:

466.017 Prescription of drugs; anesthesia.—

(1) A dentist shall have the right to prescribe drugs or medicine, subject to limitations imposed by law; perform surgical operations within the scope of his practice and training; administer general or local anesthesia or sedation, subject to limitations imposed by law; and use such appliances as may be necessary to the proper practice of dentistry.

(2) Pharmacists licensed pursuant to chapter 465 may fill prescriptions of legally licensed dentists in this state for any drugs necessary for the practice of dentistry.

(3) The board shall adopt rules which:

(a) Define general anesthesia.

(b) Specify which *methods of* general or local anesthesia or sedation, if any, are limited or prohibited for use by dentists.

(c) Establish minimal training, education, experience, or certification for a dentist to use general anesthesia or sedation, which rules may exclude, in the board's discretion, those dentists using general anesthesia or sedation in a competent and effective manner as of the effective date of the rules.

(d) Establish further requirements relating to the use of general anesthesia or sedation, including, but not limited to, office equipment and the training of dental assistants or dental hygienists who work with dentists using general anesthesia or sedation.

(e) Establish an administrative mechanism enabling the board to verify compliance with training, education, experience, equipment, or certification requirements of dentists, dental hygienists, and dental assistants adopted pursuant to this subsection. The board may charge a fee to defray the cost of verifying compliance with requirements adopted pursuant to this paragraph.

~~(4)(a) A licensed dentist who has been utilizing general anesthesia on a regular and routine basis in a competent and effective manner for a 10-year period preceding January 1, 1980, shall be deemed to have fulfilled the training requirements required by subsection (3) for general anesthesia.~~

~~(b) A licensed dentist who has been utilizing parenteral conscious sedation on an outpatient basis on a regular and routine basis in a competent and effective manner for the 3-year period preceding January 1, 1980, shall be deemed to have fulfilled the training requirements required by subsection (3) for parenteral conscious sedation.~~

(4)~~(5)~~ A dentist who administers or employs the use of any form of anesthesia must possess a certification in either basic cardiopulmonary resuscitation for health professionals or advanced cardiac life support approved by the American Heart Association or the American Red Cross or an equivalent agency-sponsored course with recertification every 2 years. Each dental office which uses any form of anesthesia must have immediately available and in good working order such resuscitative equipment, oxygen, and other resuscitative drugs as are specified by rule of the board in order to manage possible adverse reactions.

(5)~~(6)~~ A licensed dentist may utilize an X-ray machine, expose dental X-ray films, and interpret or read such films. The provisions of part IV of chapter 468 to the contrary notwithstanding, a licensed dentist may authorize or direct a dental assistant to operate such equipment and expose such films under his direction and supervision, pursuant to rules adopted by the board in accordance with s. 466.024 which ensure that said assistant is competent by reason of training and experience to operate said equipment in a safe and efficient manner. The board may charge a fee not to exceed $35 to defray the cost of verifying compliance with requirements adopted pursuant to this section.

(6)~~(7)~~ The provisions of s. 465.0276 notwithstanding, a dentist need not register with the board or comply with the continuing education requirements of that section if the dentist confines his dispensing activity to the dispensing of fluorides and chlorohexidine rinse solutions; provided that the dentist complies with and is subject to all laws and rules applicable to pharmacists and pharmacies, including, but not limited to, chapters 465, 499, and 893, and all applicable federal laws and regulations, when dispensing such products.

Section 108. Paragraphs (r) and (hh) of subsection (1) of section 466.028, Florida Statutes, are amended to read:

466.028 Grounds for disciplinary action; action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(r) Prescribing, procuring, ordering, dispensing, administering, supplying, selling, or giving any drug which is *a Schedule II* ~~an~~ amphetamine or *a Schedule II* sympathomimetic amine drug or a compound *thereof* ~~designated as a Schedule II controlled substance~~, pursuant to chapter 893, to or for any person except for the clinical investigation of the effects of such drugs or compounds when an investigative protocol therefor is submitted to, and reviewed and approved by, the board before such investigation is begun.

(hh) Failing to report to the *department* ~~Division of Medical Quality Assurance~~ any *licensee* ~~physician licensed~~ under chapter 458 or ~~osteopathic physician licensed under~~ chapter 459 who the dentist knows has violated the grounds for disciplinary action set out in the law under which that *person* ~~physician or osteopathic physician~~ is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the dentist also provides services.

Section 109. Subsection (2) of section 468.1115, Florida Statutes, is amended to read:

468.1115 Exemptions.—

(2) The provisions of this part shall not apply to:

(a) Students actively engaged in a training program, if such persons are acting under the direct supervision of a licensed speech-language pathologist or a licensed audiologist.

(b) Persons practicing a licensed profession or operating within the scope of their profession, such as doctors of medicine, clinical psychologists, nurses, or hearing aid specialists, who are properly licensed under the laws of this state.

(c) *Persons certified in the areas of speech-language impairment or hearing impairment* ~~A person licensed~~ in this state under chapter 231 when engaging in the profession for which *they are certified* ~~he is licensed~~, or any person under the direct supervision of *such a certified person, or of a licensee under this chapter, when the person under such supervision is performing hearing screenings in a school setting for prekindergarten through grade 12* ~~the licensee when rendering services within the scope of the profession of the licensee~~.

(d) Laryngectomized individuals, rendering guidance and instruction to other laryngectomized individuals, who are under the supervision of a speech-language pathologist licensed under this part or of a physician licensed under chapter 458 or chapter 459 and qualified to perform this surgical procedure.

(e) Persons licensed by another state as a speech-language pathologist or audiologist who provide services within the applicable scope of practice set forth in s. 468.1125(6) or (7) for no more than 5 calendar days per month or 15 calendar days per year under the direct supervision of a Florida-licensed speech-language pathologist or audiologist. A person whose state of residence does not license speech-language pathologists or audiologists may also qualify for this exemption, if the person holds a certificate of clinical competence from the American Speech-Language and Hearing Association and meets all other requirements of this paragraph. In either case, the board shall hold the supervising Florida licensee fully accountable for the services provided by the out-of-state licensee.

(f) Nonlicensed persons working in a hospital setting who provide newborn infant hearing screenings, so long as training, clinical interpretation of the screenings, and the protocol for followup of infants who fail in-hospital screenings are provided by a licensed audiologist.

Section 110. Subsection (5) of section 468.1125, Florida Statutes, is amended to read:

468.1125 Definitions.—As used in this part, the term:

(5) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

Section 111. Section 468.1155, Florida Statutes, is amended to read:

468.1155 Provisional license; requirements.—

(1)*(a)* A provisional license shall be required *of all applicants who cannot document 9 months of supervised professional employment experience and a passing score on the national examination.*

(b) Individuals who are required to hold a provisional license under paragraph (a) shall apply to the department and be certified by the board for licensure prior to initiating the professional employment experience required pursuant to s. 468.1165. ~~Any person desiring a provisional license to practice speech-language pathology or audiology shall apply to the department.~~

(2) The department shall issue a provisional license to practice speech-language pathology to each applicant *who* ~~whom~~ the board certifies has:

(a) Completed the application form and remitted *the required fees, including* a nonrefundable application fee.

(b) Received a master's degree with a major emphasis in speech-language pathology from an institution of higher learning which, at the time the applicant was enrolled and graduated, was accredited by an accrediting agency recognized by the Commission on Recognition of Postsecondary Accreditation or from an institution which is publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada. An applicant who graduated from a program at a university or college outside the United States or Canada *must* ~~shall~~ present documentation of the determination of equivalency to *standards established* ~~programs accredited~~ by the Commission on Recognition of Postsecondary Accreditation in order to qualify. The applicant *must* ~~shall~~ have completed ~~a total of~~ 60 semester hours *that* ~~which~~ include:

1. Fundamental information applicable to the normal development and use of speech, hearing, and language;~~, and~~ information about training in management of speech, hearing, and language disorders;~~,~~ and ~~which provide~~ information supplementary to these fields.

2. Six semester hours in audiology.

3. Thirty of *the required 60* ~~these~~ semester hours ~~shall be~~ in courses acceptable toward a graduate degree by the college or university in which these courses were taken,~~.~~ of *which* ~~these 30 semester hours,~~ 24 semester hours *must* ~~shall~~ be in speech-language pathology.

(c) Completed 300 *supervised clinical* clock hours ~~of supervised clinical practice~~ with 200 clock hours in the area of speech-language pathology. The supervised clinical *clock hours* ~~practice~~ shall be completed within the training institution or one of its cooperating programs.

(3) The department shall issue a provisional license to practice audiology to each applicant *who* ~~whom~~ the board certifies has:

(a) Completed the application form and remitted *the required fees, including* a nonrefundable application fee.

(b) Received a master's degree with a major emphasis in audiology from an institution of higher learning which at the time the applicant was enrolled and graduated was accredited by an accrediting agency recognized by the Commission on Recognition of Postsecondary Accreditation or from an institution which is publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada. An applicant who graduated from a program at a university or college outside the United States or Canada *must* ~~shall~~ present documentation of the determination of equivalency to *standards established* ~~programs accredited~~ by the Commission on Recognition of Postsecondary Accreditation in order to qualify. The applicant *must* ~~shall~~ have completed ~~a total of~~ 60 semester hours *that* ~~which~~ include:

1. Fundamental information applicable to the normal development and use of speech, hearing, and language;~~, and~~ information about training in management of speech, hearing, and language disorders;~~,~~ and ~~which provide~~ information supplementary to these fields.

2. Six semester hours in speech-language pathology.

3. Thirty of *the required 60* ~~these~~ semester hours ~~shall be~~ in courses acceptable toward a graduate degree by the college or university in which these courses were taken,~~.~~ of *which* ~~these 30 semester hours,~~ 24 semester hours *must* ~~shall~~ be in audiology.

(c) Completed 300 *supervised clinical* clock hours ~~of supervised clinical practice~~ with 200 clock hours in the area of audiology. The supervised clinical *clock hours* ~~practice~~ shall be completed within the training institution or one of its cooperating programs.

(4) An applicant for a provisional license who has received a master's degree with a major emphasis in speech-language pathology as provided in subsection (2), or audiology as provided in subsection (3), and who seeks licensure in the area in which the applicant is not currently licensed, must have completed 30 semester hours in courses acceptable toward a graduate degree and 200 supervised clinical clock hours in the second discipline from an accredited institution.

(5)~~(4)~~ The board, by rule, shall establish requirements for the renewal of a provisional license. However, ~~no person shall obtain~~ a provisional license *may not exceed* ~~for~~ a period *of* ~~which exceeds~~ 24 months.

Section 112. Paragraph (a) of subsection (2) and subsection (3) of section 468.1185, Florida Statutes, are amended to read:

468.1185 Licensure.—

(2) The board shall certify for licensure any applicant who has:

(a) Satisfied the education and supervised clinical *clock hour* ~~practice~~ requirements of s. 468.1155.

(3) The board shall certify as qualified for a license by endorsement as a speech-language pathologist or audiologist an applicant who:

(a) Holds a valid license or certificate in another state *or territory of the United States* to practice the profession for which the application for licensure is made, if the criteria for issuance of such license were substantially equivalent to or more stringent than the licensure criteria which existed in this state at the time the license was issued; or

(b) Has received the certificate of clinical competence of the American Speech-Language and Hearing Association.

Section 113. Section 468.1195, Florida Statutes, is amended to read:

468.1195 Renewal of license or certificate; continuing education requirements*; standards for approval of continuing education providers.*—

(1) The department shall renew a license or certificate upon receipt of the renewal application, renewal fee, and proof satisfactory to the board that~~, during the 2 years prior to the application for renewal,~~ the licensee or certificateholder *has completed the* ~~participated in not less than 20 hours of~~ continuing education *requirements established by the*

board ~~in each area of licensure or certification~~. *A licensee or certificate-holder who receives initial licensure or certification 6 months or less before the end of the biennial licensure cycle is exempt from the continuing education requirements for the first renewal of the license or certificate.*

(2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses and certificates.

(3) The board *may prescribe* ~~shall~~ by rule ~~prescribe~~ continuing education, *not to exceed 60 hours biennially in each area of licensure or certification,* as a condition for renewal of a license or a certificate. *The board may establish by rule standards for the approval of such continuing education activities.* The board may make exception from the requirements of continuing education in emergency or hardship cases.

(4) The board may establish by rule standards for the approval of providers of continuing education activities.

Section 114. Section 468.1201, Florida Statutes, is created to read:

468.1201 Requirement for instruction on human immunodeficiency virus and acquired immune deficiency syndrome.—The board shall require, as a condition of granting a license under this part, that an applicant making initial application for licensure complete an education course acceptable to the board on human immunodeficiency virus and acquired immune deficiency syndrome. An applicant who has not taken a course at the time of licensure shall, upon submission of an affidavit showing good cause, be allowed 6 months to complete this requirement.

Section 115. Subsections (2), (3), and (4) of section 468.1215, Florida Statutes, are amended to read:

468.1215 Speech-language pathology assistant and audiology assistant; certification.—

(2) The department shall issue a certificate as a speech-language pathology assistant or as an audiology assistant to each applicant *who* ~~whom~~ the board certifies has:

(a) Completed the application form and remitted *the required fees, including* a nonrefundable application fee.

(b) Completed at least 24 semester hours of coursework as approved by the board at an institution accredited by an accrediting agency recognized by the Commission on Recognition of Postsecondary Accreditation.

(3) The board, by rule, shall establish minimum education *and on-the-job training and supervision* requirements for certification as a speech-language pathology assistant or audiology assistant.

(4) The provisions of this section shall not apply to any student, intern, or trainee performing speech-language pathology or audiology services while completing the supervised clinical *clock hours* ~~experience~~ as required in s. 468.1155.

Section 116. Subsection (2) of section 468.1245, Florida Statutes, is amended to read:

468.1245 Itemized listing of prices; delivery of hearing aid; *receipt* ~~contract~~; guarantee; packaging; disclaimer.—

(2) Any licensee who fits and sells a hearing aid shall, at the time of delivery, provide the purchaser with a *receipt* ~~contract~~ containing the seller's signature, the address of his regular place of business, and his license or certification number, if applicable, together with the brand, model, manufacturer or manufacturer's identification code, and serial number of the hearing aid furnished and the amount charged for the hearing aid. The *receipt* ~~contract~~ also shall specify whether the hearing aid is new, used, or rebuilt, and shall specify the length of time and other terms of the guarantee and by whom the hearing aid is guaranteed. When the client has requested an itemized list of prices, the *receipt* ~~contract~~ shall also provide an itemization of the total purchase price, including, but not limited to, the cost of the aid, ear mold, batteries, and other accessories, and the cost of any services. Notice of the availability of this service *must* ~~shall~~ be displayed in a conspicuous manner in the office. The receipt also shall state that any complaint concerning the hearing aid and *its* guarantee ~~therefor~~, if not reconciled with the licensee from whom the hearing aid was purchased, should be directed by the purchaser to the *department* ~~Agency for Health Care Administration~~. The address and telephone number of such office shall be stated on the *receipt* ~~contract~~.

Section 117. Section 468.1295, Florida Statutes, is amended to read:

468.1295 Disciplinary proceedings.—

(1) The following acts constitute grounds for both disciplinary actions as set forth in subsection (2) and cease and desist or other related actions by the department as set forth in s. 455.228:~~.~~

(a) *Procuring or* attempting to procure a license by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

(b) Having a license revoked, suspended, or otherwise acted against, including denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of speech-language pathology or audiology.

(d) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or records required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such report or record shall include only those reports or records which are signed in one's capacity as a licensed speech-language pathologist or audiologist.

(e) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(f) Being proven guilty of fraud or deceit or of negligence, incompetency, or misconduct in the practice of speech-language pathology or audiology.

(g) Violating a lawful order of the board or department previously entered in a disciplinary hearing, or failing to comply with a lawfully issued subpoena of the board or department.

(h) Practicing with a revoked, suspended, inactive, or delinquent license.

(i) Using, or causing or promoting the use of, any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or other representation, however disseminated or published, which is misleading, deceiving, or untruthful.

(j) Showing or demonstrating or, in the event of sale, delivery of a product unusable or impractical for the purpose represented or implied by such action.

(k) Failing to submit to the board on an annual basis, or such other basis as may be provided by rule, certification of testing and calibration of such equipment as designated by the board and on the form approved by the board.

(l) Aiding, assisting, procuring, *employing,* or advising any *licensee or business entity* ~~licensed person~~ to practice speech-language pathology or audiology contrary to this part, *chapter 455,* or *any* ~~to a~~ rule *adopted pursuant thereto* ~~of the department or the board~~.

(m) *Violating any provision* ~~Violation or repeated violation~~ of this part or ~~of~~ chapter 455~~,~~ or any *rule* ~~rules~~ adopted pursuant thereto.

(n) *Misrepresenting the* ~~Misrepresentation of~~ professional services available in the fitting, sale, adjustment, service, or repair of a hearing aid, or *using* ~~use of~~ any other term or title which might connote the availability of professional services when such use is not accurate.

(o) *Representing, advertising, or implying* ~~Representation, advertisement, or implication~~ that a hearing aid or its repair is guaranteed without providing full disclosure of the identity of the guarantor; the nature, extent, and duration of the guarantee; and the existence of conditions or limitations imposed upon the guarantee.

(p) Representing, directly or by implication, that a hearing aid utilizing bone conduction has certain specified features, such as the absence of anything in the ear or leading to the ear, or the like, without disclosing clearly and conspicuously that the instrument operates on the bone conduction principle and that in many cases of hearing loss this type of instrument may not be suitable.

(q) Stating or implying that the use of any hearing aid will improve or preserve hearing or prevent or retard the progression of a hearing impairment or that it will have any similar or opposite effect.

(r) Making any statement regarding the cure of the cause of a hearing impairment by the use of a hearing aid.

(s) Representing or implying that a hearing aid is or will be "custom-made," "made to order," or "prescription-made," or in any other sense specially fabricated for an individual ~~person~~, when such is not the case.

(t) Canvassing from house to house or by telephone, either in person or by an agent, for the purpose of selling a hearing aid, except that contacting persons who have evidenced an interest in hearing aids, or have been referred as in need of hearing aids, shall not be considered canvassing.

(u) *Failing to notify the department in writing of a change in current mailing and place-of-practice address within 30 days after such change* ~~Failure to submit to the board on an annual basis, or such other basis as may be provided by rule, certification of testing and calibration of audiometric testing equipment on the form approved by the board~~.

(v) Failing to provide all information as described in *ss. 468.1225(5)(b),* ~~s.~~ 468.1245(1)*, and 468.1246*.

(w) Exercising influence on a client in such a manner as to exploit the client for financial gain of the licensee or of a third party.

(x) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee or certificateholder knows, or has reason to know, the licensee or certificateholder is not competent to perform.

(y) Aiding, assisting, procuring, or employing any unlicensed person to practice speech-language pathology or audiology.

(z) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization to perform them.

(aa) Committing any act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct as defined pursuant to s. 468.1296.

(bb) Being unable to practice the profession for which he or she is licensed or certified under this chapter with reasonable skill or competence as a result of any mental or physical condition or by reason of illness, drunkenness, or use of drugs, narcotics, chemicals, or any other substance. In enforcing this paragraph, upon a finding by the secretary, his or her designee, or the board that probable cause exists to believe that the licensee or certificateholder is unable to practice the profession because of the reasons stated in this paragraph, the department shall have the authority to compel a licensee or certificateholder to submit to a mental or physical examination by a physician, psychologist, clinical social worker, marriage and family therapist, or mental health counselor designated by the department or board. If the licensee or certificateholder refuses to comply with the department's order directing the examination, such order may be enforced by filing a petition for enforcement in the circuit court in the circuit in which the licensee or certificateholder resides or does business. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee or certificateholder affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice for which he or she is licensed or certified with reasonable skill and safety to patients.

(2) When the board finds any person guilty of any of the acts set forth in subsection (1), it may issue an order imposing one or more of the following penalties:

(a) *Refusal to certify, or to certify with restrictions,* ~~Denial of~~ an application for licensure.

(b) ~~Revocation or~~ Suspension *or permanent revocation* of a license.

(c)~~(d)~~ Issuance of a reprimand.

(d)~~(f)~~ Restriction of the authorized scope of practice.

(e)~~(c)~~ Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.

(f)~~(e)~~ Placement of the licensee *or certificateholder* on probation for a period of time and subject to such conditions as the board may specify. *Those conditions may include, but are not limited to,* ~~including~~ requiring the *licensee or certificateholder* ~~speech-language pathologist or audiologist~~ to *undergo treatment,* attend continuing education courses, *submit to be reexamined,* ~~or to~~ work under the supervision of another *licensee, or satisfy any terms which are reasonably tailored to the violation found* ~~speech-language pathologist or audiologist~~.

(g) Corrective action.

(3) The department shall reissue the license *or certificate which* ~~of a speech-language pathologist or audiologist who~~ has been *suspended or revoked* ~~disciplined~~ upon certification by the board that the *licensee or certificateholder* ~~person~~ has complied with all of the terms and conditions set forth in the final order.

Section 118. Section 468.1296, Florida Statutes, is created to read:

468.1296 Sexual misconduct.—Sexual misconduct by any person licensed or certified in the practice of his or her profession is prohibited. Sexual misconduct means to induce or to attempt to induce the patient to engage, or to engage or to attempt to engage the patient, in sexual activity outside the scope of practice or the scope of generally accepted examination or treatment of the patient.

Section 119. Subsection (2) of section 468.1655, Florida Statutes, is amended to read:

468.1655 Definitions.—As used in this part:

(2) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

Section 120. Subsection (1) of section 468.1695, Florida Statutes, is amended to read:

468.1695 Licensure by examination.—

(1) Any person desiring to be licensed as a nursing home administrator shall apply to the department to take the licensure examination. The examination shall be given at least *two* ~~four~~ times a year and shall include, but not be limited to, questions on the subjects of nursing home administration such as:

(a) Applicable standards of nursing home health and safety;
(b) Federal, state, and local health and safety laws and rules;
(c) General administration;
(d) Psychology of patient care;
(e) Principles of medical care;
(f) Personal and social care;
(g) Therapeutic and supportive care and services in long-term care;
(h) Departmental organization and management;
(i) Community interrelationships; and
(j) Terminology.

The board may, by rule, adopt use of a national examination in lieu of part or all of the examination required by this part.

Section 121. Subsections (2), (4), and (5) of section 468.203, Florida Statutes, are amended to read:

468.203 Definitions.—As used in this act, the term:

(2) "Board" means the Board of *Occupational Therapy Practice* ~~Medicine~~.

(4) "Occupational therapy" means *the use of purposeful activity or interventions to achieve functional outcomes.*

(a) For the purposes of this subsection:

1. "Achieving functional outcomes" means to maximize the independence and the maintenance of health of any individual who is limited by a physical injury or illness, a cognitive impairment, a psychosocial dysfunction, a mental illness, a developmental or a learning disability, or an adverse environmental condition.

2. "Assessment" means the use of skilled observation or the administration and interpretation of standardized or nonstandardized tests and measurements to identify areas for occupational therapy services.

(b) Occupational therapy services include, but are not limited to:

1. The assessment, treatment, and education of or consultation with the individual, family, or other persons.

2. Interventions directed toward developing daily living skills, work readiness or work performance, play skills or leisure capacities, or enhancing educational performance skills.

3. Providing for the development of: sensory-motor, perceptual, or neuromuscular functioning; range of motion; or emotional, motivational, cognitive, or psychosocial components of performance.

These services may require assessment of the need for use of interventions such as the design, development, adaptation, application, or training in the use of assistive technology devices; the design, fabrication, or application of rehabilitative technology such as selected orthotic devices; training in the use of assistive technology; orthotic or prosthetic devices; the application of physical agent modalities as an adjunct to or in preparation for purposeful activity; the use of ergonomic principles; the adaptation of environments and processes to enhance functional performance; or the promotion of health and wellness ~~the evaluation and treatment of individuals whose ability to cope with the tasks of living are threatened or impaired by developmental deficits, the aging process, poverty and cultural differences, physical injury or illness, or psychological and social disability. The treatment utilizes task-oriented activities to prevent or correct physical or emotional deficits or to minimize the disabling effect of these deficits in the life of the individual. Specific occupational therapy techniques include, but are not limited to, activities of daily living (ADL), the fabrication and application of splints, perceptual-motor activities, the use of specifically designed crafts, guidance in the selection and use of adaptive equipment, exercises to enhance functional performance, and prevocational evaluation and treatment. Such techniques are applied in the treatment of individual patients or clients, in groups, or through social systems~~.

(c) The use of devices subject to 21 C.F.R. s. 801.109 and identified by the board is expressly prohibited except by an occupational therapist or occupational therapy assistant who has received training as specified by the board. The board shall adopt rules to carry out the purpose of this provision.

(5) "Occupational therapy aide" means a person who assists in the practice of occupational therapy, who works under the direct supervision of a ~~person~~ licensed *occupational therapist or* ~~to practice~~ occupational therapy *assistant*, and whose activities require *a general* ~~an~~ understanding of occupational therapy *pursuant to board rules* ~~but do not require professional or advanced training in the basic anatomical, biological, psychological, and social sciences involved in the practice of occupational therapy~~.

Section 122. Section 468.205, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 468.205, F.S., for present text.)

468.205 Board of Occupational Therapy Practice.—

(1) There is created within the department the Board of Occupational Therapy Practice, composed of seven members appointed by the Governor, subject to confirmation by the Senate.

(2) Four members shall be licensed occupational therapists in good standing in this state who are residents of this state and have been engaged in the practice of occupational therapy for at least 4 years immediately prior to their appointment. One member shall be a licensed occupational therapy assistant in good standing in this state who is a resident of the state and has been engaged in the practice of occupational therapy for at least 4 years immediately prior to the appointment. Two members shall be consumers who are residents of the state who are not connected with the practice of occupational therapy.

(3) Within 90 days after the effective date of this act, the Governor shall appoint the board as follows:

(a) Two members for terms of 2 years each.
(b) Two members for terms of 3 years each.
(c) Three members for terms of 4 years each.

(4) As the terms of the members expire, the Governor shall appoint successors for terms of 4 years and such members shall serve until their successors are appointed.

(5) All provisions of chapter 455 relating to activities of the board shall apply.

Section 123. Section 468.209, Florida Statutes, is amended to read:

468.209 Requirements for licensure.—

(1) An applicant applying for a license as an occupational therapist or as an occupational therapy assistant shall file a written application, accompanied by the application for licensure fee prescribed in s. 468.221, on forms provided by the *department* ~~board~~, showing to the satisfaction of the board that he:

(a) Is of good moral character.

(b) Has successfully completed the academic requirements of an educational program in occupational therapy recognized by the board, with concentration in biologic or physical science, psychology, and sociology, and with education in selected manual skills. ~~For an occupational therapist,~~ Such a program shall be accredited by the American ~~Medical Association in collaboration with the American~~ Occupational Therapy *Association's Accreditation Council for Occupational Therapy Education, or its successor* ~~Association~~. ~~For an occupational therapy assistant, such a program shall be approved by the American Occupational Therapy Association.~~

(c) Has successfully completed a period of supervised fieldwork experience at a recognized educational institution or a training program approved by the educational institution where he met the academic requirements. For an occupational therapist, a minimum of 6 months of supervised fieldwork experience is required. For an occupational therapy assistant, a minimum of 2 months of supervised fieldwork experience is required.

(d) Has passed an examination conducted or adopted by the board as provided in s. 468.211.

(2) An applicant who has practiced as a state-licensed or American Occupational Therapy Association-certified occupational therapy assistant for 4 years and who, *prior to January 24, 1988,* ~~has~~ completed a minimum of 6 months of supervised *occupational-therapist-level* fieldwork experience may take the examination to be licensed as an occupational therapist without meeting the educational requirements for occupational therapists made otherwise applicable under paragraph (1)(b).

(3) If the board determines that an applicant is qualified to be licensed by endorsement under s. 468.213, the board may issue the applicant a temporary permit to practice occupational therapy until the next board meeting at which license applications are to be considered, but not for a longer period of time. Only one temporary permit *by endorsement* shall be issued to an applicant, and it shall not be renewable.

(4) If the board determines that the applicant has not passed an examination, which examination is recognized by the board, to determine competence to practice occupational therapy and is not qualified to be licensed by endorsement, but has otherwise met all the requirements of this section and has made application for the next scheduled examination, the board may issue the applicant a temporary permit allowing him to practice occupational therapy under the supervision of a licensed occupational therapist until notification of the results of the examination. An individual who has passed the examination may continue to practice occupational therapy under his temporary permit until the next meeting of the board. An individual who has failed the examination shall not continue to practice occupational therapy under his temporary permit; and such permit shall be deemed revoked upon notification

to the board of the examination results and the subsequent, immediate notification by the board to the applicant of the revocation. Only one temporary permit *by examination* shall be issued to an applicant, and it shall not be renewable. *However, applicants enrolled in a full-time advanced master's occupational therapy education program who have completed all requirements for licensure except examination shall, upon written request, be granted a temporary permit valid for 6 months even if that period extends beyond the next examination, provided the applicant has not failed the examination. This permit shall remain valid only while the applicant remains a full-time student and, upon written request, shall be renewed once for an additional 6 months.*

(5) An applicant seeking reentry into the profession who has not been in active practice within the last 5 years must, prior to applying for licensure, submit to the board documentation of continuing education as prescribed by rule.

Section 124. Subsection (6) is added to section 468.211, Florida Statutes, to read:

468.211 Examination for licensure.—

(6) If an applicant fails to pass the examination in three attempts, the applicant shall not be eligible for reexamination unless the applicant completes additional education or training requirements prescribed by the board. An applicant who has completed the additional education or training requirements prescribed by the board may take the examination on two more occasions. If the applicant has failed to pass the examination after five attempts, the applicant is no longer eligible to take the examination.

Section 125. Section 468.213, Florida Statutes, is amended to read:

468.213 Licensure by endorsement.—

(1) The board may waive the examination and grant a license to any person who presents proof of current certification as an occupational therapist or occupational therapy assistant by *a national certifying organization* ~~the American Occupational Therapy Association~~ if the board determines the requirements for such certification to be equivalent to the requirements for licensure in this act.

(2) The board may waive the examination and grant a license to any applicant who presents proof of current licensure as an occupational therapist or occupational therapy assistant in another state, the District of Columbia, or *any* ~~a~~ territory *or jurisdiction* of the United States *or foreign national jurisdiction* which requires standards for licensure determined by the board to be equivalent to the requirements for licensure in this act.

Section 126. Section 468.225, Florida Statutes, is amended to read:

468.225 *Exemptions* ~~Persons and practices not affected~~.—

(1) Nothing in this act shall be construed as preventing or restricting the practice, services, or activities of:

(a) Any person licensed in this state by any other law from engaging in the profession or occupation for which he is licensed.

(b) Any person employed as an occupational therapist or occupational therapy assistant by the United States, if such person provides occupational therapy solely under the direction or control of the organization by which he is employed.

(c) Any person pursuing a course of study leading to a degree or certificate in occupational therapy at an accredited or approved educational program, if such activities and services constitute a part of a supervised course of study and if such a person is designated by a title which clearly indicates his or her status as a student or trainee.

(d) Any person fulfilling the supervised fieldwork experience requirements of s. 468.209, if such activities and services constitute a part of the experience necessary to meet the requirements of that section.

~~(e) Any person employed by, or working under the direct supervision of, an occupational therapist as an occupational therapy aide.~~

(2) No provision of this act shall be construed to prohibit physicians, *physician assistants,* nurses, physical therapists, osteopathic physicians or surgeons, ~~or~~ clinical psychologists, *speech-language pathologists, or audiologists* from using occupational therapy as a part of or incidental to their profession, when they practice their profession under the statutes applicable to their profession.

Section 127. Section 468.351, Florida Statutes, is amended to read:

468.351 Purpose and intent; application.—

(1)(a) The purpose in enacting this part is to provide for the *licensure* ~~certification and registration~~ of persons who deliver respiratory care services and who meet certain requirements. The delivery of respiratory care services by persons *licensed* ~~certified or registered~~ pursuant to this part shall not be construed to permit the practice of medicine.

(b) It is the finding of the Legislature that the delivery of respiratory care services by unskilled and incompetent persons presents a danger to the public health and safety. Because it is difficult for the public to make informed choices related to respiratory care services and since the consequences of wrong choices can seriously endanger public health and safety, it is the intent of the Legislature to prohibit the delivery of respiratory care services by persons who are determined to possess less than minimum competencies or who otherwise present a danger to the public.

(2) It is the intent of the Legislature that the department ~~of Health and Rehabilitative Services shall continue to~~ regulate blood gas laboratories and that the supervision of *health* ~~respiratory~~ care practitioners~~, clinical laboratory personnel, and other persons~~ performing blood gas analysis and specimen collection for the purpose of such analysis be specified in rules pursuant to *the applicable practice act* ~~chapter 483~~. Further, it is the intent of the Legislature that personnel *licensed* ~~certified or registered~~ pursuant to this part shall be exempt from the licensure provisions of chapter 483.

Section 128. Subsections (2), (8), and (9) of section 468.352, Florida Statutes, are amended to read:

468.352 Definitions.—As used in this part, unless the context otherwise requires, the term:

(2) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

(8) "Respiratory therapist" means any person *licensed* ~~registered~~ pursuant to this part who is employed to deliver respiratory care services under the order of a physician licensed pursuant to chapter 458 or chapter 459, and in accordance with protocols established by a hospital, other health care provider, or the board, and who functions in situations of unsupervised patient contact requiring individual judgment.

(9) "Respiratory care practitioner" means any person *licensed* ~~certified~~ pursuant to this part who is employed to deliver respiratory care services under the order of a physician licensed pursuant to chapter 458 or chapter 459, and in accordance with protocols established by a hospital, other health care provider, or the board.

Section 129. Paragraph (a) of subsection (5) of section 468.354, Florida Statutes, is amended to read:

468.354 Advisory Council on Respiratory Care; organization; function.—

(5)(a) The council shall recommend to the department a code of ethics for those persons *licensed* ~~certified or registered~~ pursuant to this part.

Section 130. Section 468.355, Florida Statutes, is amended to read:

468.355 Eligibility for *licensure* ~~certification or registration~~; temporary *licensure* ~~certification~~.—

(1) To be eligible for *licensure* ~~certification~~ by the board as a respiratory care practitioner, an applicant must:

(a) Be at least 18 years old.
(b) Possess a high school diploma or a graduate equivalency diploma.
(c) Meet at least one of the following criteria:

1. The applicant has successfully completed a training program for respiratory therapy technicians or respiratory therapists approved by the *Commission* ~~Committee~~ on *Accreditation of* Allied Health Education *Programs* ~~and Accreditation of the American Medical Association~~, or the equivalent thereof, as accepted by the board.

2. The applicant is currently a "Certified Respiratory Therapy Technician" certified by the National Board for Respiratory Care, or the equivalent thereof, as accepted by the board.

3. The applicant is currently a "Registered Respiratory Therapist" registered by the National Board for Respiratory Care, or the equivalent thereof, as accepted by the board.

4. The applicant is currently employed in this state as a respiratory care practitioner or respiratory therapist on October 1, 1984.

The criteria set forth in subparagraphs 2. and 3. notwithstanding, the board shall annually review the examinations and standards of the National Board for Respiratory Care and may reject those examinations and standards if they are deemed inappropriate.

(2) To be eligible for *licensure* ~~registration~~ by the board as a respiratory therapist, an applicant must:

(a) Be at least 18 years old.
(b) Possess a high school diploma or a graduate equivalency diploma.
(c) Meet at least one of the following criteria:

1. The applicant has successfully completed a training program for respiratory therapists approved by the *Commission* ~~Committee~~ on *Accreditation of* Allied Health Education *Programs* ~~and Accreditation of the American Medical Association~~, or the equivalent thereof, as accepted by the board.

2. The applicant is currently a "Registered Respiratory Therapist" registered by the National Board for Respiratory Care, or the equivalent thereof, as accepted by the board.

The criteria set forth in subparagraphs 1. and 2. notwithstanding, the board shall annually review the examinations and standards of the National Board for Respiratory Care and may reject those examinations and standards if they are deemed inappropriate.

(3) With respect to the delivery of respiratory care services, the board shall establish procedures for temporary *licensure* ~~certification~~ of eligible individuals entering the state and temporary *licensure* ~~certification~~ of those persons who have graduated from a program approved by the board. Such temporary *licensure* ~~certification~~ shall be for a period not to exceed 1 year.

Section 131. Section 468.356, Florida Statutes, is amended to read:

468.356 Approval of educational programs.—

(1) Approval of educational programs shall be in accordance with the Joint Review Committee for Respiratory Therapy Education through the *Commission* ~~Committee~~ on *Accreditation of* Allied Health Education *Programs, or other accrediting agency recognized by the United States Office of Education* ~~and Accreditation of the American Medical Association~~.

(2) In the event that an educational program has not yet received full American Medical Association approval, the board, at its discretion, may require appropriate documentation of the intent to achieve full accreditation within a specified time period. Temporary approval for graduates of such programs to sit for state *licensure* ~~certification or registration~~ examinations may then be granted by the board.

Section 132. Section 468.357, Florida Statutes, is amended to read:

468.357 *Licensure* ~~Certification~~ by examination.—

(1) A person who desires to be *licensed* ~~certified~~ as a respiratory care practitioner may submit an application to the *department* ~~board~~ to take the examination to be administered by the department.

(a) The department shall examine each applicant who is determined by the board to have:

1. Completed the application form and remitted the *applicable* ~~application~~ fee set by the board;

2. Submitted required documentation as required in s. 468.355; and

3. Remitted an examination fee set by the board.

(b) The department shall conduct examinations for *licensure* ~~certification~~ of respiratory care practitioners no less than two times a year in such geographical locations as are deemed advantageous to the majority of the applicants. ~~However, the examination shall be conducted no less than three times a year through 1988 and in such geographical locations as are deemed advantageous to the majority of the applicants.~~

(c) The examination given for respiratory care practitioners shall be the same as that given by the National Board for Respiratory Care for entry-level certification of respiratory therapy technicians. However, an equivalent examination may be accepted by the board in lieu of that examination.

(2) Each applicant who passes the examination shall be entitled to *licensure* ~~certification~~ as a respiratory care practitioner, and the department shall issue a *license* ~~certificate~~ pursuant to this part to any applicant who successfully completes the examination in accordance with this section. However, the department shall not issue a *license* ~~certificate~~ to any applicant who is under investigation in another jurisdiction for an offense which would constitute a violation of this part. Upon completion of such an investigation, if the applicant is found guilty of such an offense, the applicable provisions of s. 468.365 will apply.

(3)~~(a)~~ Any person who was employed in this state on or before September 30, 1983, as a respiratory therapy technician or respiratory therapist, and who has performed services in such professional capacity for 4 years or more by October 1, 1987, under the supervision of a licensed physician or in a hospital or licensed health care facility, shall be issued a *license* ~~certificate~~ without examination, if such person provides acceptable documentation of performance of such services to the board. Such documentation shall include certification by a physician licensed pursuant to chapter 458 or chapter 459 who has direct knowledge of the practice of, or who has supervised, the person. If such person is not determined to have performed critical care respiratory services for at least 4 years, the board may limit the *license* ~~certificate~~ of such person to the performance of noncritical care respiratory services. ~~Any person issued a certificate pursuant to this paragraph shall complete at least 20 contact hours of continuing education each year.~~

~~(b) Any person first employed in this state as a respiratory therapy technician or respiratory therapist on or after October 1, 1984, and prior to October 1, 1987, shall have until December 31, 1988, to pass the examination for certification under this part if the person has applied to take the examination before March 1, 1988, and such person shall be permitted to continue to perform respiratory care services until December 31, 1988.~~

Section 133. Section 468.358, Florida Statutes, is amended to read:

468.358 *Licensure* ~~Certification or registration~~ by endorsement.—

(1) *Licensure* ~~Certification~~ as a respiratory care practitioner shall be granted by endorsement to an individual who holds the "Certified Respiratory Therapy Technician" credential issued by the National Board for Respiratory Care or an equivalent credential acceptable to the board. *Licensure* ~~Certification~~ by this mechanism requires verification by oath and submission of evidence satisfactory to the board that such credential is held.

(2) *Licensure* ~~Registration~~ as a respiratory therapist shall be granted by endorsement to an individual who holds the "Registered Respiratory Therapist" credential issued by the National Board for Respiratory Care or an equivalent credential acceptable to the board. *Licensure* ~~Registration~~ by this mechanism requires verification by oath and submission of evidence satisfactory to the board that such credential is held.

(3) An individual who has been granted *licensure,* certification, registration, or other authority, by whatever name known, to deliver respiratory care services in another state or country may petition the board for consideration for *licensure* ~~certification or registration~~ in this state and, upon verification by oath and submission of evidence of *licensure,* certification, registration, or other authority acceptable to the board, may be granted *licensure* ~~certification or registration~~ by endorsement.

(4) *Licensure* ~~Certification or registration~~ shall not be granted by endorsement as provided in this section without the submission of a proper application and the payment of the requisite fees therefor.

Section 134. Subsections (1), (2), and (5) of section 468.359, Florida Statutes, are amended to read:

468.359 Assumption of title and use of abbreviations.—

(1) Only persons who are *licensed* ~~certified~~ pursuant to this part as respiratory care practitioners have the right to use the title "Respiratory Care Practitioner" and the abbreviation "RCP."

(2) Only persons who are *licensed* ~~registered~~ pursuant to this part as respiratory therapists have the right to use the title "*Registered* Respiratory Therapist" and the abbreviation "RRT," provided such persons have passed the Registry Examination for Respiratory Therapists given by the National Board for Respiratory Care.

(5) No person in this state shall deliver respiratory care services; advertise as, or assume the title of, respiratory care practitioner or respiratory therapist; or use the abbreviation "RCP" or take any other action that would lead the public to believe that such person is *licensed* ~~certified or registered~~ pursuant to this part unless such person is so *licensed* ~~certified or registered~~.

Section 135. Section 468.36, Florida Statutes, is amended to read:

468.36 Primary place of service delivery; notice of address or change of address.—Every *licensee* ~~certificateholder or registrant~~ shall file with the department the *licensee's current residence* address *as defined by board rule* ~~of his primary place of service delivery within the state prior to engaging in such service delivery. Prior to changing such address, he shall notify the department of the address of his new primary place of service delivery, whether or not within the state~~.

Section 136. Section 468.362, Florida Statutes, is repealed, and section 468.361, Florida Statutes, is amended to read:

468.361 Renewal of *licensure* ~~certification or registration~~; continuing education.—

(1) The department shall provide by rule a method for the biennial renewal of *licensure* ~~certification or registration~~ at fees set by the board.

(2) The board shall prescribe by rule continuing education requirements, not to exceed 24 hours biennially, as a condition for renewal of *licensure* ~~certification or registration~~. The program criteria with respect thereto shall be approved by the board.

(3) The board shall approve continuing education courses which may be accepted in meeting the requirements of this part. Providers of such courses shall also be approved by the board.

(4) The board may make exceptions from the requirements of this section in emergency or hardship cases.

Section 137. Section 468.363, Florida Statutes, is amended to read:

468.363 Reactivation of *licensure* ~~certification or registration~~; continuing education.—The board shall prescribe by rule continuing education requirements as a condition of reactivating a *license* ~~certificate or registration~~. The continuing education requirements for reactivating a *license* ~~certificate or registration~~ may not exceed 12 classroom hours for each year the *license* ~~certificate or registration~~ was inactive.

Section 138. Subsection (1) of section 468.364, Florida Statutes, is amended to read:

468.364 Fees; establishment; disposition.—

(1) The board shall establish by rule fees for the following purposes:

(a) Application, ~~fee:~~ a fee not to exceed $50.

(b) Examination, ~~fee:~~ a fee not to exceed $125 plus the actual per applicant cost to the department for purchase of the examination from the National Board for Respiratory Care or a similar national organization.

(c) Initial *licensure,* ~~certification or registration fee:~~ a fee not to exceed $200.

(d) Renewal of *licensure,* ~~certification or registration fee:~~ a fee not to exceed $200 biennially.

(e) Renewal of inactive *licensure,* ~~certification or registration:~~ a fee not to exceed $50.

(f) Reactivation, ~~fee:~~ a fee not to exceed $50.

Section 139. Section 468.365, Florida Statutes, is amended to read:

468.365 Disciplinary grounds and actions.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (2) may be taken:

(a) Procuring, attempting to procure, or renewing a *license* ~~certificate or registration~~ as provided by this part by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

(b) Having *licensure,* certification, registration, or other authority, by whatever name known, to deliver respiratory care services revoked, suspended, or otherwise acted against, including the denial of *licensure,* certification, registration, or other authority to deliver respiratory care services by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty *of, or entering a plea of nolo contendere to,* regardless of adjudication, ~~of~~ a crime in any jurisdiction which directly relates to respiratory care services or to the ability to deliver such services.

(d) Willfully making or filing a false report or record, willfully failing to file a report or record required by state or federal law, or willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records include only those reports or records which require the signature of a ~~certified~~ respiratory care practitioner or ~~a~~ respiratory therapist *licensed* ~~registered~~ pursuant to this part.

(e) Circulating false, misleading, or deceptive advertising.

(f) Unprofessional conduct, which includes, but is not limited to, any departure from, or failure to conform to, acceptable standards related to the delivery of respiratory care services, as set forth by the board and the Advisory Council on Respiratory Care in rules adopted pursuant to this part.

(g) Engaging or attempting to engage in the possession, sale, or distribution of controlled substances, as set forth by law, for any purpose other than a legitimate purpose.

(h) Willfully failing to report any violation of this part.

(i) Willfully or repeatedly violating a rule of the board or the department or a lawful order of the board or department previously entered in a disciplinary hearing.

(j) Violation of any rule adopted pursuant to this part or chapter 455.

(k) Engaging in the delivery of respiratory care services with a revoked, suspended, or inactive *license* ~~certificate or registration~~.

(l) Permitting, aiding, assisting, procuring, or advising any person who is not *licensed* ~~certified or registered~~ pursuant to this part, contrary to this part or to any rule of the department or the board.

(m) Failing to perform any statutory or legal obligation placed upon a ~~certified~~ respiratory care practitioner or ~~a~~ respiratory therapist *licensed* ~~registered~~ pursuant to this part.

(n) Accepting and performing professional responsibilities which the *licensee* ~~certificateholder or registrant~~ knows, or has reason to know, he is not competent to perform.

(o) Delegating professional responsibilities to a person when the *licensee* ~~certificateholder or registrant~~ delegating such responsibilities knows, or has reason to know, that such person is not qualified by training, experience, or *licensure* ~~certification or registration~~ to perform them.

(p) Gross or repeated malpractice or the failure to deliver respiratory care services with that level of care, skill, and treatment which is recognized by a reasonably prudent respiratory care practitioner or respira-

tory therapist with similar professional training as being acceptable under similar conditions and circumstances.

(q) Paying or receiving any commission, bonus, kickback, or rebate to or from, or engaging in any split-fee arrangement in any form whatsoever with, a person, organization, or agency, either directly or indirectly, for goods or services rendered to patients referred by or to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this paragraph shall not be construed to prevent the *licensee* ~~certificateholder or registrant~~ from receiving a fee for professional consultation services.

(r) Exercising influence within a respiratory care relationship for the purpose of engaging a patient in sexual activity. A patient is presumed to be incapable of giving free, full, and informed consent to sexual activity with the patient's respiratory care practitioner or respiratory therapist.

(s) Making deceptive, untrue, or fraudulent representations in the delivery of respiratory care services or employing a trick or scheme in the delivery of respiratory care services if such a scheme or trick fails to conform to the generally prevailing standards of other *licensees* ~~certificateholders or registrants~~ within the community.

(t) Soliciting patients, either personally or through an agent, through the use of fraud, deception, or otherwise misleading statements or through the exercise of intimidation or undue influence.

(u) Failing to keep written respiratory care records justifying the reason for the action taken by the *licensee* ~~certificateholder or registrant~~.

(v) Exercising influence on the patient in such a manner as to exploit the patient for the financial gain of the *licensee* ~~certificateholder or registrant~~ or a third party, which includes, but is not limited to, the promoting or selling of services, goods, appliances, or drugs.

(w) Performing professional services which have not been duly ordered by a physician licensed pursuant to chapter 458 or chapter 459 and which are not in accordance with protocols established by the hospital, other health care provider, or the board, except as provided in ss. 743.064, 766.103, and 768.13.

(x) Being unable to deliver respiratory care services with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material as a result of any mental or physical condition. In enforcing this paragraph, the department shall, upon probable cause, have authority to compel a respiratory care practitioner or respiratory therapist to submit to a mental or physical examination by physicians designated by the department. The cost of examination shall be borne by the *licensee* ~~certificateholder or registrant~~ being examined. The failure of a respiratory care practitioner or respiratory therapist to submit to such an examination when so directed constitutes an admission of the allegations against him, upon which a default and a final order may be entered without the taking of testimony or presentation of evidence, unless the failure was due to circumstances beyond his control. A respiratory care practitioner or respiratory therapist affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent delivery of respiratory care services with reasonable skill and safety to his patients. In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the board shall be used against a respiratory care practitioner or respiratory therapist in any other proceeding.

(2) If the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for *licensure* ~~certification or registration~~.

(b) Revocation or suspension of *licensure* ~~certification or registration~~.

(c) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.

(d) Placement of the respiratory care practitioner or respiratory therapist on probation for such period of time and subject to such conditions as the board may specify, including, *but not limited to,* requiring the respiratory care practitioner or respiratory therapist to submit to treatment, to attend continuing education courses, or to work under the supervision of another respiratory care practitioner or respiratory therapist.

(e) Issuance of a reprimand.

(3) The board shall not reinstate *licensure* ~~certification or registration~~, or cause a *license* ~~certificate or registration~~ to be issued to a person it has deemed unqualified, until such time as it is satisfied that such person has complied with all the terms and conditions set forth in the final order and that the respiratory care practitioner or respiratory therapist is capable of safely engaging in the delivery of respiratory care services.

(4) The board may, by rule, establish guidelines for the disposition of disciplinary cases involving specific types of violations. Such guidelines may include minimum and maximum fines, periods of supervision on probation, or conditions upon probation or reissuance of a *license* ~~certificate or registration~~.

Section 140. Subsection (1) of section 468.366, Florida Statutes, is amended to read:

468.366 Penalties for violations.—

(1) It is a violation of law for any person, including any firm, association, or corporation, to:

(a) Sell or fraudulently obtain, attempt to obtain, or furnish to any person a diploma, license, ~~certificate, registration,~~ or record, or aid or abet in the sale, procurement, or attempted procurement thereof.

(b) Deliver respiratory care services, as defined by this part or by rule of the board, under cover of any diploma, license, ~~certificate, registration,~~ or record that was illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation.

(c) Deliver respiratory care services, as defined by this part or by rule of the board, unless such person is duly *licensed* ~~certified or registered~~ to do so under the provisions of this part or unless such person is exempted pursuant to s. 468.368.

(d) Use, in connection with his name, any designation tending to imply that he is a respiratory care practitioner or a respiratory therapist, duly *licensed* ~~certified or registered~~ under the provisions of this part, unless he is so *licensed* ~~certified or registered~~.

(e) Advertise an educational program as meeting the requirements of this part, or conduct an educational program for the preparation of respiratory care practitioners or respiratory therapists, unless such program has been approved by the board.

(f) Knowingly employ *unlicensed* ~~uncertified or unregistered~~ persons in the delivery of respiratory care services, unless exempted by this part.

(g) Knowingly conceal information relative to any violation of this part.

Section 141. Subsection (8) of section 468.368, Florida Statutes, is amended to read:

468.368 Exemptions.—Nothing in this part shall be construed to prohibit:

(8) The employment by a health care facility of a student enrolled in the clinical portion of an approved respiratory care educational program (who has demonstrated such enrollment to the board by submission of evidence satisfactory to the board) to deliver limited respiratory care support services under the supervision of personnel *licensed* ~~certified or registered~~ pursuant to this part. Such exemption shall also apply to the graduates of such programs until the receipt of temporary *licensure* ~~certification~~ issued pursuant to the provisions of s. 468.355(3). However, such employees shall not perform invasive procedures or procedures related to critical respiratory care, including therapeutic, diagnostic, and palliative procedures, nor shall they participate in delivering certain services requiring unsupervised patient contact, as determined by the board.

Section 142. Subsection (3) of section 478.42, Florida Statutes, is amended to read:

478.42 Definitions.—As used in this chapter, the term:

(3) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

Section 143. Section 478.45, Florida Statutes, is amended to read:

478.45 Requirements for licensure.—

(1) An applicant applying for licensure as an electrologist shall file a written application, accompanied by the application for licensure fee prescribed in s. 478.55, on a form provided by the board, showing to the satisfaction of the board that the applicant:

(a) Is at least 18 years old.
(b) Is of good moral character.
~~(c) Is a resident of the state.~~
(c)~~(d)~~ Possesses a high school diploma or a graduate equivalency diploma.
(d)~~(e)~~ Has not committed an act in any jurisdiction which would constitute grounds for disciplining an electrologist in this state.
(e)~~(f)1.~~ Has successfully completed the academic requirements of an electrolysis training program, not to exceed 120 hours, and the practical application thereof as approved by the board~~; or~~

~~2. Was engaged in the practice of electrology prior to October 1, 1991, and filed an application for licensure within 90 days after the date established by the board or by February 1, 1995, whichever comes last~~.

(2) Each applicant for licensure shall successfully pass a written examination developed by the department or a national examination *that has*~~, both of which have~~ been approved by the board. The examinations shall test the applicant's knowledge relating to the practice of electrology, including the applicant's professional skills and judgment in the use of electrolysis techniques and methods, and any other subjects which are useful to determine the applicant's fitness to practice.

(3) The department, upon approval of the board, may adopt *a* ~~the American Electrology Association examination or any other~~ national examination in lieu of any part of the examination required by this section. The board, with the assistance of the council, shall establish standards for acceptable performance.

(4) The department shall issue a license to practice electrology to any applicant who passes the examination, pays the licensure fee as set forth in s. 478.55, and otherwise meets the requirements of this chapter.

(5) The department shall conduct licensure examinations at least *two times a year* ~~biannually at locations set by the board. However, such examinations may be conducted at least three times each year through 1995~~. The *department* ~~board~~ shall give public notice of the time and place of each examination at least 60 days before it is administered and shall mail notice of such examination to each applicant whose application is timely filed, pursuant to board rule.

(6) The department may not issue a license to any applicant who is under investigation in another jurisdiction for an offense which would be a violation of this chapter, until such investigation is complete. Upon completion of such investigation, if the applicant is found guilty of such offense, the board shall apply the applicable provisions of s. 478.52.

Section 144. Subsection (1) of section 478.46, Florida Statutes, is amended to read:

478.46 Temporary permits.—

(1) If the *department* ~~executive director of the board~~ determines that an applicant is qualified to be licensed under s. *478.47* ~~478.45~~, the *department* ~~board~~ may issue the applicant a temporary permit to practice *electrolysis* ~~electrology~~ until the next board meeting at which license applications are to be considered, but not for a longer period of time. Only one temporary permit shall be issued to an applicant, and it shall not be renewable.

Section 145. Section 478.47, Florida Statutes, is amended to read:

478.47 Licensure by endorsement.—The department shall issue a license by endorsement to any applicant who submits an application and the required fees as set forth in s. 478.55 and who ~~the board certifies has met the qualifications of s. 478.45(1) or who~~ holds an active license or other authority to practice electrology in a jurisdiction whose licensure requirements are determined by the board to be equivalent to the requirements for licensure in this state.

Section 146. Paragraph (d) of subsection (2) of section 478.52, Florida Statutes, is amended, and paragraph (u) is added to subsection (1) of said section, to read:

478.52 Disciplinary proceedings.—

(1) The following acts are grounds for which the disciplinary actions in subsection (2) may be taken:

(u) Operating any electrolysis facility unless it has been duly licensed as provided in this chapter.

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), including conduct that would constitute a substantial violation of subsection (1) which occurred prior to licensure, it may enter an order imposing one or more of the following penalties:

(d) Place the licensee on probation for a specified time and subject the licensee to such conditions as the board determines necessary, including, *but not limited to,* requiring treatment, continuing education courses, reexamination, or working under the supervision of another licensee.

Section 147. Subsections (1) and (2) of section 480.033, Florida Statutes, are amended to read:

480.033 Definitions.—As used in this act:

(1) "Board" means the Board of Massage *Therapy*.

(2) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

Section 148. Section 480.034, Florida Statutes, is amended to read:

480.034 Exemptions.—

(1) Nothing in this act shall modify or repeal any provision of chapters 458-464, inclusive, or of chapter 476, chapter 477, or chapter 486.

(2) Athletic trainers employed by or on behalf of a professional athletic team performing or training within this state shall be exempt from the provisions of this act.

(3) The state and its political subdivisions are exempt from the registration requirements of this act.

~~(4) Treatments for the purpose of cleansing and beautifying the skin or in conjunction with a weight loss program, including herbal wraps, body scrubs, paraffin wax treatments, and seaweed wraps, shall be exempt from the provisions of this act.~~

(4)~~(5)~~ An exemption granted is effective to the extent that an exempted person's practice or profession overlaps with the practice of massage.

Section 149. Subsection (1) of section 480.035, Florida Statutes, is amended to read:

480.035 Board of Massage *Therapy*.—

(1) The Board of Massage *Therapy* is created within the department. The board shall consist of seven members, who shall be appointed by the Governor and whose function it shall be to carry out the provisions of this act.

Section 150. Section 480.041, Florida Statutes, is amended to read:

480.041 Massage therapists; qualifications; licensure; endorsement~~; provisional licensure~~.—

(1) Any person is qualified for licensure as a massage therapist under this act who:

(a) Is at least 18 years of age or has received a high school diploma or graduate equivalency diploma;

(b) Has completed a course of study at a board-approved massage school or has completed an apprenticeship program that meets standards adopted by the board; and

(c) Has received a passing grade on an examination administered by the department.

(2) Every person desiring to be examined for licensure as a massage therapist shall apply to the department in writing upon forms prepared and furnished by the department. Such applicants shall be subject to the provisions of s. 480.046(1). Applicants may take an examination administered by the department only upon meeting the requirements of this section as determined by the board.

(3) Upon an applicant's passing the examination and paying the initial licensure fee, the department shall issue to the applicant a license, valid until the next scheduled renewal date, to practice massage.

~~(4)(a) The board may issue to an applicant, without examination, a provisional license to practice massage, provided such applicant meets all other conditions and requirements relating to qualification for licensure and submits a fee pursuant to s. 480.044. Such applicant for a provisional license shall be associated with a licensed massage therapist and shall practice only under the supervision of such licensed massage therapist at a licensed establishment.~~

~~(b) The provisional license, when granted, shall include the name and address of the licensed massage therapist with whom the applicant is associated. No licensed massage therapist may supervise more than one provisional licenseholder at the same time.~~

~~(c) The applicant must appear at the next examination for licensure for which the applicant can be scheduled according to the rules of the board and department. The provisional license shall expire upon written notification by the department that the applicant has failed the examination or on the date of the scheduled examination, should the applicant fail to appear. Acceptance of a provisional license by an applicant shall be deemed to be consent for expiration of that license in accordance with the provisions of this chapter.~~

~~(d) No more than one provisional license may be issued to an individual. No provisional license shall be issued to an applicant who has previously failed the examination.~~

(4)~~(5)~~ The board shall adopt rules:

(a) Establishing a minimum training program for apprentices.

~~(b) Specifying standards and procedures for issuance of a provisional license.~~

(b)~~(c)~~ Providing for educational standards, examination, and certification for the practice of colonic irrigation, as defined in s. 480.033(6), by massage therapists.

(c)~~(d)~~ Specifying licensing procedures for practitioners desiring to be licensed in this state who hold an active license and have practiced in any other state, territory, or jurisdiction of the United States or any foreign national jurisdiction which has licensing standards substantially similar to, equivalent to, or more stringent than the standards of this state.

Section 151. Section 480.0415, Florida Statutes, is amended to read:

480.0415 License renewal.—The board shall prescribe by rule the method for renewal of biennial licensure which shall include continuing education requirements not to exceed *25* ~~12~~ classroom hours per biennium. The board shall by rule establish criteria for the approval of continuing education programs or courses. The programs or courses approved by the board may include correspondence courses that meet the criteria for continuing education courses held in a classroom setting.

Section 152. Subsection (1) of section 480.042, Florida Statutes, is amended to read:

480.042 Examinations.—

(1) The board shall specify by rule the general areas of competency to be covered by examinations for licensure. These rules shall include the relative weight assigned in grading each area, the grading criteria to be used by the examiner, and the score necessary to achieve a passing grade. The board shall ensure that examinations adequately measure ~~both~~ an applicant's competency ~~and his knowledge of related statutory requirements~~. Professional testing services may be utilized to formulate the examinations.

Section 153. *Section 480.0425, Florida Statutes, as amended by chapter 94-119, Laws of Florida, is repealed.*

Section 154. Subsection (7) of section 480.043, Florida Statutes, is amended to read:

480.043 Massage establishments; requisites; licensure; inspection.—

(7)*(a)* Once issued, no license for operation of a massage establishment may be transferred from one *owner* ~~person, corporation, name, or location~~ to another.

(b) A license may be transferred from one location to another only after inspection and approval by the board and receipt of an application and inspection fee set by rule of the board, not to exceed $125.

(c) A license may be transferred from one business name to another after approval by the board and receipt of an application fee set by rule of the board, not to exceed $25.

Section 155. Subsection (1) of section 480.044, Florida Statutes, is amended to read:

480.044 Fees; disposition.—

(1) The board shall set fees according to the following schedule:

(a) Massage therapist application and examination fee: not to exceed $250.
(b) Massage therapist initial licensure fee: not to exceed $150.
(c) Establishment application fee: not to exceed $200.
(d) Establishment licensure fee: not to exceed $150.
(e) Biennial establishment renewal fee: not to exceed $150.
(f) Biennial massage therapist licensure renewal fee: not to exceed $200.
(g) Massage therapist reexamination fee: not to exceed $250.
(h) Fee for apprentice: not to exceed $100.
(i) Colonics examination fee: not to exceed $100.
(j) Colonics reexamination fee: not to exceed $100.
~~(k) Application and provisional licensure fee: not to exceed $50.~~
(k)~~(l)~~ Application and reactivation for inactive status of a massage therapist license fee: not to exceed $250.
(l)~~(m)~~ Renewal fee for inactive status: not to exceed $250.

Section 156. Paragraph (a) of subsection (1) of section 480.047, Florida Statutes, is amended to read:

480.047 Penalties.—

(1) It is unlawful for any person to:

(a) Hold himself *or herself* out as a massage therapist *or to practice massage* unless duly licensed *under this chapter or unless otherwise specifically exempted from licensure under this chapter* ~~as provided herein~~.

Section 157. Section 480.0485, Florida Statutes, is created to read:

480.0485 Sexual misconduct in the practice of massage therapy.—The massage therapist-patient relationship is founded on mutual trust. Sexual misconduct in the practice of massage therapy means violation of the massage therapist-patient relationship through which the massage therapist uses that relationship to induce or attempt to induce the patient to engage, or to engage or attempt to engage the patient, in sexual activity outside the scope of practice or the scope of generally accepted examination or treatment of the patient. Sexual misconduct in the practice of massage therapy is prohibited.

Section 158. Paragraph (f) of subsection (3) of section 20.43, Florida Statutes, 1996 Supplement, is amended to read:

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

(3) The following divisions of the Department of Health are established:

(f) ~~Effective July 1, 1997,~~ Division of Medical Quality Assurance, which is responsible for the following boards and professions established within the division:

1. Nursing assistants, as provided under s. 400.211.

2. Health care services pools, as provided under s. 402.48.

3. The Board of Acupuncture, created under chapter 457.

4. The Board of Medicine, created under chapter 458.

5. The Board of Osteopathic Medicine, created under chapter 459.

6. The Board of Chiropractic, created under chapter 460.

7. The Board of Podiatric Medicine, created under chapter 461.

8. Naturopathy, as provided under chapter 462.

9. The Board of Optometry, created under chapter 463.

10. The Board of Nursing, created under chapter 464.

11. The Board of Pharmacy, created under chapter 465.

12. The Board of Dentistry, created under chapter 466.

13. Midwifery, as provided under chapter 467.

14. The Board of Speech-Language Pathology and Audiology, created under part I of chapter 468.

15. The Board of Nursing Home Administrators, created under part II of chapter 468.

16. Occupational therapy, as provided under part III of chapter 468.

17. Respiratory therapy, as provided under part V of chapter 468.

18. Dietetics and nutrition practice, as provided under part X of chapter 468.

19. Athletic trainers, as provided under part XIV of chapter 468.

20. Electrolysis, as provided under chapter 478.

21. The Board of Massage *Therapy*, created under chapter 480.

22. The Board of Clinical Laboratory Personnel, created under part *III* ~~IV~~ of chapter 483.

23. Medical physicists, as provided under part *IV* ~~V~~ of chapter 483.

24. The Board of Opticianry, created under part I of chapter 484.

25. The Board of Hearing Aid Specialists, created under part II of chapter 484.

26. The Board of Physical Therapy Practice, created under chapter 486.

27. The Board of Psychology, created under chapter 490.

28. The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491.

The department shall contract with the Agency for Health Care Administration who shall provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

Section 159. Paragraph (b) of subsection (2) of section 381.81, Florida Statutes, is amended to read:

381.81 Minority Health Improvement Act.—

(2) DEFINITIONS.—As used in this section, the following words and terms shall have the following meanings, unless the context indicates another meaning or intent:

(b) "Health profession" means any regulated health profession, including occupational therapy, as regulated under part III of chapter 468; respiratory therapy, as regulated under part V of chapter 468; physical therapy, as regulated under chapter 486; midwifery, as regulated under chapter 467; dietetics and nutrition practice, as regulated under part X of chapter 468; electrolysis, as regulated under chapter 478; nursing assistants, as regulated under s. 400.211; and those professions regulated by: the Board of Medicine, created under chapter 458; the Board of Osteopathic Medicine, created under chapter 459; the Board of Acupuncture, created under chapter 457; the Board of Chiropractic, created under chapter 460; the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491; the Board of Dentistry, created under chapter 466; the Board of Optometry, created under chapter 463; the Board of Podiatric Medicine, created under chapter 461; the Board of Nursing, created by chapter 464; the Board of Psychological Examiners, created under chapter 490; the Board of Speech-Language Pathology and Audiology, created under part I of chapter 468; the Board of Nursing Home Administrators, created under part II of chapter 468; the Board of Clinical Laboratory Personnel, created under part *III* ~~IV~~ of chapter 483; ~~and~~ the Board of Opticianry, created under part I of chapter 484*; and the Board of Hearing Aid Specialists, created under part II of chapter 484*.

Section 160. Section 483.800, Florida Statutes, is amended to read:

483.800 Declaration of policy and statement of purpose.—The purpose of this part is to protect the public health, safety, and welfare of the people of this state from the hazards of improper performance by clinical laboratory personnel. Clinical laboratories provide essential services to practitioners of the healing arts by furnishing vital information that is essential to a determination of the nature, cause, and extent of the condition involved. Unreliable and inaccurate reports may cause unnecessary anxiety, suffering, and financial burdens and may even contribute directly to death. The protection of public and individual health requires the licensure of clinical laboratory personnel who meet minimum requirements for safe practice. The Legislature finds that laboratory testing technology continues to advance rapidly. The Legislature also finds that a hospital training program under the direction of the hospital clinical laboratory director offers an opportunity for individuals already trained in health care professions to expand the scope of their careers. The Legislature further finds that there is an immediate need for properly trained personnel to ensure patient access to testing. Therefore, the Legislature recognizes the patient-focused benefits of hospital-based training for laboratory and nonlaboratory personnel for testing within *hospitals and commercial laboratories* ~~the laboratory and at alternate sites,~~ and recognizes the benefits of a training program approved by the Board of Clinical Laboratory Personnel under the direction of the hospital clinical laboratory director.

Section 161. Subsection (3) is added to section 483.801, Florida Statutes, to read:

483.801 Exemptions.—This part applies to all clinical laboratories and clinical laboratory personnel within this state, except:

(3) Advanced registered nurse practitioners licensed under chapter 464 who perform provider-performed microscopy procedures (PPMP) in an exclusive-use laboratory setting.

Section 162. Section 483.803, Florida Statutes, is amended to read:

483.803 Definitions.—As used in this part, the term:

(1) "Board" means the Board of Clinical Laboratory Personnel.

(2) "Clinical laboratory" means a clinical laboratory as defined in s. 483.041(2).

(3) "Clinical laboratory examination" means an examination performed on materials or specimens of the human body to provide information or materials for use in the diagnosis, prevention, or treatment of a disease or the identification or assessment of a medical or physical condition.

(4)~~(3)~~ "Clinical laboratory personnel" includes a clinical laboratory director, supervisor, technologist, blood gas analyst, or technician who performs or is responsible for laboratory test procedures, but the term does not include trainees, persons who perform screening for blood banks or plasmapheresis centers, phlebotomists, or persons employed by a clinical laboratory to perform manual pretesting duties or clerical, personnel, or other administrative responsibilities.

(5)~~(4)~~ "Clinical laboratory trainee" means any person having qualifying education who is enrolled in a clinical laboratory training program approved pursuant to s. 483.811 and who is seeking experience required to meet minimum qualifications for licensing in this state. Trainees may perform procedures under direct and responsible supervision of duly licensed clinical laboratory personnel, but they may not report test results.

(6)~~(5)~~ "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

(7)~~(6)~~ "Licensed practitioner of the healing arts" means a physician licensed pursuant to chapter 458, chapter 459, or chapter 460; a dentist licensed pursuant to chapter 466; or a person licensed pursuant to chapter 461 or chapter 462.

(8) "Public health laboratory scientist" means any licensed director, supervisor, technologist, or technician engaged in laboratory testing of human specimens in a state, county, or municipal public health laboratory.

Section 163. Subsections (1) and (2) of section 483.809, Florida Statutes, are amended to read:

483.809 Licensure; examinations; registration of trainees; approval of curricula.—

(1) LICENSING~~; QUALIFICATIONS~~.—

~~(a)~~ The department shall provide biennial licensure of all clinical laboratory personnel *who the board certifies have met* ~~meeting~~ the requirements of this part ~~and shall prescribe the qualifications necessary for such licensure~~. The license of any person who fails to pay a required fee or otherwise fails to qualify within 60 days after the date of expiration of such license shall be automatically canceled without notice or further proceedings unless the individual has made application for inactive status pursuant to s. 483.819.

~~(b) Personnel qualifications may require appropriate education, training, or experience or the passing of an examination in appropriate subjects or any combination of these, but no practitioner of the healing arts licensed to practice in this state is required to obtain any license under this part or to pay any fee hereunder except the fee required for clinical laboratory licensure.~~

(2) EXAMINATIONS.—The department shall conduct examinations required by board rules to determine in part the qualification of clinical laboratory personnel for licensure. *An approved national certification examination may be accepted in lieu of state examination for public health scientists.*

Section 164. Section 483.812, Florida Statutes, is created to read:

483.812 Public health laboratory scientists; licensure.—

(1) Applicants at the director and supervisor level in the category of public health who are registered by the National Registry of Clinical Chemistry Certification or the American Society of Microbiology may qualify under board rules by passing the appropriate supervision and administration examination.

(2)(a) A technologist applicant for licensure in the category of public health microbiology, with a baccalaureate degree in one of the biological sciences from an accredited institution, may use the American Society of Microbiology or the National Registry of Microbiology Certification in Public Health Microbiology to qualify for a technologist license in public health microbiology. Such a technologist may work in a public health microbiology laboratory.

(b) A technologist applicant for licensure in the category of public health chemistry, with a baccalaureate degree in one of the chemical, biological, or physical sciences from an accredited institution, may use the National Registry of Clinical Chemistry Certification to qualify for a technologist license in public health chemistry. Such a technologist may work in a public health chemistry laboratory.

(c) A technician applicant for licensure in the category of public health, with a baccalaureate degree in one of the chemical or biological sciences from an accredited institution, may obtain a one-time, 3-year, conditional public health technician license pending national certification by the American Society of Microbiology or the National Registry of Clinical Chemistry Certification. Such a technician may perform testing only under the direct supervision of a licensed pathologist, director, supervisor, or technologist.

(3) A person licensed by the Board of Clinical Laboratory Personnel may work in a public health laboratory at the appropriate level and specialty.

Section 165. Section 483.813, Florida Statutes, is amended to read:

483.813 Clinical laboratory personnel license.—A person may not conduct a clinical laboratory examination or report the results of such examination unless such person is licensed under this part to perform such procedures. However, this provision does not apply to any practitioner of the healing arts authorized to practice in this state. The department may grant a temporary license to any candidate it deems properly qualified, for a period not to exceed *1 year, or a conditional license for a period not to exceed 3 years* ~~6 months~~.

Section 166. Section 483.823, Florida Statutes, is amended to read:

483.823 Qualifications of clinical laboratory personnel.—

(1) The board shall prescribe minimal qualifications for clinical laboratory personnel and shall issue a license to any person who meets the minimum qualifications and who demonstrates that he possesses the character, training, and ability to qualify in those areas for which the license is sought.

(2) Personnel qualifications may require appropriate education, training, or experience or the passing of an examination in appropriate subjects or any combination of these, but no practitioner of the healing arts licensed to practice in this state is required to obtain any license under this part or to pay any fee hereunder except the fee required for clinical laboratory licensure.

Section 167. Section 483.825, Florida Statutes, is amended to read:

483.825 Grounds for disciplinary action ~~against clinical laboratory personnel~~.—The following acts constitute grounds for which disciplinary actions specified in s. 483.827 may be taken against *applicants, registrants, and licensees under this part* ~~clinical laboratory personnel~~:

(1) *Attempting to obtain, obtaining, or renewing a license or registration under this part by bribery, by fraudulent misrepresentation, or through an error of the department or the board* ~~Making a fraudulent statement on an application for a license or any other document required by the department~~.

(2) Engaging in or attempting to engage in, or representing himself as entitled to perform, any clinical laboratory procedure or category of procedures not authorized pursuant to his license.

(3) Demonstrating incompetence or making consistent errors in the performance of clinical laboratory examinations or procedures or erroneous reporting.

(4) Performing a test and rendering a report thereon to a person not authorized by law to receive such services.

(5) Having been convicted of a felony or of any crime involving moral turpitude under the laws of any state or of the United States. The record of conviction or a certified copy thereof shall be conclusive evidence of such conviction.

(6) Having been adjudged mentally or physically incompetent.

(7) Violating or aiding and abetting in the violation of any provision of this part or the rules adopted hereunder.

(8) Reporting a test result when no laboratory test was performed on a clinical specimen.

(9) Knowingly advertising false services or credentials.

(10) Having a license revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another jurisdiction. *The licensing authority's acceptance of a relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the licensee, shall be construed as action against the licensee.*

(11) Failing to report to the board, in writing, within 30 days if action under subsection (10) has been taken against one's license to practice as clinical laboratory personnel in another state, territory, or country.

(12) Being unable to perform or report clinical laboratory examinations with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall have, upon a finding of the secretary or his or her designee that probable cause exists to believe that the licensee is unable to practice because of the reasons stated in this paragraph, the authority to issue an order to compel a licensee to submit to a mental or physical examination by physicians designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or does business. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume competent practice with reasonable skill and safety to patients.

(13) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows, or has reason to know, that such person is not qualified by training, experience, or licensure to perform them.

Section 168. Section 483.828, Florida Statutes, is created to read:

483.828 Penalty for violations.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Practicing as clinical laboratory personnel without an active license.

(b) Using or attempting to use a license to practice as clinical laboratory personnel which is suspended or revoked.

(c) Attempting to obtain or obtaining a license to practice as clinical laboratory personnel by knowing misrepresentation.

(2) Each of the following act constitutes a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083:

(a) Knowingly concealing information relating to violations of this part.

(b) Making any willfully false oath or affirmation whenever an oath or affirmation is required by this part.

(c) Leading the public to believe that one is licensed as clinical laboratory personnel, or is engaged in licensed practice as clinical laboratory personnel, without holding a valid, active license.

Section 169. Section 483.901, Florida Statutes, is amended to read:

483.901 Medical physicists; definitions; licensure.—

(1) SHORT TITLE.—This section may be cited as the "Florida Medical Physicists Act."

(2) DECLARATION OF LEGISLATIVE POLICY.—The Legislature finds that the practice of medical physics by incompetent persons is a threat to the public health and safety. It is, therefore, the responsibility of this state to protect the public health and safety from the harmful effects of excessive and unnecessary radiation by ensuring that the practice of medical physics is entrusted only to persons who are licensed under this section.

(3) DEFINITIONS.—As used in this section, the term:

~~(a) "Agency" means the Agency for Health Care Administration or its successor.~~

(a)~~(b)~~ "Council" means the Advisory Council of Medical Physicists in the *Department of Health* ~~Agency for Health Care Administration~~.

(b) "Department" means the Department of Health.

(c) "Diagnostic radiological physics" means the specialty of medical physics which deals with the diagnostic application and safe use of X rays, gamma rays from sealed sources, ultrasonic radiation, radio frequency radiation, or magnetic fields, and the use of equipment associated with the production, use, measurement, and evaluation of the radiation and the quality of the diagnostic image resulting from its production and use.

(d) "License" means a certificate issued by the *department* ~~agency~~ which authorizes the holder to practice medical physics.

(e) "Licensed medical physicist" means a person who holds a license issued under this section.

(f) "Medical health physics" means the specialty of medical physics which deals with the safe use of X rays, gamma rays, electron or other charged particle beams, neutrons, radionuclides, and radiation from sealed sources, for both diagnostic and therapeutic purposes in human beings and the use of equipment required to perform appropriate tests and measurements *that do not involve the direct application of radiation to humans for diagnostic or therapeutic procedures.*

(g) "Medical nuclear radiological physics" means the specialty of medical physics which deals with the therapeutic and diagnostic application and safe use of radionuclides, except those used in sealed sources for therapeutic purposes, and the use of equipment associated with the production, use, measurement, and evaluation of radionuclides.

(h) "Medical physics" means the branch of physics which is associated with the practice of medicine. It includes the fields of diagnostic radiological physics, therapeutic radiological physics, medical nuclear radiological physics, and medical health physics.

(i) "Physician" means a doctor of medicine, *osteopathic medicine* ~~osteopathy~~, podiatry, dentistry, or chiropractic who is licensed in this state and who prescribes a radiological procedure.

(j) "Practice of medical physics" means the use of principles and accepted protocols of physics to *ensure* ~~assure~~ the correct quality, quantity, and placement of radiation during the performance of a radiological procedure prescribed by a physician which will protect the patient and others from harmful excessive radiation. The term includes radiation beam calibration and characterization quality assurance, instrument specification, acceptance testing, shielding design, protection analysis on radiation-emitting equipment and radiopharmaceuticals, and consultation with a physician to *ensure* ~~assure~~ accurate radiation dosage to a specific patient.

(k) "Radiation" means ionizing or nonionizing radiation above background levels which is used to perform a diagnostic or therapeutic medical or dental radiological procedure.

(l) "Radiological procedure" means a test, measurement, calculation, or radiation exposure used in the diagnosis or treatment of diseases or other medical or dental conditions in human beings that includes therapeutic radiation, diagnostic radiation, nuclear magnetic resonance, or nuclear medicine procedures.

(m) "Therapeutic radiological physics" means that specialty of medical physics which deals with the therapeutic application and safe use of X rays, gamma rays, electron or other charged particle beams, neutrons, or radiation from radionuclide sources, and the use of equipment associated with the production, use, measurement, and evaluation of that radiation.

(4) COUNCIL.—The Advisory Council of Medical Physicists is created in the *Department of Health* ~~Agency for Health Care Administra-~~

~~tion~~ to *advise the department in regulating* ~~regulate~~ the practice of medical physics in this state.

(a) The council shall be composed of *nine* ~~seven~~ members appointed by the *secretary of the department* ~~director~~ as follows:

1. A licensed medical physicist who specializes in diagnostic radiological physics.

2. A licensed medical physicist who specializes in therapeutic radiological physics.

3. A licensed medical physicist who specializes in medical nuclear radiological physics.

4. A physician who is board certified by the American Board of Radiology or its equivalent.

5. A physician who is board certified by the American Osteopathic Board of Radiology or its equivalent.

6. A physician who is board certified by the American *Chiropractic Radiology* Board ~~of Chiropractic Radiology~~ or its equivalent.

7. *Three* ~~A~~ consumer *members* ~~member~~ who *are* ~~is~~ not, and *have* ~~has~~ never been, licensed as a medical physicist or licensed in any closely related profession.

(b) The *secretary of the department* ~~director~~ shall appoint the medical physicist members of the council from a list of candidates who are licensed to practice medical physics.

(c) The *secretary of the department* ~~director~~ shall appoint the physician *members* ~~member~~ of the council from a list of candidates who are licensed to practice medicine in this state and are board certified in diagnostic radiology, therapeutic radiology, or radiation oncology.

(d) The *secretary of the department* ~~director~~ shall appoint the public *members* ~~member~~ of the council.

(e) As the term of each member expires, the *secretary of the department* ~~director~~ shall appoint the successor for a term of *4* ~~3~~ years. A member shall serve until *the member's* ~~his~~ successor is appointed, unless physically unable to do so.

(f) An individual is ineligible to serve more than two full consecutive *4-year* ~~3-year~~ terms.

(g) If a vacancy on the council occurs, the director shall appoint a member to serve for a *4-year* ~~3-year~~ term.

(h) A council member must be a United States citizen and must have been a resident of this state for 2 consecutive years immediately before being appointed.

1. A member of the council who is a medical physicist must have practiced for at least 6 years before being appointed or be board certified for the specialty in which the member practices.

2. A member of the council who is a physician must be licensed to practice medicine in this state and must have practiced diagnostic radiology or radiation oncology in this state for at least 2 years before being appointed.

3. The public *members* ~~member~~ of the council must not have a financial interest in any endeavor related to the practice of medical physics.

(i) Notwithstanding any other provision of this subsection, no later than January 1, 1996, the *secretary of the department* ~~director~~ shall make the initial appointments to the council as follows:

1. One member who is engaged in the practice of medical physics, *one physician member,* and one public member, each of whom is to be appointed to serve until June 30, 1996;

2. One member who is engaged in the practice of medical physics and one physician member, each of whom is to be appointed to serve until June 30, 1997; and

3. One member who is engaged in the practice of medical physics *and one physician member, each of whom is* to be appointed to serve until June 30, 1998.

(j) A council member may be removed from the council if the member:

1. Did not have the required qualifications at the time of appointment;

2. Does not maintain the required qualifications while serving on the council; or

3. Fails to attend the regularly scheduled council meetings in a calendar year as required by s. 455.207.

(k) Members of the council may not receive compensation for their services; however, they are entitled to reimbursement, from funds deposited in the *Medical Quality Assurance* ~~Health Care~~ Trust Fund, for necessary travel expenses as specified in s. 112.061 for each day they engage in the business of the council.

(l) At the first regularly scheduled meeting of each calendar year, the council shall elect a presiding officer and an assistant presiding officer from among its members. The council shall meet at least once each year and at other times in accordance with *department requirements* ~~agency rules~~.

(m) The *department* ~~agency~~ shall provide administrative support to the council for all licensing activities.

(n) The council may conduct its meetings electronically.

(5) POWERS OF COUNCIL.—The council shall:

(a) Recommend rules to administer this section.

(b) Recommend practice standards for the practice of medical physics which are consistent with the Guidelines for Ethical Practice for Medical Physicists prepared by the American Association of Physicists in Medicine and disciplinary guidelines adopted under s. 455.2273.

(c) Develop and recommend continuing education requirements for licensed medical physicists.

(6) LICENSE REQUIRED.—An individual may not engage in the practice of medical physics, including the specialties of diagnostic radiological physics, therapeutic radiological physics, medical nuclear radiological physics, or medical health physics, without a license issued by the *department* ~~agency~~ for the appropriate specialty.

(a) The *department* ~~agency~~ shall adopt rules to administer this section which specify license application and renewal fees, continuing education requirements, and standards for practicing medical physics. The council shall recommend to the *department* ~~agency~~ continuing education requirements that shall be a condition of license renewal. The *department* ~~agency~~ shall require a minimum of 24 hours *per biennium* of continuing education offered by an organization recommended by the council *and approved by the department. The department, upon recommendation of the council, may adopt rules to specify continuing education requirements for persons who hold a license in more than one specialty.*

(b) In order to apply for a medical physicist license in one or more specialties, a person must file an individual application for each specialty with the *department* ~~agency~~. The application must be on a form prescribed by the *department* ~~agency~~ and must be accompanied by a nonrefundable application fee for each specialty.

(c) *The department may issue a license to an eligible applicant if the applicant meets all license requirements.* At any time before the *department* ~~agency~~ issues ~~or renews~~ a license, the applicant may request in writing that the application be withdrawn. To reapply, the applicant must submit a new application and an additional nonrefundable application fee and must meet all current licensure requirements.

(d) The *department* ~~agency~~ shall review each completed application for a license which the *department* ~~agency~~ receives.

~~(e) The agency may issue a license to an eligible applicant if the applicant meets all license requirements.~~

~~1. Licenses must be uniform and must include:~~

~~a. The name of the licensee;~~

~~b. The medical physics specialty that the licensee may practice; and~~

~~c. The expiration date of the license.~~

~~2. A license certificate is the property of the agency and must be surrendered on demand.~~

~~3. The agency shall adopt rules establishing a procedure for the biennial renewal of licenses.~~

~~4. A person may renew an unexpired license by meeting the renewal requirements, paying the nonrefundable renewal fee before the expiration of the license, and meeting continuing education requirements.~~

~~5. The cost to renew a license within 90 days after the license has expired is the normal renewal fee plus a penalty in the amount of half the renewal fee.~~

~~6. The cost to renew a license that has been expired for more than 90 days but less than 2 years is the normal renewal fee plus a penalty in the amount of the renewal fee.~~

~~7. A license may not be renewed after it has been expired for more than 2 years. To be relicensed, a person must comply with all current application requirements to practice medical physics and must submit a new application and nonrefundable application fee to the agency.~~

(e)~~(f)~~ On receipt of an application and fee as specified in this section, the *department* ~~agency~~ may issue a license to practice medical physics in this state:

1. Until October 1, 1997, to a person who meets any of the following requirements:

a. Earned from an accredited college or university a doctoral degree in physics, medical physics, biophysics, radiological physics, medical health physics, or nuclear engineering and has at least 2 years' experience in the practice of the medical physics specialty for which application is made.

b. Earned from an accredited college or university a master's degree in physics, medical physics, biophysics, radiological physics, medical health physics, or nuclear engineering and has at least 3 years' experience in the practice of the medical physics specialty for which application is made.

c. Earned from an accredited college or university a bachelor's degree in physics and has at least 5 years' experience in the practice of the medical physics specialty for which application is made.

d. Has at least 8 years' experience in the practice of the medical physics specialty for which application is made, 2 years of which must have been earned within the 4 years immediately preceding application for licensure.

e. Is board certified in the medical physics specialty in which the applicant applies to practice by the American Board of Radiology for diagnostic radiological physics, therapeutic radiological physics, or medical nuclear radiological physics; by the American Board of Medical Physics or the Canadian Board of Medical Physics for diagnostic radiological physics, therapeutic radiological physics, or medical nuclear radiological physics; or by the American Board of Health Physics or an equivalent certifying body approved by the agency.

~~1. Until October 1, 1997, to a person who has earned from an accredited college or university a master's degree or doctoral degree in physics, medical physics, biophysics, radiological physics, medical health physics, or nuclear engineering, and has at least 2 years of experience in the practice of the medical physics specialty for which application is made during the 4 years immediately before the application is made.~~

2. *On or* after October 1, 1997, to a person who~~:~~

~~a. Holds a license to practice medical physics in this state; or~~

~~b.~~ is board certified in the medical physics specialty in which the applicant applies to practice by the American Board of Radiology for diagnostic radiological physics, therapeutic radiological physics, or medical nuclear radiological physics; by the American Board of Medical Physics for diagnostic radiological physics, therapeutic radiological physics, or medical nuclear radiological physics; or by the American Board of Health Physics or an equivalent certifying body approved by the *department* ~~agency~~.

(f)~~(g)~~ A licensee shall:

1. Display the license in a place accessible to the public; and

2. Report immediately any change in the licensee's address or name to the *department* ~~agency~~.

(g) The following acts are grounds for which the disciplinary actions in paragraph (h) may be taken:

1. Obtaining or attempting to obtain a license by bribery, fraud, knowing misrepresentation, or concealment of material fact or through an error of the department.

2. Having a license denied, revoked, suspended, or otherwise acted against in another jurisdiction.

3. Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, the profession of medical physics.

4. Willfully failing to file a report or record required for medical physics or willfully impeding or obstructing the filing of a report or record required by this section or inducing another person to do so.

5. Making misleading, deceptive, or fraudulent representations in or related to the practice of medical physics.

6. Willfully failing to report any known violation of this section or any rule adopted thereunder.

7. Willfully or repeatedly violating a rule adopted under this section or an order of the department.

8. Failing to perform any statutory or legal obligation placed upon a licensee.

9. Aiding, assisting, procuring, employing, or advising any unlicensed person to practice medical physics contrary to this section or any rule adopted thereunder.

10. Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization to perform them.

11. Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.

12. Gross or repeated malpractice or the inability to practice medical physics with reasonable skill and safety.

13. Judicially determined mental incompetency.

14. Being unable to practice medical physics with reasonable skill and safety because of a mental or physical condition or illness or the use of alcohol, controlled substances, or any other substance which impairs one's ability to practice.

a. The department may, upon probable cause, compel a licensee to submit to a mental or physical examination by physicians designated by the department. The cost of an examination shall be borne by the licensee, and the licensee's failure to submit to such an examination constitutes an admission of the allegations against the licensee, consequent upon which a default and a final order may be entered without the taking of testimony or presentation of evidence, unless the failure was due to circumstances beyond the licensee's control.

b. A licensee who is disciplined under this subparagraph shall, at reasonable intervals, be afforded an opportunity to demonstrate that the

licensee can resume the practice of medical physics with reasonable skill and safety.

c. With respect to any proceeding under this subparagraph, the record of proceedings or the orders entered by the department may not be used against a licensee in any other proceeding.

(h) When the department finds any person guilty of any of the grounds set forth in paragraph (g), including conduct that would constitute a substantial violation of paragraph (g) which occurred prior to licensure, it may enter an order imposing one or more of the following penalties:

1. Deny the application for licensure.

2. Revoke or suspend the license.

3. Impose an administrative fine for each count or separate offense.

4. Place the licensee on probation for a specified time and subject the licensee to such conditions as the department determines necessary, including requiring treatment, continuing education courses, or working under the monitoring or supervision of another licensee.

5. Restrict a licensee's practice.

6. Issue a reprimand to the licensee.

(i) The department may not issue or reinstate a license to a person it has deemed unqualified until it is satisfied that such person has complied with the terms and conditions of the final order and that the licensee can safely practice medical physics.

~~(h) The agency may refuse to issue or renew a license, suspend or revoke a license, or reprimand the licensee for the following:~~

~~1. Obtaining or renewing a license by means of fraud, misrepresentation, or concealment of material fact;~~

~~2. Having made an application for or held a license issued by the licensing authority of another state, territory, or jurisdiction which was denied, suspended, or revoked by that licensing authority without so informing the agency;~~

~~3. Engaging in unprofessional conduct related to the practice of medical physics that has endangered or is likely to endanger the health, safety, or welfare of the public;~~

~~4. Violating this section, a rule of the agency, or the practice standards for medical physics; or~~

~~5. Being convicted of a felony or of a misdemeanor that directly relates to a person's duties and responsibilities as a licensed medical physicist.~~

(j)~~(i)~~ The *department* ~~agency~~ may issue a temporary license to an applicant pending completion of the application process.

(7) FEES.—The fee for the initial license application shall be $500 and is nonrefundable. The fee for license renewal may not be more than $500. These fees may cover only the costs incurred by the *department* ~~agency~~ and the council to administer this section. By July 1 each year, the *department* ~~agency~~ shall advise the council if the fees are insufficient to administer this section.

(8) DISPOSITION OF FEES.—The *department* ~~agency~~ shall deposit all funds received into the Health Care Trust Fund.

(9) PENALTY FOR VIOLATIONS.—It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, to:

(a) Practice or attempt to practice medical physics or hold oneself out to be a licensed medical physicist without holding an active license.

(b) Practice or attempt to practice medical physics under a name other than one's own.

(c) Use or attempt to use a revoked or suspended license or the license of another.

~~(9) OFFENSES.—A person is in violation of this section if the person intentionally or knowingly:~~

~~(a) Practices medical physics in violation of this section; or~~

~~(b) Uses letters, terminology, symbols, or signs to indicate or imply qualifications or licensure to practice medical physics in any manner for which the person is not licensed.~~

~~(10) PENALTIES.—~~

~~(a) A person who violates this section or any rule adopted under this section is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

~~(b) The agency may modify, deny, suspend, or revoke a license, or may impose an administrative fine not to exceed $1,000 per violation, for the violation of any provision of this section, rule adopted under this section, or terms or conditions of any license issued by the agency. The agency shall develop specific disciplinary guidelines in accordance with s. 455.2273.~~

~~1. In determining the amount of a fine that is to be levied for a violation, the following factors must be considered:~~

~~a. The severity of the violation and the extent to which this section, any rule adopted under this section, or any term or condition of any license was violated.~~

~~b. Any action taken by the licensee to correct the violation.~~

~~c. Any previous violation by the licensee.~~

~~2. All amounts collected under this section must be deposited in the Health Care Trust Fund.~~

~~(c) If the agency determines that the licensee presents a clear and present danger to the public health or safety, the agency may issue an emergency order that immediately suspends or revokes his license.~~

(10)~~(11)~~ EXEMPTIONS.—This section does not apply to:

(a) A physician who is licensed by this state to the extent that *the physician* ~~he~~ practices within the scope of *the physician's* ~~his~~ training, education, and licensure;

(b) A person who is licensed under part IV of chapter 468 to the extent that *the person* ~~he~~ practices within the scope of *the person's* ~~his~~ training, education, and licensure;

(c) A person who performs beam calibration and characterization, quality assurance, instrument specification, acceptance testing, shielding design, or protection analysis on radiation-emitting equipment or radiopharmaceuticals in connection with procedures that are not involved with the diagnosis or treatment of disease or other medical or dental conditions in humans;

(d) A person who is employed by a federal or state regulatory agency and is performing duties within the scope of the person's employment;

(e) A student or intern who practices medical physics in conjunction with a program at an accredited college or university to the extent that the student or intern is adequately supervised by a licensed medical physicist or licensed physician; or

(f) A dentist or any person working under *the dentist's* ~~his~~ supervision pursuant to chapter 466 to the extent that the dentist or the person supervised by the dentist is practicing within the scope of his *or her* training, education, and licensure.

~~(12) LICENSURE EXCEPTION.—Notwithstanding the provisions of subsections (1)-(11), any medical physicist who, as of July 1, 1995, has practiced medical physics for 5 years or longer is entitled to continue to so practice and need not be licensed as a medical physicist.~~

Section 170. Subsection (2) of section 484.041, Florida Statutes, is amended to read:

484.041 Definitions.—As used in this part, the term:

(2) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

Section 171. Subsection (1) of section 484.042, Florida Statutes, is amended to read:

484.042 Board of Hearing Aid Specialists; membership, appointment, terms.—

(1) The Board of Hearing Aid Specialists is created within the Department of *Health* ~~Business and Professional Regulation~~ and shall consist of nine members to be appointed by the Governor and confirmed by the Senate.

Section 172. Subsection (2) of section 484.051, Florida Statutes, is amended to read:

484.051 Itemization of prices; delivery of hearing aid; receipt, packaging, disclaimer, guarantee.—

(2) Any person who fits and sells a hearing aid shall, at the time of delivery, provide the purchaser with a receipt containing the seller's signature, the address of his regular place of business, and his license or trainee registration number, if applicable, together with the brand, model, manufacturer or manufacturer's identification code, and serial number of the hearing aid furnished and the amount charged for the hearing aid. The receipt also shall specify whether the hearing aid is new, used, or rebuilt and shall specify the length of time and other terms of the guarantee and by whom the hearing aid is guaranteed. When the client has requested an itemized list of prices, the receipt shall also provide an itemization of the total purchase price, including, but not limited to, the cost of the aid, earmold, batteries and other accessories, and any services. Notice of the availability of this service shall be displayed in a conspicuous manner in the office. The receipt also shall state that any complaint concerning the hearing aid and guarantee therefor, if not reconciled with the licensee from whom the hearing aid was purchased, should be directed by the purchaser to the Department of *Health* ~~Business and Professional Regulation~~. The address and telephone number of such office shall be stated on the receipt.

Section 173. Subsection (2) of section 486.021, Florida Statutes, is amended to read:

486.021 Definitions.—In this chapter, unless the context otherwise requires, the term:

(2) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

Section 174. Section 486.023, Florida Statutes, is amended to read:

486.023 Board of Physical Therapy Practice.—

(1) There is created within the department the Board of Physical Therapy Practice, composed of seven members~~, recommended by the Florida Physical Therapy Association and~~ appointed by the Governor *and*~~,~~ subject to confirmation by the Senate.

(2) Five board members shall be licensed physical therapists in good standing in this state who are residents of this state and *who* have been engaged in the practice of physical therapy for at least 4 years immediately prior to their appointment. One licensed physical therapist board member may be a full-time faculty member teaching in a physical therapy curriculum in an educational institution in this state. ~~One of~~ The two remaining members shall be *residents* ~~a resident~~ of this state who *have* ~~has~~ never been ~~a~~ licensed health care *practitioners* ~~practitioner~~. ~~One of the two remaining members shall be a health care practitioner licensed under chapter 458 or chapter 459 who is a resident of this state and has been engaged as a licensed health care practitioner for at least 4 years immediately prior to his or her appointment.~~

~~(3) Within 90 days after October 1, 1989, the Governor shall appoint the board as follows:~~

~~(a) Two members for terms of 2 years each.~~

~~(b) Two members for terms of 3 years each.~~

~~(c) Three members for terms of 4 years each.~~

(3)~~(4)~~ As the terms of the members expire, the Governor shall appoint successors for terms of 4 years, and such members shall serve until their successors are appointed.

(4)~~(5)~~ All provisions of chapter 455 relating to activities of the board shall apply.

Section 175. Section 486.031, Florida Statutes, is amended to read:

486.031 Physical therapist; licensing requirements.—To be eligible for licensing as a physical therapist, an applicant must:

(1) Be at least 18 years old;

(2) Be of good moral character; and

(3)(a) Have been graduated from a school of physical therapy which has been approved for the educational preparation of physical therapists by the appropriate accrediting agency recognized by the Commission on Recognition of Postsecondary Accreditation ~~(formerly the National Commission on Accrediting and the Federation of Regional Accrediting Commissions of Higher Education)~~ or the United States Department of Education at the time of his graduation and have passed, to the satisfaction of the board, *the American Registry Examination prior to 1971 or a national* ~~an~~ examination *approved* ~~administered~~ by the *board* ~~department~~ to determine his fitness for practice as a physical therapist as hereinafter provided; ~~or~~

(b) Have received a diploma from a program in physical therapy in a foreign country and have educational credentials deemed equivalent to those required for the educational preparation of physical therapists in this country, as recognized by the appropriate agency as identified by the board, and have passed to the satisfaction of the board an examination ~~administered by the department~~ to determine his fitness for practice as a physical therapist as hereinafter provided; or

(c) Be entitled to licensure without examination as provided in s. 486.081.

Section 176. Section 486.041, Florida Statutes, is amended to read:

486.041 Physical therapist; application for license; fee; temporary permit.—

(1) A person who desires to be licensed as a physical therapist shall apply to the *department* ~~board~~ in writing on a form furnished by the department. He shall embody in that application evidence under oath, satisfactory to the board, of his possessing the qualifications preliminary to examination required by s. 486.031. He shall pay to the department at the time of filing his application a fee not to exceed $100, as fixed by the board~~, plus the actual per applicant cost to the department for purchase of the examination from the Professional Examination Services for the American Physical Therapist's Association or a similar national organization. If an applicant is deemed ineligible to take the examination, that part of his application fee which is to be used for examination expenses shall be returned~~.

(2) If a person desires to practice physical therapy before becoming licensed through examination, he shall apply ~~to the board~~ for a temporary permit in accordance with rules adopted pursuant to this chapter.

(a) A temporary permit shall only be issued for a limited period of time, not to exceed 1 year, and shall not be renewable. A temporary permit shall automatically expire if an applicant fails the examination.

(b) An applicant for licensure by examination and practicing under a temporary permit shall do so only under the direct supervision of a licensed physical therapist.

Section 177. Section 486.051, Florida Statutes, is amended to read:

486.051 Physical therapist; examination of applicant.~~—The department shall provide for examination of applicants for licensing as physical therapists at least once a year, and more often at the discretion of the board, at a time and place to be determined by the department.~~ The examinations of an applicant for licensing as a physical therapist shall be ~~administered by the department,~~ in accordance with rules adopted by the board, to test the applicant's qualifications and shall include the taking of a ~~written~~ test by the applicant. If an applicant fails to pass the

examination in three attempts, he shall not be eligible for reexamination unless he completes additional educational or training requirements prescribed by the board. An applicant who has completed the additional educational or training requirements prescribed by the board may take the examination on two more occasions. If the applicant has failed to pass the examination after five attempts, he is no longer eligible to take the examination.

Section 178. Section 486.081, Florida Statutes, is amended to read:

486.081 Physical therapist; issuance of license without examination to person passing examination of another authorized examining board; temporary permit; fee.—

(1) The board may cause a license to be issued through the department without examination to any applicant who presents evidence satisfactory to the board of having passed *the American Registry Examination prior to 1971 or* an examination in physical therapy before a similar lawfully authorized examining board of another state, the District of Columbia, a territory, or a foreign country, if the standards for licensure in physical therapy in such other state, district, territory, or foreign country are determined by the board to be as high as those of this state, as established by rules adopted pursuant to this chapter. Any person who holds a license pursuant to this section may use the words "physical therapist" or "physiotherapist," or the letters "P.T.," in connection with his name or place of business to denote his licensure hereunder.

(2) At the time of making application for licensure without examination pursuant to the terms of this section, the applicant shall pay to the department a fee not to exceed $175 as fixed by the board, no part of which will be returned.

(3) If a person desires to practice physical therapy before becoming licensed through endorsement, he shall apply to the board for a temporary permit in accordance with rules adopted pursuant to this chapter. A temporary permit shall only be issued for a limited period of time, not to exceed 1 year, and shall not be renewable.

Section 179. Section 486.102, Florida Statutes, is amended to read:

486.102 Physical therapist assistant; licensing requirements.—To be eligible for licensing by the board as a physical therapist assistant, an applicant must:

(1) Be at least 18 years old;

(2) Be of good moral character; and

(3)(a) Have been graduated from a school giving a course of not less than 2 years for physical therapist assistants, which has been approved for the educational preparation of physical therapist assistants by the appropriate accrediting agency recognized by the Commission on Recognition of Postsecondary Accreditation ~~(formerly the National Commission on Accrediting and the Federation of Regional Accrediting Commissions of Higher Education)~~ or the United States Department of Education at the time of his graduation and have passed to the satisfaction of the board an examination ~~administered by the department~~ to determine his fitness for practice as a physical therapist assistant as hereinafter provided; ~~or~~

(b) Have been graduated from a school giving a course for physical therapist assistants in a foreign country and have educational credentials deemed equivalent to those required for the educational preparation of physical therapist assistants in this country, as recognized by the appropriate agency as identified by the board, and passed to the satisfaction of the board an examination ~~conducted by the department~~ to determine his fitness for practice as a physical therapist assistant as hereinafter provided; or

(c) Be entitled to licensure without examination as provided in s. 486.107.

Section 180. Section 486.103, Florida Statutes, is amended to read:

486.103 Physical therapist assistant; application for license; fee; temporary permit.—

(1) A person who desires to be licensed as a physical therapist assistant shall apply to the *department* ~~board~~ in writing on a form furnished by the department. He shall embody in that application evidence under oath, satisfactory to the board, of his possessing the qualifications preliminary to examination required by s. 486.104. He shall pay to the department at the time of filing his application a fee not to exceed $100, as fixed by the board~~, plus the actual per applicant cost to the department for purchase of the examination from the Professional Examination Services for the American Physical Therapist's Association or a similar national organization. If an applicant is deemed ineligible to take the examination, that part of his application fee which is to be used for examination expenses shall be returned~~.

(2) If a person desires to work as a physical therapist assistant before being licensed through examination, he shall apply for a temporary permit in accordance with rules adopted pursuant to this chapter.

(a) A temporary permit shall only be issued for a limited period of time, not to exceed 1 year, and shall not be renewable. A temporary permit shall automatically expire if an applicant fails the examination.

(b) An applicant for licensure by examination who is practicing under a temporary permit shall do so only under the direct supervision of a licensed physical therapist.

Section 181. Section 486.104, Florida Statutes, is amended to read:

486.104 Physical therapist assistant; examination of applicant.— ~~The department shall provide for examination of applicants for licensing as physical therapist assistants at least once a year, and more often at the discretion of the board, at a time and place to be determined by the department.~~ The examination of an applicant for licensing as a physical therapist assistant shall be ~~provided by the department,~~ in accordance with rules adopted by the board, to test the applicant's qualifications and shall include the taking of a ~~written~~ test by the applicant. If an applicant fails to pass the examination in three attempts, he shall not be eligible for reexamination unless he completes additional educational or training requirements prescribed by the board. An applicant who has completed the additional educational or training requirements prescribed by the board may take the examination on two more occasions. If the applicant has failed to pass the examination after five attempts, he is no longer eligible to take the examination.

Section 182. Section 486.123, Florida Statutes, is created to read:

486.123 Sexual misconduct in the practice of physical therapy.—The physical therapist-patient relationship is founded on mutual trust. Sexual misconduct in the practice of physical therapy means violation of the physical therapist-patient relationship through which the physical therapist uses that relationship to induce or attempt to induce the patient to engage, or to engage or attempt to engage the patient, in sexual activity outside the scope of practice or the scope of generally accepted examination or treatment of the patient. Sexual misconduct in the practice of physical therapy is prohibited.

Section 183. Paragraph (g) is added to subsection (2) of section 486.125, Florida Statutes, to read:

486.125 Refusal, revocation, or suspension of license; administrative fines and other disciplinary measures.—

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(g) Recovery of actual costs of investigation and prosecution.

Section 184. Subsection (11) is added to section 641.495, Florida Statutes, 1996 Supplement, to read:

641.495 Requirements for issuance and maintenance of certificate.—

(11) The organization shall designate a medical director who is a physician licensed under chapter 458 or chapter 459.

Section 185. Subsection (3) of section 499.012, Florida Statutes, is amended to read:

499.012 Wholesale distribution; definitions; permits; general requirements.—

(3)~~(a)~~ A person that engages in wholesale distribution of prescription drugs in this state must have a wholesale distributor's permit issued by the department, *except as noted in this section. Each establishment must be separately permitted except as noted in this subsection.*

(a) A separate establishment permit is not required when a permitted prescription drug wholesaler consigns a prescription drug to a pharmacy that is permitted under chapter 465 and located in this state, provided that:

1. The consignor wholesaler notifies the department in writing of the contract to consign prescription drugs to a pharmacy along with the identity and location of each consignee pharmacy;

2. The pharmacy maintains its permit under chapter 465;

3. The consignor wholesaler, which has no legal authority to dispense prescription drugs, complies with all wholesale distribution requirements of s. 499.0121 with respect to the consigned drugs and maintains records documenting the transfer of title or other completion of the wholesale distribution of the consigned prescription drugs;

4. The distribution of the prescription drug is otherwise lawful under this chapter and other applicable law;

5. Open packages containing prescription drugs within a pharmacy are the responsibility of the pharmacy, regardless of how the drugs are titled; and

6. The pharmacy dispenses the consigned prescription drug in accordance with the limitations of its permit under chapter 465 or returns the consigned prescription drug to the consignor wholesaler. In addition, a person who holds title to prescription drugs may transfer the drugs to a person permitted or licensed to handle the reverse distribution or destruction of drugs. Any other distribution by and means of the consigned prescription drug by any person, not limited to the consignor wholesaler or consignee pharmacy, to any other person is prohibited.

(b) A wholesale distributor's permit is not required for the one-time transfer of title of a pharmacy's lawfully acquired prescription drug inventory by a pharmacy with a valid permit issued under chapter 465 to a consignor prescription drug wholesaler, permitted under this chapter, in accordance with a written consignment agreement between the pharmacy and that wholesaler if: the permitted pharmacy and the permitted prescription drug wholesaler comply with all of the provisions of paragraph (3)(a) and the prescription drugs continue to be within the permitted pharmacy's inventory for dispensing in accordance with the limitations of the pharmacy permit under chapter 465. A consignor drug wholesaler may not use the pharmacy as a wholesale distributor through which it distributes the legend drugs to other pharmacies. Nothing in this section is intended to prevent a wholesale drug distributor from obtaining this inventory in the event of nonpayment by the pharmacy.

(c)~~(b)~~ The department shall require information from each wholesale distributor as part of the permit and renewal of such permit, as required under s. 499.01.

Section 186. *The Board of Medicine shall adopt rules to establish practice guidelines for physicians to safely prescribe phentermine, fenfluramine, and other drugs used to treat obesity.*

Section 187. *The Board of Osteopathic Medicine shall adopt rules to establish practice guidelines for physicians to safely prescribe phentermine, fenfluramine, and other drugs used to treat obesity.*

Section 188. Subsections (6) through (11) of section 409.9122, Florida Statutes, 1996 Supplement, are redesignated as subsections (7) through (12), respectively, and a new subsection (6) is added to that section to read:

409.9122 Mandatory Medicaid managed care enrollment; programs and procedures.—

(6) MediPass enrolled recipients may receive up to 10 visits of reimbursable services by participating Medicaid physicians licensed under chapter 460 and up to four visits of reimbursable services by participating Medicaid physicians licensed under chapter 461. Any further visits must be by prior authorization by the MediPass primary care provider. However, nothing in this subsection may be construed to increase the total number of visits or the total amount of dollars per year per person under current Medicaid rules, unless otherwise provided for in the General Appropriations Act.

Section 189. *(1) There is created within the Department of Health a Task Force on Exemptions from Licensure under section 468.505(1)(k), Florida Statutes. The Department of Health shall provide staff support for the task force. The task force shall consist of not more than 15 members nominated by the associations and entities named in this section and appointed by the Secretary of Health. Members of the task force shall not receive compensation, per diem, or reimbursement for travel expenses for service on the task force. Participation in the task force is optional and at the discretion of each identified group or entity. If all identified groups and entities participate, the task force shall include:*

(a) One representative from each of the following associations:

1. The Florida Dietetic Association.
2. The Florida Health Care Association.
3. The Florida Association of Homes for the Aging.
4. The Florida Assisted Living Association.
5. The Florida League of Health Systems.
6. The Association of Community Hospitals and Health Systems of Florida, Inc.
7. The Florida Hospital Association.
8. The Florida Medical Association.
9. The Florida Osteopathic Medical Association.

(b) One representative from each of the following entities:

1. The Department of Health.
2. The Dietetics and Nutrition Practice Council.
3. The Board of Medicine, which representative must be a member of the board who is licensed under chapter 458, Florida Statutes.
4. The Board of Osteopathic Medicine, which representative must be a member of the board who is licensed under chapter 459, Florida Statutes.
5. The Department of Elderly Affairs.
6. The Agency for Health Care Administration.

(2) The task force shall hold its first meeting no later than August 1, 1997, and shall report its findings to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the applicable legislative committees of substance not later than December 31, 1997. All task force meetings must be held in Tallahassee at the Department of Health in order to minimize costs to the state.

(3) The task force shall be charged with the responsibility to:

(a) Determine the number of licensed dietitians, the number of registered dietitians, and the number of dietitians who are neither licensed nor registered who are employed by or under contract with a hospital licensed under chapter 395, Florida Statutes, a nursing home or assisted living facility licensed under part II or part III of chapter 400, Florida Statutes, or a continuing care facility certified under chapter 651, Florida Statutes; and

(b) Assess the need and make recommendations for retaining the exemptions from licensure under section 468.505(1)(k), Florida Statutes, in light of the legislative purpose and intent of licensure as set forth in section 468.502, Florida Statutes, and review the quality of dietetic and nutrition services provided in the settings set forth in section 468.505(1)(k), Florida Statutes.

(4) The task force is dissolved effective January 1, 1998.

Section 190. Section 465.014, Florida Statutes, is amended to read:

465.014 Pharmacy technician.—No person other than a licensed pharmacist or pharmacy intern may engage in the practice of the profession of pharmacy, except that a licensed pharmacist may delegate to nonlicensed pharmacy technicians those duties, tasks, and functions which do not fall within the purview of s. 465.003(12). All such delegated acts shall be performed under the direct supervision of a licensed pharmacist who shall be responsible for all such acts performed by persons under his *or her* supervision. *A pharmacy technician, under the supervision of a pharmacist, may initiate or receive communications with a practitioner or his or her agent, on behalf of a patient, regarding refill*

authorization requests. No licensed pharmacist shall supervise more than one pharmacy technician unless otherwise permitted by the guidelines adopted by the board. The board shall establish guidelines to be followed by licensees or permittees in determining the circumstances under which a licensed pharmacist may supervise more than one but not more than *three* ~~two~~ pharmacy technicians.

Section 191. This act shall take effect July 1, 1997.

And the title is amended as follows:

On page 274, line 25, through page 291, line 24, of the amendment remove all of said lines and insert in lieu thereof: A bill to be entitled An act relating to regulation of health care professions; amending s. 402.48, F.S., relating to health care services pools; increasing the period of registration; updating a definition and a provision relating to meeting financial responsibility requirements; amending s. 455.225, F.S.; providing legislative intent; revising procedures to discipline professionals; requiring the Agency for Health Care Administration, the Department of Business and Professional Regulation, or appropriate regulatory boards to establish plans to resolve incomplete investigations or disciplinary proceedings; amending s. 455.2285, F.S.; revising requirements for information that is disclosed in the annual report; amending s. 457.102, F.S.; revising definitions applicable to the regulation of acupuncture; amending s. 457.105, F.S.; revising qualifications for licensure to practice acupuncture; revising fees; conforming terminology; amending s. 457.107, F.S.; revising licensure renewal fees; conforming terminology; amending s. 457.1085, F.S.; revising requirements on the adoption of rules relating to infection control and on the use of acupuncture needles; amending ss. 457.103, 457.108, 457.109, and 457.116, F.S., to conform; amending s. 458.303, F.S.; eliminating references to physician's trained assistants; amending s. 458.305, F.S.; updating the definition of "department"; amending s. 458.307, F.S.; revising provisions relating to probable cause panels of the Board of Medicine; amending s. 455.206, F.S.; conforming a cross-reference; amending s. 458.311, F.S.; revising requirements for licensure of physicians by examination; revising an educational and postgraduate training requirement; allowing certain applicants to complete a specified fellowship to partially satisfy the licensing requirements; providing for additional remedial education or training upon failure to pass the licensing examination after a certain number of attempts; authorizing persons in certain training programs to take the examination under certain circumstances; amending s. 458.313, F.S.; revising requirements for licensure of physicians by endorsement; eliminating a provision authorizing oral examinations; providing for additional remedial education or training upon failure to pass the licensing examination after a certain number of attempts; authorizing additional requirements prior to certification of eligibility for licensure; conforming a cross-reference; eliminating a provision authorizing licensure under a period of supervision; providing conditions for reactivation of certain licenses issued by endorsement; amending s. 458.317, F.S., relating to limited licenses; eliminating the requirement that applicants for a limited license be retired from the practice of medicine; restricting certain limited licensees to noncompensated practice; requiring the payment of fees if a person receives compensation for the practice of medicine; amending s. 458.319, F.S.; clarifying requirements for renewal of license to practice medicine; revising recent-practice requirements; amending s. 458.320, F.S.; conforming a cross-reference; requiring physicians not carrying medical malpractice insurance to post notice and provide a written statement thereof; providing for acknowledgment that the patient has been so informed; amending s. 458.331, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 458.3312, F.S.; prohibiting physicians from falsely representing that they are board-certified specialists; amending s. 458.345, F.S., relating to registration of resident physicians, interns, and fellows; providing for designation of a person responsible at each hospital using such residents for the hospital's semiannual reports to the department; requiring certain notice to the executive director of the board; providing that registrants are subject to specified disciplinary provisions; providing requirements for the prescribing of medicinal drugs; amending s. 458.346, F.S.; providing for meetings of the Public Sector Physician Advisory Committee; amending ss. 458.347 and 459.022, F.S.; revising requirements for certification as a physician assistant; updating terminology; amending s. 458.3485, F.S.; requiring medical assistants to be under the direct supervision of a licensed physician; providing for rules; amending s. 459.003, F.S.; updating the definition of "department"; providing that certain terms are equivalent; amending s. 459.021, F.S.; revising terminology relating to osteopathic medicine; revising provisions relating to registration of resident physicians, interns, and fellows; providing for designation of a person responsible for the hospital's semiannual reports to the department; requiring certain notice to the executive director of the board; providing that registrants are subject to specified disciplinary provisions; authorizing resident physicians to prescribe drugs appearing on schedules of controlled substances under certain circumstances; repealing s. 460.413(1)(bb) and (cc), F.S., relating to grounds for disciplinary action; amending s. 459.0075, F.S., relating to limited licenses; eliminating the requirement that applicants for a limited license be retired from the practice of osteopathic medicine; restricting certain limited licensees to noncompensated practice; requiring the payment of fees if a person receives compensation for the practice of osteopathic medicine; amending s. 459.0085, F.S.; conforming a cross-reference; requiring osteopathic physicians not carrying medical malpractice insurance to post notice and provide a written statement thereof; providing for acknowledgment that the patient has been so informed; amending s. 459.015, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 459.0152, F.S.; prohibiting osteopathic physicians from falsely representing that they are board-certified specialists; amending ss. 240.4067, 390.011, 395.0191, 408.035, 409.905, 415.102, 415.1034, 415.504, 440.106, 440.13, 440.134, 440.15, 456.31, 459.006, 462.01, 468.301, 468.302, 476.044, 477.0135, 483.291, 621.03, 627.351, 627.357, 627.6482, 725.01, 766.101, 766.103, 766.105, 766.110, 817.234, and 945.047, F.S.; conforming and correcting terminology relating to osteopathic medicine; amending s. 460.403, F.S.; updating the definition of "department"; amending s. 460.413, F.S.; repealing ss. 460.413(1)(bb) and 460.413(1)(cc), relating to grounds for disciplinary action; revising grounds for disciplinary action; providing penalties; providing criteria for determining the applicable penalty; providing certain evidentiary standards; providing authority and procedure to enjoin a chiropractor from providing medical services under certain circumstances; reenacting ss. 320.0848(9), 455.236(4)(g), and 766.111(2), F.S., relating to parking permits for disabled persons, prohibited referrals to home health agencies, and unnecessary diagnostic testing, to incorporate the amendment to s. 460.413, F.S., in references thereto; amending s. 460.4165, F.S.; revising a provision relating to the fee accompanying applications to supervise chiropractic physician's assistants; amending s. 461.003, F.S.; updating the definition of "department"; amending s. 461.013, F.S.; revising a ground for disciplinary action; providing penalties; amending s. 461.018, F.S.; clarifying a provision relating to the limited practice of podiatry in designated areas of need; amending s. 464.003, F.S.; revising a definition to update authority over regulation of nursing; amending ss. 464.004, 464.008, 464.009, 464.012, 464.013, and 464.014, F.S., to conform; amending s. 464.018, F.S.; revising grounds for disciplinary action; providing penalties; conforming terminology; amending s. 464.019, F.S., relating to approval of nursing programs; providing for a program review fee; conforming terminology; creating s. 464.0205, F.S.; providing for certification of retired volunteer nurses; providing requirements, qualifications, fees, and restrictions; amending s. 464.022, F.S.; providing an exemption from regulation relating to certain nurses accompanying and caring for patients temporarily residing in this state; amending s. 465.003, F.S.; revising the definitions of the terms "pharmacy" and "department"; amending s. 465.004, F.S.; increasing the membership of the Board of Pharmacy; revising membership qualifications; amending s. 465.0125, F.S.; providing responsibilities of consultant pharmacists and doctors of pharmacy; providing for rules; amending s. 465.0156, F.S.; revising information required for registration of nonresident pharmacies; amending s. 465.016, F.S.; revising grounds for disciplinary actions; providing penalties; amending s. 465.0196, F.S., relating to special pharmacy permits; conforming a cross-reference; amending s. 465.026, F.S.; revising provisions relating to the filling of prescriptions transferred by electronic or other means; amending s. 465.035, F.S.; allowing the dispensing of controlled substances based on electronic facsimiles of the original prescriptions; amending s. 465.186, F.S.; providing for inclusion of certain products and over-the-counter proprietary drugs in the formulary of authorized medicinal drug products and dispensing procedures; amending s. 893.03, F.S.; adding butorphanol tartrate as a Schedule IV controlled substance; reenacting ss. 316.193(5), 327.35(5), 440.102(11)(b), 458.326(3), 817.563(1), 831.31(1)(a) and (2), 856.015(1)(d), 893.02(4), 893.08(1)(b), 893.13(1)(a), (c), and (d), (2)(a), (4)(b), and (5)(b), F.S., relating to driving under the influence, boating under the influence, drug-free workplace program requirements, authorized treatment of intractable pain, sales of substances in lieu of controlled substances, counterfeit controlled substances, open house parties, definitions applicable to regulation of controlled substances, exceptions to required prescription for distribution at retail, and prohibited acts relating to controlled substances, respectively, to incorporate the amendment to s. 893.03, F.S., in references thereto; amending s. 466.003, F.S.; updating the definition

of "department"; amending s. 466.006, F.S., relating to the examination of dentists; revising prerequisites for certain applicants to take the examination; amending s. 466.017, F.S.; eliminating obsolete provisions relating to the utilization of general anesthesia and parenteral conscious sedation by licensed dentists; amending s. 466.028, F.S.; revising grounds for disciplinary action; providing penalties; amending s. 468.1115, F.S.; revising and providing exemptions from regulation as a speech-language pathologist or audiologist; amending s. 468.1125, F.S.; updating the definition of "department"; amending s. 468.1155, F.S.; revising provisional licensure requirements; providing requirements for cross-discipline licensure; amending s. 468.1185, F.S.; revising licensure requirements; conforming a reference; amending s. 468.1195, F.S.; revising continuing education requirements; providing for adoption of standards of approval of continuing education providers; creating s. 468.1201, F.S.; requiring instruction on human immunodeficiency virus and acquired immune deficiency syndrome as a condition of being granted a license or certificate to practice speech-language pathology or audiology; amending s. 468.1215, F.S.; revising requirements for certification as a speech-language pathology or audiology assistant; conforming a reference; amending s. 468.1245, F.S.; revising provisions relating to certain complaints concerning hearing aids; amending s. 468.1295, F.S.; revising and providing grounds for disciplinary action; revising and providing penalties; creating s. 468.1296, F.S.; prohibiting sexual misconduct in the practice of speech-language pathology and audiology, for which there are penalties; amending s. 468.1655, F.S.; updating the definition of "department"; amending s. 468.1695, F.S.; reducing the number of times a year the examination for licensure as a nursing home administrator must be given; amending s. 468.203, F.S.; revising definitions applicable to regulation of occupational therapy; amending s. 468.205, F.S.; replacing the Occupational Therapy Council with a Board of Occupational Therapy Practice; providing for qualifications, appointments, and terms of board members; providing for the filling of vacancies on the board; amending s. 468.209, F.S.; revising educational requirements for licensure as an occupational therapist or occupational therapy assistant; providing for licensure of certain applicants without meeting such educational requirements; providing for certain temporary permits; requiring documentation of continuing education for certain applicants; amending s. 468.211, F.S.; providing a restriction on the number of times an applicant may fail the examination and requiring remediation after a certain number; amending s. 468.213, F.S.; revising requirements for licensure by endorsement; amending s. 468.225, F.S.; providing exemptions from regulation of occupational therapy; amending ss. 468.351, 468.352, 468.354, 468.355, 468.356, 468.357, 468.358, 468.359, 468.36, 468.361, 468.363, 468.364, 468.365, 468.366, and 468.368, F.S.; repealing s. 468.362, F.S., relating to continuing education; providing for licensure of respiratory care practitioners and respiratory therapists; eliminating references to certification and registration; updating the definition of "department"; revising terminology; revising approval of educational programs; eliminating annual continuing education requirements for certain persons; providing penalties; amending s. 478.42, F.S.; updating the definition of "department"; amending s. 478.45, F.S.; revising requirements for licensure as an electrologist; amending s. 478.46, F.S.; revising requirements relating to issuance of temporary permits; conforming a cross-reference and terminology; amending s. 478.47, F.S.; revising requirements for licensure by endorsement; amending s. 478.52, F.S.; prohibiting the operation of unlicensed electrolysis facilities; providing penalties; amending s. 480.033, F.S.; revising the definition of "board"; updating the definition of "department"; amending s. 480.034, F.S.; eliminating an exemption from regulation applicable to certain skin treatments and weight-loss programs; amending s. 480.035, F.S.; renaming the Board of Massage as the Board of Massage Therapy; amending s. 480.041, F.S.; eliminating provisional licensure to practice massage therapy; amending s. 480.0415, F.S.; authorizing an increase in the number of classroom hours of continuing education that may be required for renewal of a license to practice massage therapy; amending s. 480.042, F.S.; revising what examinations must measure; repealing s. 480.0425, F.S., relating to inactive status; amending s. 480.043, F.S.; revising provisions relating to the transfer of licenses; amending s. 480.044, F.S.; revising provisions relating to fees; amending s. 480.047, F.S.; prohibiting the practice of massage therapy without a license unless exempted from licensure; creating s. 480.0485, F.S.; prohibiting sexual misconduct in the practice of massage therapy, for which there are disciplinary actions; amending s. 20.43, F.S., relating to the Department of Health; conforming terminology; updating a reference; amending s. 381.81, F.S., to conform; amending s. 483.800, F.S.; revising policy and purpose relating to regulation of clinical laboratory personnel; amending s. 483.801, F.S.; providing a regulatory exemption relating to advanced registered nurse practitioners; amending s. 483.803, F.S.; updating the definition of "department"; providing definitions; amending s. 483.809, F.S.; revising licensing provisions; authorizing an alternative examination for public health laboratory scientists; creating s. 483.812, F.S.; providing for licensure of public health laboratory scientists; amending s. 483.813, F.S.; extending the period of a temporary license for clinical laboratory personnel; providing a period for a conditional license; amending s. 483.823, F.S.; revising provisions relating to qualifications of clinical laboratory personnel; amending s. 483.825, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 483.828, F.S.; providing penalties for specified violations; amending s. 483.901, F.S., the "Florida Medical Physicists Act"; providing that the Advisory Council of Medical Physicists is an advisory rather than a regulatory body; increasing the number and terms of council members; clarifying initial and other appointment provisions; revising provisions relating to council meetings; revising licensure requirements; clarifying that the required continuing education hours are to be satisfied biennially and that the organizations providing such education must be approved by the Department of Health; revising and providing grounds for disciplinary action; revising and providing criminal acts; providing an administrative fine; providing penalties; eliminating a provision authorizing a licensure exception; amending s. 484.041, F.S.; updating the definition of "department"; amending s. 484.042, F.S.; updating a reference, to conform; amending s. 484.051, F.S.; updating a reference, to conform; amending s. 486.021, F.S.; updating the definition of "department"; amending s. 486.023, F.S.; changing the membership of the Board of Physical Therapy Practice; amending ss. 486.031 and 486.081, F.S.; providing an alternative licensure examination; revising accreditation provisions relating to licensure as a physical therapist; amending s. 486.041, F.S.; revising provisions relating to applying for a license as a physical therapist and to the fee therefor; amending s. 486.051, F.S.; revising provisions relating to examination of applicants for licensure as a physical therapist; amending s. 486.102, F.S.; revising accreditation provisions relating to licensure as a physical therapist assistant; amending s. 486.103, F.S.; revising provisions relating to applying for a license as a physical therapist assistant and to the fee therefor; amending s. 486.104, F.S.; revising provisions relating to examination of applicants for licensure as a physical therapist assistant; creating s. 486.123, F.S.; prohibiting sexual misconduct in the practice of physical therapy, for which there are disciplinary actions; amending s. 486.125, F.S.; providing for recovery of the actual costs of investigation and prosecution; amending s. 641.495, F.S.; requiring a health maintenance organization to designate as medical director a state-licensed physician or osteopathic physician; amending s. 499.012, F.S.; clarifying and providing for additional wholesale distribution exceptions; requiring the Board of Medicine to establish guidelines for physicians to prescribe certain drugs used to treat obesity; requiring the Board of Osteopathic Medicine to establish guidelines for physicians to prescribe certain drugs used to treat obesity; amending s. 409.9122, F.S.; providing for chiropractic and podiatric services under the MediPass program; creating a Task Force on Exemptions from Licensure under s. 468.505(1)(k), F.S., which exempts certain persons employed by a hospital, nursing home, assisted living facility, or continuing care facility; providing for membership and meetings of the task force, including place of meetings; requiring a report to certain legislative leaders; providing responsibilities of the task force; providing for dissolution of the task force; amending s. 465.014, F.S.; amending the duties of pharmacy technicians; increasing the number of pharmacy technicians a licensed pharmacist may supervise; providing an effective date.

House Amendment 1 (with title amendment) to House Amendment 1 (with title amendment) to Senate Amendment 1—On page 233, between lines 24 and 25, of the amendment insert:

Section 191. Subsection (3) of section 456.32, Florida Statutes, is amended to read:

456.32 Definitions.—In construing this chapter, the words, phrases, or terms, unless the context otherwise indicates, shall have the following meanings:

(3) "Practitioner of the healing arts" shall mean a person licensed under the laws of the state to practice medicine, surgery, psychiatry, dentistry, osteopathic medicine, chiropractic, naturopathy, podiatry, chiropody, *psychology, clinical social work, marriage and family therapy, mental health counseling,* or optometry within the scope of his professional training and competence and within the purview of the statutes applicable to his respective profession, and who may refer a patient for

treatment by a qualified person, who shall employ hypnotic techniques under the supervision, direction, prescription, and responsibility of such referring practitioner.

Section 192. Section 490.003, Florida Statutes, is amended to read:

490.003 Definitions.—*As used in this chapter:*

(1)~~(2)~~ "Board" means the Board of Psychology.

(2)~~(1)~~ "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

(3)~~(7)~~(a) Prior to July 1, 1999, "doctoral-level psychological education" and "doctoral degree in psychology" mean a Psy.D., *an* ~~and~~ Ed.D. in psychology, or a Ph.D. in psychology from:

1. An educational institution which, at the time the applicant was enrolled and graduated, had institutional accreditation from an agency recognized and approved by the United States Department of Education or was recognized as a member in good standing with the Association of Universities and Colleges of Canada; and

2. A psychology program within that educational institution which, at the time the applicant was enrolled and graduated, had programmatic accreditation from an accrediting agency recognized and approved by the United States Department of Education or was comparable to such programs.

(b) Effective July 1, 1999, "doctoral-level psychological education" and "doctoral degree in psychology" mean a Psy.D., an Ed.D. in psychology, or a Ph.D. in psychology from:

1. An educational institution which, at the time the applicant was enrolled and graduated, had institutional accreditation from an agency recognized and approved by the United States Department of Education or was recognized as a member in good standing with the Association of Universities and Colleges of Canada; and

2. A psychology program within that educational institution which, at the time the applicant was enrolled and graduated, had programmatic accreditation from an agency recognized and approved by the United States Department of Education.

(4) "Practice of psychology" means the observations, description, evaluation, interpretation, and modification of human behavior, by the use of scientific and applied psychological principles, methods, and procedures, for the purpose of describing, preventing, alleviating, or eliminating symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal behavioral health and mental or psychological health. The ethical practice of psychology includes, but is not limited to, psychological testing and the evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning, including evaluation of mental competency to manage one's affairs and to participate in legal proceedings; counseling, psychoanalysis, all forms of psychotherapy, sex therapy, hypnosis, biofeedback, and behavioral analysis and therapy; psychoeducational evaluation, therapy, remediation, and consultation; and use of psychological methods to diagnose and treat mental, nervous, psychological, marital, or emotional disorders, illness, or disability, alcoholism and substance abuse, and disorders of habit or conduct, as well as the psychological aspects of physical illness, accident, injury, or disability, including neuropsychological evaluation, diagnosis, prognosis, etiology, and treatment.

(a) Psychological services may be rendered to individuals, couples, families, groups, and the public without regard to place of service.

(b) The use of specific modalities within the practice of psychology is restricted to psychologists appropriately trained in the use of such modalities.

(c) The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is requested or received for services rendered.

(5)~~(6)~~ "Practice of school psychology" means the rendering or offering to render to an individual, a group, an organization, a government agency, or the public any of the following services:

(a) Assessment, which includes psychoeducational, developmental, and vocational assessment; evaluation and interpretation of intelligence, aptitudes, interests, academic achievement, adjustment, and motivations, or any other attributes, in individuals or groups, that relate to learning, educational, or adjustment needs.

(b) Counseling, which includes short-term situation-oriented professional interaction with children, parents, or other adults for amelioration or prevention of learning and adjustment problems. Counseling services relative to the practice of school psychology include verbal interaction, interviewing, behavior techniques, developmental and vocational intervention, environmental management, and group processes.

(c) Consultation, which includes psychoeducational, developmental, and vocational assistance or direct educational services to schools, agencies, organizations, families, or individuals related to learning problems and adjustments to those problems.

(d) Development of programs, which includes designing, implementing, or evaluating educationally and psychologically sound learning environments; acting as a catalyst for teacher involvement in adaptations and innovations; and facilitating the psychoeducational development of individual families or groups.

(6) "Provisional psychologist licensee" means a person provisionally licensed under this chapter to provide psychological services under supervision.

(7)~~(3)~~ "Psychologist" means a person licensed pursuant to s. 490.005(1), s. 490.006, or the provision identified as s. 490.013(2) in s. 1, chapter 81-235, Laws of Florida.

(8)~~(5)~~ "School psychologist" means a person licensed pursuant to s. 490.005(2), s. 490.006, or the provision identified as s. 490.013(1) in s. 1, chapter 81-235, Laws of Florida.

Section 193. Paragraph (b) of subsection (1) of section 490.005, Florida Statutes, is amended to read:

490.005 Licensure by examination.—

(1) Any person desiring to be licensed as a psychologist shall apply to the department to take the licensure examination. The department shall license each applicant who the board certifies has:

(b) Submitted proof satisfactory to the board that the applicant has:

1. Received doctoral-level psychological education, as defined in s. 490.003*(3)*~~(7)~~;

2. Received the equivalent of a doctoral-level psychological education, as defined in s. 490.003*(3)*~~(7)~~, from a program at a school or university located outside the United States of America and Canada, which was officially recognized by the government of the country in which it is located as an institution or program to train students to practice professional psychology. The burden of establishing that the requirements of this provision have been met shall be upon the applicant; or

3. Received and submitted to the board, prior to July 1, 1999, certification of an augmented doctoral-level psychological education from the program director of a doctoral-level psychology program accredited by a programmatic agency recognized and approved by the United States Department of Education.

Section 194. Section 490.0051, Florida Statutes, is created to read:

490.0051 Provisional licensure; requirements.—

(1) The department shall issue a provisional psychology license to each applicant who the board certifies has:

(a) Completed the application form and remitted a nonrefundable application fee not to exceed $250, as set by board rule.

(b) Earned a doctoral degree in psychology as defined in s. 490.003(3).

(c) Met any additional requirements established by board rule.

(2) A provisional licensee must work under the supervision of a licensed psychologist until the provisional licensee is in receipt of a license

or a letter from the department stating that he or she is licensed as a psychologist.

(3) A provisional license expires 24 months after the date it is issued and may not be renewed or reissued.

Section 195. *Section 490.008, Florida Statutes, as amended by chapter 94-119, Laws of Florida, is repealed.*

Section 196. Section 490.009, Florida Statutes, 1996 Supplement, is amended to read:

490.009 Discipline.—

(1) When the department or, in the case of psychologists, the board finds that an applicant, *provisional licensee,* or licensee whom it regulates under this chapter has committed any of the acts set forth in subsection (2), it may issue an order imposing one or more of the following penalties:

(a) Denial of an application for licensure, either temporarily or permanently.

(b) Revocation of an application for licensure, either temporarily or permanently.

(c) Suspension for a period of up to 5 years or revocation of a license, after hearing.

(d) Immediate suspension of a license pursuant to s. 120.60(6).

(e) Imposition of an administrative fine not to exceed $5,000 for each count or separate offense.

(f) Issuance of a public reprimand.

(g) Placement of an applicant or licensee on probation for a period of time and subject to conditions specified by the department or, in the case of psychologists, by the board, including, but not limited to, requiring the applicant or licensee to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of a designated licensee.

(h) Restriction of practice.

(2) The following acts of a licensee, *provisional licensee,* or applicant are grounds for which the disciplinary actions listed in subsection (1) may be taken:

(a) Attempting to obtain, obtaining, or renewing a license under this chapter by bribery or fraudulent misrepresentation or through an error of the board or department.

(b) Having a license to practice a comparable profession revoked, suspended, or otherwise acted against, including the denial of certification or licensure by another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of his profession or the ability to practice his profession. A plea of nolo contendere creates a rebuttable presumption of guilt of the underlying criminal charges. However, the board shall allow the person who is the subject of the disciplinary proceeding to present any evidence relevant to the underlying charges and circumstances surrounding the plea.

(d) False, deceptive, or misleading advertising or obtaining a fee or other thing of value on the representation that beneficial results from any treatment will be guaranteed.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Maintaining a professional association with any person *who* ~~whom~~ the applicant or licensee knows, or has reason to believe, is in violation of this chapter or of a rule of the department or, in the case of psychologists, of the department or the board.

(g) Knowingly aiding, assisting, procuring, or advising any nonlicensed person to hold himself out as licensed under this chapter.

(h) Failing to perform any statutory or legal obligation placed upon a person licensed under this chapter.

(i) Willfully making or filing a false report or record; failing to file a report or record required by state or federal law; willfully impeding or obstructing the filing of a report or record; or inducing another person to make or file a false report or record or to impede or obstruct the filing of a report or record. Such report or record includes only a report or record which requires the signature of a person licensed under this chapter.

(j) Paying a kickback, rebate, bonus, or other remuneration for receiving a patient or client, or receiving a kickback, rebate, bonus, or other remuneration for referring a patient or client to another provider of mental health care services or to a provider of health care services or goods; referring a patient or client to oneself for services on a fee-paid basis when those services are already being paid for by some other public or private entity; or entering into a reciprocal referral agreement.

(k) Committing any act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct as defined in s. 490.0111.

(l) Making misleading, deceptive, untrue, or fraudulent representations in the practice of any profession licensed under this chapter.

(m) Soliciting patients or clients personally, or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct.

(n) Failing to make available to a patient or client, upon written request, copies of test results, reports, or documents in the possession or under the control of the licensee which have been prepared for and paid for by the patient or client.

(o) Failing to respond within 30 days to a written communication from the department concerning any investigation by the department or to make available any relevant records with respect to any investigation about the licensee's conduct or background.

(p) Being unable to practice the profession for which he is licensed under this chapter with reasonable skill or competence as a result of any mental or physical condition or by reason of illness; drunkenness; or excessive use of drugs, narcotics, chemicals, or any other substance. In enforcing this paragraph, upon a finding by the secretary, his designee, or the board that probable cause exists to believe that the licensee is unable to practice the profession because of the reasons stated in this paragraph, the department shall have the authority to compel a licensee to submit to a mental or physical examination by psychologists or physicians designated by the department or board. If the licensee refuses to comply with the department's order, the department may file a petition for enforcement in the circuit court of the circuit in which the licensee resides or does business. The licensee shall not be named or identified by initials in the petition or in any other public court records or documents, and the enforcement proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee affected under this paragraph shall be afforded an opportunity at reasonable intervals to demonstrate that he can resume the competent practice for which he is licensed with reasonable skill and safety to patients.

(q) Violating provisions of this chapter, or of chapter 455, or any rules adopted pursuant thereto.

(r) Performing any treatment or prescribing any therapy which, by the prevailing standards of the mental health professions in the community, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.

(s) Failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance, including the undertaking of activities for which the licensee is not qualified by training or experience.

(t) Delegating professional responsibilities to a person whom the licensee knows or has reason to know is not qualified by training or experience to perform such responsibilities.

(u) Violating a rule relating to the regulation of the profession or a lawful order of the department previously entered in a disciplinary hearing.

(v) Failing to maintain in confidence a communication made by a patient or client in the context of such services, except *as provided in s. 490.0147* ~~by written permission or in the face of a clear and immediate probability of bodily harm to the patient or client or to others~~.

(w) Making public statements which are derived from test data, client contacts, or behavioral research and which identify or damage research subjects or clients.

Section 197. Section 490.012, Florida Statutes, is amended to read:

490.012 Violations; penalties; injunction.—

(1)(a) No person shall hold himself out by any title or description incorporating the words, or permutations of them, "psychologist," "psychology," "psychological," "psychodiagnostic," or "school psychologist," or describe any test or report as psychological, unless such person holds a valid, active license under this chapter or is exempt from the provisions of this chapter.

(b) No person shall hold himself out by any title or description incorporating the word, or a permutation of the word, "psychotherapy" unless such person holds a valid, active license under chapter 458, chapter 459, chapter 490, or chapter 491, or such person is certified as an advanced registered nurse practitioner, pursuant to s. 464.012, who has been determined by the Board of Nursing as a specialist in *psychiatric mental* ~~psychiatric/mental~~ health ~~nursing~~.

(c) No person licensed *or provisionally licensed* pursuant to this chapter shall hold himself out by any title or description which indicates licensure other than that which has been granted to him.

(2)*(a) A licensed psychologist shall conspicuously display the valid, active license issued by the department or a true copy thereof at each location at which the licensee practices his or her profession.*

(b) A licensed psychologist shall include the words "licensed psychologist" ~~and his license number~~ on all professional advertisements, including, but not limited to, advertisements in any newspaper, magazine, other print medium, airwave or broadcast transmission, or phone directory listing purchased by or on behalf of a person licensed according to this chapter.

(3)(a) A person provisionally licensed under this chapter as a provisional psychologist licensee shall conspicuously display the valid provisional license issued by the department or a true copy thereof at each location at which the provisional licensee is providing services.

(b) A provisional psychologist licensee shall include the words "provisional psychologist licensee" on all promotional materials, including cards, brochures, stationery, advertisements, and signs, naming the provisional licensee.

(4)~~(3)~~ Any person who violates any provision of this section, *except for subsections (2) and (3),* commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. *Any person who violates any provision of subsection (2) or subsection (3) is subject to disciplinary action under s. 490.009.*

(5)~~(4)~~ The department may institute appropriate proceedings to enjoin violation of subsection (1).

(6)~~(5)~~ ~~Beginning October 1, 1992,~~ No person shall practice psychology in this state, as such practice is defined in s. 490.003(4), for compensation, unless such person holds an active, valid license to practice psychology issued pursuant to this chapter. Nothing in this subsection shall be construed to limit the practice of school psychology, as such practice is defined in s. 490.003*(5)*~~(6)~~.

(7)~~(6)~~ ~~Beginning October 1, 1992,~~ No person shall practice school psychology in this state, as such practice is defined in s. 490.003*(5)*~~(6)~~, for compensation, unless such person holds an active, valid license to practice school psychology issued pursuant to this chapter.

Section 198. Section 490.014, Florida Statutes, is amended to read:

490.014 Exemptions.—

(1)(a) No provision of this chapter shall be construed to limit the practice of physicians licensed pursuant to chapter 458 or chapter 459 so long as they do not hold themselves out to the public as psychologists or use a professional title protected by this chapter.

(b) No provision of this chapter shall be construed to limit the practice of nursing, clinical social work, marriage and family therapy, mental health counseling, or other recognized businesses or professions, or to prevent qualified members of other professions from doing work of a nature consistent with their training, so long as they do not hold themselves out to the public as psychologists or use a title protected by this chapter. Nothing in this subsection shall be construed to exempt any person from the provisions of s. 490.012.

(2) No person shall be required to be licensed *or provisionally licensed* under this chapter who:

(a) Is a salaried employee of a government agency; developmental services program, mental health, alcohol, or drug abuse facility operating pursuant to chapter 393, chapter 394, or chapter 397; subsidized child care program, subsidized child care case management *program*, or child care resource and referral program~~,~~ operating pursuant to chapter 402; child-placing or child-caring agency licensed pursuant to chapter 409; domestic violence center certified pursuant to chapter 415; accredited academic institution; or research institution, if such employee is performing duties for which he was trained and hired solely within the confines of such agency, facility, or institution.

(b) Is a salaried employee of a private, nonprofit organization providing counseling services to children, youth, and families, if such services are provided for no charge, if such employee is performing duties for which he was trained and hired.

(c) Is a student who is pursuing a course of study which leads to a degree in medicine or a profession regulated by this chapter who is providing services in a training setting, provided such activities or services constitute part of a supervised course of study, or is a graduate accumulating the experience required for any licensure under this chapter, provided such graduate or student is designated by a title such as "intern" or "trainee" which clearly indicates the in-training status of the student.

(d) Is certified in school psychology by the Department of Education and is performing psychological services as an employee of a public or private educational institution. Such exemption shall not be construed to authorize any unlicensed practice which is not performed as a direct employee of an educational institution.

(e) Is not a resident of the state but offers services in this state, provided:

1. Such services are performed for no more than 5 days in any month and no more than 15 days in any calendar year; and

2. Such nonresident is licensed or certified by a state or territory of the United States, or by a foreign country or province, the standards of which were, at the date of his licensure or certification, equivalent to or higher than the requirements of this chapter in the opinion of the department or, in the case of psychologists, in the opinion of the board.

(f) Is a rabbi, priest, minister, or clergyman of any religious denomination or sect when engaging in activities which are within the scope of the performance of his regular or specialized ministerial duties and for which no separate charge is made, or when such activities are performed, with or without charge, for or under the auspices or sponsorship, individually or in conjunction with others, of an established and legally cognizable church, denomination, or sect, and when the person rendering service remains accountable to the established authority thereof.

(3) No provision of this chapter shall be construed to limit the practice of any individual who solely engages in behavior analysis so long as he does not hold himself out to the public as possessing a license issued pursuant to this chapter or use a title protected by this chapter.

(4) Nothing in this section shall exempt any person from the provision of s. 490.012(1)(a)-(b).

(5) Except as stipulated by the board, the exemptions contained in this section do not apply to any person licensed under this chapter whose license has been suspended or revoked by the board or another jurisdiction.

~~(5) Any person who is not licensed under this chapter by October 1, 1992, and who desires to become so licensed shall register with the department that person's intent to become fully licensed no later than October 1, 1995. The costs to the department of such registration shall be borne by the registrant. The department may require affidavits and supporting documentation sufficient to demonstrate that the registrant is preparing for examination by October 1, 1995, under this chapter. The department may adopt rules to implement this section. Upon receipt of the department's notice of registration, the registrant may practice services as defined in s. 490.003(4) and (6), provided that the registrant uses "trainee" or "intern" with any title or description of the registrant's work and on any business correspondence and work product, including, but not limited to, a business card, letterhead, sign, billing, or report unless exempt pursuant to this chapter.~~

Section 199. Section 491.003, Florida Statutes, is amended to read:

491.003 Definitions.—As used in this chapter:

(1)~~(2)~~ "Board" means the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling.

(2)~~(3)~~ "Clinical social worker" means a person licensed under this chapter to practice clinical social work.

(3)~~(4)~~ "Clinical social work experience" is defined as a period during which the applicant provides clinical social work services, including assessment, diagnosis, treatment, and evaluation of clients; provided that at least 50 percent of the hours worked consist of providing psychotherapy and counseling services directly to clients.

(4)~~(1)~~ "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

(5) "Marriage and family therapist" means a person licensed under this chapter to practice marriage and family therapy.

(6) "Mental health counselor" means a person licensed under this chapter to practice mental health counseling.

(7) The "practice of clinical social work" is defined as the use of scientific and applied knowledge, theories, and methods for the purpose of describing, preventing, evaluating, and treating individual, couple, marital, family, or group behavior, based on the person-in-situation perspective of psychosocial development, normal and abnormal behavior, psychopathology, unconscious motivation, interpersonal relationships, environmental stress, differential assessment, differential planning, and data gathering. The purpose of such services is the prevention and treatment of undesired behavior and enhancement of mental health. *The* ~~Such~~ practice *of clinical social work* includes ~~the use of~~ methods of a psychological nature *used* to evaluate, assess, diagnose, treat, and prevent emotional and mental disorders and dysfunctions~~,~~ *(*whether cognitive, affective, or behavioral*)*,~~;~~ sexual dysfunction,~~;~~ behavioral disorders,~~;~~ alcoholism,~~;~~ and substance abuse. *The practice of clinical social work includes, but is not limited to, psychotherapy, hypnotherapy, and sex therapy. The practice of clinical social work also includes counseling, behavior modification, consultation, client-centered advocacy, crisis intervention, and the provision of needed information and education to clients, when using methods of a psychological nature to evaluate, assess, diagnose, treat, and prevent emotional and mental disorders and dysfunctions (whether cognitive, affective, or behavioral), sexual dysfunction, behavioral disorders, alcoholism, or substance abuse.* The practice of clinical social work may also include clinical research into more effective psychotherapeutic modalities for the treatment and prevention of such conditions.

~~(a) Clinical social work treatment includes, but is not limited to:~~

~~1. Counseling.~~
~~2. Psychotherapy.~~
~~3. Behavior modification.~~
~~4. Hypnotherapy.~~
~~5. Sex therapy.~~
~~6. Consultation.~~
~~7. Client-centered advocacy.~~
~~8. Crisis intervention.~~
~~9. Providing needed information and education to clients.~~

(a)~~(b)~~ Clinical social work may be rendered to individuals, including individuals affected by the termination of marriage, and to marriages, couples, families, groups, organizations, and communities.

(b)~~(c)~~ The use of specific methods, techniques, or modalities within the practice of clinical social work is restricted to clinical social workers appropriately trained in the use of such methods, techniques, or modalities.

(c)~~(d)~~ The terms "diagnose" and "treat," as used in this chapter, when considered in isolation or in conjunction with any provision of the rules of the board, shall not be construed to permit the performance of any act which clinical social workers are not educated and trained to perform, including, but not limited to, admitting persons to hospitals for treatment of the foregoing conditions, treating persons in hospitals without medical supervision, prescribing medicinal drugs as defined in chapter 465, authorizing clinical laboratory procedures pursuant to chapter 483, or radiological procedures, or use of electroconvulsive therapy. In addition, this definition shall not be construed to permit any person licensed, *provisionally licensed, registered, or certified* pursuant to this chapter to describe or label any test, report, or procedure as "psychological," except to relate specifically to the definition of practice authorized in this subsection.

(d)~~(e)~~ The definition of "clinical social work" contained in this subsection includes all services offered directly to the general public or through organizations, whether public or private, and applies whether payment is requested or received for services rendered.

(8) The "practice of marriage and family therapy" is defined as the use of scientific and applied marriage and family theories, methods, and procedures for the purpose of describing, evaluating, and modifying marital, family, and individual behavior, within the context of marital and family systems, including the context of marital formation and dissolution, and is based on marriage and family systems theory, marriage and family development, human development, normal and abnormal behavior, psychopathology, human sexuality, psychotherapeutic and marriage and family therapy theories and techniques. *The* ~~Such~~ practice *of marriage and family therapy* includes ~~the use of~~ methods of a psychological nature *used* to evaluate, assess, diagnose, treat, and prevent emotional and mental disorders or dysfunctions~~,~~ *(*whether cognitive, affective, or behavioral*)*,~~;~~ sexual dysfunction,~~;~~ behavioral disorders,~~;~~ alcoholism,~~;~~ and substance abuse. *The practice of marriage and family therapy includes, but is not limited to, marriage and family therapy, psychotherapy, including behavioral family therapy, hypnotherapy, and sex therapy. The practice of marriage and family therapy also includes counseling, behavior modification, consultation, client-centered advocacy, crisis intervention, and the provision of needed information and education to clients, when using methods of a psychological nature to evaluate, assess, diagnose, treat, and prevent emotional and mental disorders and dysfunctions (whether cognitive, affective, or behavioral), sexual dysfunction, behavioral disorders, alcoholism, or substance abuse.* The practice of marriage and family therapy may also include clinical research into more effective psychotherapeutic modalities for the treatment and prevention of such conditions.

~~(a) Marriage and family therapy treatment includes, but is not limited to:~~

~~1. Marriage and family therapy.~~
~~2. Counseling.~~
~~3. Psychotherapy, including behavioral family therapy.~~
~~4. Behavior modification.~~
~~5. Hypnotherapy.~~
~~6. Sex therapy.~~
~~7. Consultation.~~
~~8. Client advocacy.~~
~~9. Crisis intervention.~~
~~10. Providing needed information and education to clients.~~

(a)~~(b)~~ Marriage and family therapy may be rendered to individuals, including individuals affected by termination of marriage, to couples, whether married or unmarried, to families, or to groups.

(b)~~(c)~~ The use of specific methods, techniques, or modalities within the practice of marriage and family therapy is restricted to marriage and family therapists appropriately trained in the use of such methods, techniques, or modalities.

(c)~~(d)~~ The terms "diagnose" and "treat," as used in this chapter, when considered in isolation or in conjunction with any provision of the rules of the board, shall not be construed to permit the performance of any act which marriage and family therapists are not educated and trained to perform, including, but not limited to, admitting persons to hospitals for treatment of the foregoing conditions, treating persons in hospitals without medical supervision, prescribing medicinal drugs as defined in chapter 465, authorizing clinical laboratory procedures pursuant to chapter 483, or radiological procedures, or use of electroconvulsive therapy. In addition, this definition shall not be construed to permit any person licensed, *provisionally licensed, registered, or certified* pursuant to this chapter to describe or label any test, report, or procedure as "psychological," except to relate specifically to the definition of practice authorized in this subsection.

(d)~~(e)~~ The definition of "marriage and family therapy" contained in *this subsection* ~~paragraphs (a)-(d)~~ includes all services offered directly to the general public or through organizations, whether public or private, and applies whether payment is requested or received for services rendered.

(9) The "practice of mental health counseling" is defined as the use of scientific and applied behavioral science theories, methods, and techniques for the purpose of describing, preventing, and treating undesired behavior and enhancing mental health and human development *and is based on the person-in-situation perspectives derived from research and theory in personality, family, group, and organizational dynamics and development, career planning, cultural diversity, human growth and development, human sexuality, normal and abnormal behavior, psychopathology, psychotherapy, and rehabilitation. The* ~~Such~~ practice *of mental health counseling* includes ~~the use of~~ methods of a psychological nature *used* to evaluate, assess, diagnose, and treat emotional and mental dysfunctions or disorders~~,~~ *(*whether cognitive, affective, or behavioral*)*,~~;~~ behavioral disorders,~~;~~ interpersonal relationships,~~;~~ sexual dysfunction,~~;~~ alcoholism,~~;~~ and substance abuse. *The practice of mental health counseling includes, but is not limited to, psychotherapy, hypnotherapy, and sex therapy. The practice of mental health counseling also includes counseling, behavior modification, consultation, client-centered advocacy, crisis intervention, and the provision of needed information and education to clients, when using methods of a psychological nature to evaluate, assess, diagnose, treat, and prevent emotional and mental disorders and dysfunctions (whether cognitive, affective, or behavioral), behavioral disorders, sexual dysfunction, alcoholism, or substance abuse.* The practice of mental health counseling may also include clinical research into more effective psychotherapeutic modalities for the treatment and prevention of such conditions.

~~(a) Mental health counseling treatment includes, but is not limited to:~~

~~1. Counseling.~~
~~2. Psychotherapy.~~
~~3. Behavior modification.~~
~~4. Hypnotherapy.~~
~~5. Sex therapy.~~
~~6. Consultation.~~
~~7. Client advocacy.~~
~~8. Crisis intervention.~~
~~9. Providing needed information and education to clients.~~

(a)~~(b)~~ Mental health counseling may be rendered to individuals, including individuals affected by the termination of marriage, and to couples, families, groups, organizations, and communities.

(b)~~(c)~~ The use of specific methods, techniques, or modalities within the practice of mental health counseling is restricted to mental health counselors appropriately trained in the use of such methods, techniques, or modalities.

(c)~~(d)~~ The terms "diagnose" and "treat," as used in this chapter, when considered in isolation or in conjunction with any provision of the rules of the board, shall not be construed to permit the performance of any act which mental health counselors are not educated and trained to perform, including, but not limited to, admitting persons to hospitals for treatment of the foregoing conditions, treating persons in hospitals without medical supervision, prescribing medicinal drugs as defined in chapter 465, authorizing clinical laboratory procedures pursuant to chapter 483, or radiological procedures, or use of electroconvulsive therapy. In addition, this definition shall not be construed to permit any person licensed, *provisionally licensed, registered, or certified* pursuant to this chapter to describe or label any test, report, or procedure as "psychological," except to relate specifically to the definition of practice authorized in this subsection.

(d) The definition of "mental health counseling" contained in this subsection includes all services offered directly to the general public or through organizations, whether public or private, and applies whether payment is requested or received for services rendered.

(10) "Provisional clinical social worker licensee" means a person provisionally licensed under this chapter to provide clinical social work services under supervision.

(11) "Provisional marriage and family therapist licensee" means a person provisionally licensed under this chapter to provide marriage and family therapy services under supervision.

(12) "Provisional mental health counselor licensee" means a person provisionally licensed under this chapter to provide mental health counseling services under supervision.

(13)~~(10)~~ "Psychotherapist" means a clinical social worker, marriage and family therapist, or mental health counselor licensed pursuant to this chapter.

(14) "Registered clinical social worker intern" means a person registered under this chapter who is completing the postgraduate clinical social work experience requirement specified in s. 491.005(1)(c).

(15) "Registered marriage and family therapist intern" means a person registered under this chapter who is completing the post-master's clinical experience requirement specified in s. 491.005(3)(c).

(16) "Registered mental health counselor intern" means a person registered under this chapter who is completing the post-master's clinical experience requirement specified in s. 491.005(4)(c).

Section 200. Section 491.0045, Florida Statutes, is created to read:

491.0045 Intern registration; requirements.—

(1) Effective January 1, 1998, an individual who intends to practice in Florida to satisfy the postgraduate or post-master's level experience requirements, as specified in s. 491.005(1)(c), (3)(c), or (4)(c), must register as an intern in the profession for which he or she is seeking licensure prior to commencing the experience requirement.

(2) The department shall register as a clinical social worker intern, marriage and family therapist intern, or mental health counselor intern each applicant who the board certifies has:

(a) Completed the application form and remitted a nonrefundable application fee not to exceed $200, as set by board rule;

(b) Completed the education requirements as specified in s. 491.005 for the profession for which he or she is applying for licensure; and

(c) Identified a qualified supervisor.

(3) An individual registered under this section must remain under supervision until he or she is in receipt of a license or a letter from the department stating that he or she is licensed to practice the profession for which he or she applied.

Section 201. Section 491.0046, Florida Statutes, is created to read:

491.0046 Provisional license; requirements.—

(1) An individual who has satisfied the clinical experience requirements of s. 491.005 intending to provide clinical social work, marriage and family therapy, or mental health counseling services in Florida while satisfying coursework or examination requirements for licensure must be provisionally licensed in the profession for which he or she is seeking licensure prior to beginning practice.

(2) The department shall issue a provisional clinical social worker license, provisional marriage and family therapist license, or provisional

mental health counselor license to each applicant who the board certifies has:

(a) Completed the application form and remitted a nonrefundable application fee not to exceed $100, as set by board rule; and

(b)1. Earned a graduate degree in social work, a graduate degree with a major emphasis in marriage and family therapy or a closely related field, or a graduate degree in a major related to the practice of mental health counseling, and satisfied the clinical experience requirements for licensure pursuant to s. 491.005; or

2. Been approved for examination under the provisions for licensure by endorsement pursuant to s. 491.006.

(3) A provisional licensee must work under the supervision of a licensed mental health professional, as defined by the board, until the provisional licensee is in receipt of a license or a letter from the department stating that he or she is licensed as a clinical social worker, marriage and family therapist, or mental health counselor.

(4) A provisional license expires 24 months after the date it is issued and may not be renewed or reissued.

Section 202. Section 491.005, Florida Statutes, is amended to read:

491.005 Licensure by examination.—

(1) Upon verification of documentation and payment of a fee not to exceed $200, as set by board rule, plus the actual per applicant cost to the department for purchase of the examination from the American Association of State Social Worker's Boards or a similar national organization, the department shall issue a license as a clinical social worker to an applicant who the board certifies:

(a) Has made application therefor and paid the appropriate fee.

(b)*1.* Has received a doctoral degree in social work from a graduate school of social work which at the time the applicant graduated was accredited by an accrediting agency recognized by the United States Department of Education or has received a master's degree in social work from a graduate school of social work which at the time the applicant graduated:

a.~~1.~~ Was accredited by the Council on Social Work Education;

b.~~2.~~ Was accredited by the Canadian Association of Schools of Social Work; or

c.~~3.~~ Has been determined to have been a program equivalent to programs approved by the Council on Social Work Education by the Foreign Equivalency Determination Service of the Council on Social Work Education. An applicant who graduated from a program at a university or college outside of the United States or Canada must present documentation of the equivalency determination from the council in order to qualify.

2. The applicant's graduate program must have emphasized direct clinical patient or client health care services, ~~as provided in subsection (2),~~ including, but not limited to, coursework in clinical social work, psychiatric social work, medical social work, social casework, psychotherapy, or group therapy. *The applicant's graduate program must have included all of the following coursework:*

a. A supervised field placement which was part of the applicant's advanced concentration in direct practice, during which the applicant provided clinical services directly to clients.

b. Completion of 24 semester hours or 37 quarter hours in theory of human behavior and practice methods as courses in clinically oriented services, including a minimum of one course in psychopathology taken in a school of social work accredited or approved pursuant to subparagraph (b)1.

3. If the course title which appears on the applicant's transcript does not clearly identify the content of the coursework, the applicant shall be required to provide additional documentation, including, but not limited to, a syllabus or catalog description published for the course.

(c) Has had *not less than 2* ~~at least 3~~ years of clinical social work experience, ~~2 years of which must be experience~~ which took place subsequent to completion of a graduate degree in social work at an institution meeting the accreditation requirements of this section, under the supervision of a licensed clinical social worker or the equivalent who is a qualified supervisor as determined by the board. *An individual who intends to practice in Florida to satisfy clinical experience requirements must register pursuant to s. 491.0045 prior to commencing practice.* If the applicant's graduate program was not a program which emphasized direct clinical patient or client health care services as described in s. 491.003, the supervised experience requirement must take place after the applicant has completed a minimum of 15 semester hours or 22 quarter hours of the coursework required. A doctoral internship may be applied toward the *clinical social work experience* ~~supervision~~ requirement. The experience requirement may be met by work performed on or off the premises of the supervising clinical social worker *or the equivalent,* provided the off-premises work is not the independent private practice rendering of clinical social work that does not have a licensed *mental health professional* ~~clinical social worker or the equivalent~~, as determined by the board, ~~as a member of the group actually rendering services~~ on the premises *at the same time the intern is providing services.*

(d) Has passed *a theory and practice* ~~an~~ examination provided by the department for this purpose.

(e) Has demonstrated, in a manner designated by rule of the board, knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy, and mental health counseling.

(2)*(a)* ~~The applicant's program shall be considered to be a program which emphasized direct clinical patient or client health care services if it included all of the following coursework:~~

~~(a) A supervised field placement which was part of the applicant's advanced concentration in direct practice, during which the applicant provided clinical services directly to clients.~~

~~(b)1. Completion of 24 semester hours or 37 quarter hours in theory of human behavior and practice methods as courses in clinically oriented services, including a minimum of one course in psychopathology taken in a school of social work accredited by the Council on Social Work Education. However, applicants who had completed the required graduate level degree in social work prior to October 1, 1990, and who submit a completed application for licensure prior to January 1, 1993, shall be required to complete only 21 of the 24 required semester hours or 31 of the 37 required quarter hours in clinically oriented services. If the course title which appears on the applicant's transcript does not clearly identify the content of the coursework, the applicant shall be required to provide additional documentation, including, but not limited to, a syllabus or catalog description published for the course.~~

~~2.~~ Notwithstanding the provisions of *paragraph (1)(b)* ~~subparagraph 1.~~, coursework which was taken at a baccalaureate level shall not be considered toward completion of education requirements for licensure unless an official of the graduate program certifies in writing on the graduate school's stationery that a specific course, which students enrolled in the same graduate program were ordinarily required to complete at the graduate level, was waived or exempted based on completion of a similar course at the baccalaureate level. If this condition is met, the board shall apply the baccalaureate course named toward the education requirements.

(b) An applicant from a master's or doctoral program in social work which did not emphasize direct patient or client services may complete the clinical curriculum content requirement by returning to a graduate program accredited by the Council on Social Work Education or the Canadian Association of Schools of Social Work, or to a clinical social work graduate program with comparable standards, in order to complete the education requirements for examination. However, a maximum of 6 semester or 9 quarter hours of the clinical curriculum content requirement may be completed by credit awarded for independent study coursework as defined by board rule.

(3) Upon verification of documentation and payment of a fee not to exceed $200, as set by board rule, plus the actual cost to the department for the purchase of the examination from the Association of Marital and Family Therapy Regulatory Board, or similar national organization, the department shall issue a license as a marriage and family therapist to an applicant who the board certifies:

(a) Has made application therefor and paid the appropriate fee.

(b)*1.* Has a minimum of a master's degree with major emphasis in marriage and family therapy, or a closely related field, and has completed all of the following requirements:

a.~~1.~~ Twenty-seven semester hours or 41 quarter hours of graduate coursework, which must include a minimum of 2 semester hours or 3 quarter hours of graduate-level course credits in each of the following nine areas: dynamics of marriage and family systems; marriage therapy and counseling theory and techniques; family therapy and counseling theory and techniques; individual human development theories throughout the life cycle; personality theory; psychopathology; human sexuality theory and counseling techniques; general counseling theory and techniques; and psychosocial theory. Content may be combined, provided no more than two of the nine content areas are included in any one graduate-level course and the applicant can document that the equivalent of 2 semester hours of coursework was devoted to each content area. Courses in research, evaluation, appraisal, assessment, or testing theories and procedures; thesis or dissertation work; or practicums, internships, or fieldwork may not be applied toward this requirement.

b.~~2.~~ A minimum of one graduate-level course of 2 semester hours or 3 quarter hours in legal, ethical, and professional standards issues in the practice of marriage and family therapy or a course determined by the board to be equivalent.

c.~~3.~~ A minimum of one graduate-level course of 2 semester hours or 3 quarter hours in diagnosis, appraisal, assessment, and testing for individual or interpersonal disorder or dysfunction; and a minimum of one 2-semester-hour or 3-quarter-hour graduate-level course in behavioral research which focuses on the interpretation and application of research data as it applies to clinical practice. Credit for thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement.

d.~~4.~~ A minimum of one supervised clinical practicum, internship, or field experience in a marriage and family counseling setting, during which the student provided 180 direct client contact hours of marriage and family therapy services under the supervision of an individual who met the requirements for supervision under paragraph (c). This requirement may be met by a supervised practice experience which took place outside the academic arena, but which is certified as equivalent to a graduate-level practicum or internship program which required a minimum of 180 direct client contact hours of marriage and family therapy services currently offered within an academic program of a college or university accredited by an accrediting agency approved by the United States Department of Education, or an institution which is publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada or a training institution accredited by the Commission on Accreditation for Marriage and Family Therapy Education recognized by the United States Department of Education. Certification shall be required from an official of such college, university, or training institution.

2. If the course title which appears on the applicant's transcript does not clearly identify the content of the coursework, the applicant shall be required to provide additional documentation, including, but not limited to, a syllabus or catalog description published for the course.

The required master's degree must have been received in an institution of higher education which at the time the applicant graduated was: fully accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation; publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada; or an institution of higher education located outside the United States and Canada, which at the time the applicant was enrolled and at the time the applicant graduated maintained a standard of training substantially equivalent to the standards of training of those institutions in the United States which are accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation. Such foreign education and training must have been received in an institution or program of higher education officially recognized by the government of the country in which it is located as an institution or program to train students to practice as professional marriage and family therapists or psychotherapists. The burden of establishing that the requirements of this provision have been met shall be upon the applicant, and the board *shall* ~~may~~ require documentation, such as, but not limited to, an evaluation by a foreign equivalency determination service, as evidence that the applicant's graduate degree program and education were equivalent to an accredited program in this country. An applicant with a master's degree from a program which did not emphasize marriage and family therapy may complete the coursework requirement in a training institution fully accredited by the Commission on Accreditation for Marriage and Family Therapy Education recognized by the United States Department of Education.

(c) Has had not less than *2* ~~3~~ years of clinical experience during which 50 percent of the applicant's clients were receiving marriage and family therapy services, ~~2 years of~~ which must be at the post-master's level under the supervision of a licensed marriage and family therapist with at least 5 years of experience, or the equivalent, who is a qualified supervisor as determined by the board. *An individual who intends to practice in Florida to satisfy the clinical experience requirements must register pursuant to s. 491.0045 prior to commencing practice. If a graduate has a master's degree with a major emphasis in marriage and family therapy or a closely related field that did not include all the coursework required under sub-subparagraphs (b)1.a.-c., credit for the post-master's level clinical experience shall not commence until the applicant has completed a minimum of 10 of the courses required under sub-subparagraphs (b)1.a.-c., as determined by the board, and at least 6 semester hours or 9 quarter hours of the course credits must have been completed in the area of marriage and family systems, theories, or techniques.* Within the 3 years of required experience ~~for licensure as a marriage and family therapist~~, the applicant shall provide direct individual, group, or family therapy and counseling, to include the following categories of cases: unmarried dyads, married couples, separating and divorcing couples, and family groups including children. A doctoral internship may be applied toward the *clinical experience* ~~supervision~~ requirement. The clinical experience requirement may be met by work performed on or off the premises of the supervising marriage and family therapist *or the equivalent*, provided the off-premises work is not the independent private practice rendering of marriage and family therapy services that does not have a licensed *mental health professional* ~~marriage and family therapist or the equivalent~~, as determined by the board, ~~as a member of the group actually rendering services~~ on the premises *at the same time the intern is providing services.*

(d) Has passed *a theory and practice* ~~an~~ examination provided by the department for this purpose.

(e) Has demonstrated, in a manner designated by rule of the board, knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy, and mental health counseling.

(4) Upon verification of documentation and payment of a fee not to exceed $200, as set by board rule, plus the actual per applicant cost to the department for purchase of the examination from the Professional Examination Service for the National Academy of Certified Clinical Mental Health Counselors or a similar national organization, the department shall issue a license as a mental health counselor to an applicant who the board certifies:

(a) Has made application therefor and paid the appropriate fee.

(b)*1.* Has received a minimum of an earned master's degree with a major related to the practice of mental health counseling, and has completed all of the following requirements:

a.~~1.~~ Twenty-one semester hours or 32 quarter hours of graduate coursework, which must include a minimum of 2 semester hours or 3 quarter hours of graduate-level coursework in each of the following seven content areas: counseling theories and practice; human development theories; personality theory; psychopathology or abnormal psychology; human sexuality theories; group theories and practice; and individual evaluation and assessment. Content may be combined, provided no more than two of the seven content areas are included in any one graduate-level course and the applicant can document that the equivalent of 2 semester hours of content was devoted to each content area. Courses in research, thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement.

b.~~2.~~ A minimum of one 2-semester-hour or 3-quarter-hour graduate-level course in research or in career or vocational counseling. Credit for thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement.

c.~~3.~~ A minimum of 2 semester hours or 3 quarter hours of graduate-level coursework in legal, ethical, and professional standards issues in the practice of mental health counseling, which includes goals and objectives of professional counseling organizations, codes of ethics, legal considerations, standards of preparation, certifications and licensing, and the role identity of counselors. Courses in research, thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement.

d.~~4.~~ A minimum of one supervised practicum, internship, or field experience in a counseling setting. This requirement may be met by a supervised practice experience which takes place outside the academic arena, but which is certified as equivalent to a graduate-level practicum in a clinical mental health counseling setting currently offered within an academic program of a college or university accredited by an accrediting agency approved by the United States Department of Education. Such certification shall be required from an official of such college or university.

2. If the course title which appears on the applicant's transcript does not clearly identify the content of the coursework, the applicant shall be required to provide additional documentation, including, but not limited to, a syllabus or catalog description published for the course.

Except as provided in *sub-subparagraph 1.d.* ~~subparagraph 4.~~, education and training in mental health counseling must have been received in an institution of higher education which at the time the applicant graduated was: fully accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation; publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada; or an institution of higher education located outside the United States and Canada, which at the time the applicant was enrolled and at the time the applicant graduated maintained a standard of training substantially equivalent to the standards of training of those institutions in the United States which are accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation. Such foreign education and training must have been received in an institution or program of higher education officially recognized by the government of the country in which it is located as an institution or program to train students to practice as mental health counselors. The burden of establishing that the requirements of this provision have been met shall be upon the applicant, and the board *shall* ~~may~~ require documentation, such as, but not limited to, an evaluation by a foreign equivalency determination service, as evidence that the applicant's graduate degree program and education were equivalent to an accredited program in this country.

(c) Has had *not less than 2 years of* ~~a minimum of 3 years'~~ clinical experience in mental health counseling, ~~2 years of~~ which must be at the post-master's level under the supervision of a licensed mental health counselor or the equivalent who is a qualified supervisor as determined by the board. *An individual who intends to practice in Florida to satisfy the clinical experience requirements must register pursuant to s. 491.0045 prior to commencing practice. If a graduate has a master's degree with a major related to the practice of mental health counseling which did not include all the coursework required under sub-subparagraphs (b)1.a.-c., credit for the post-master's level clinical experience shall not commence until the applicant has completed a minimum of seven of the courses required under sub-subparagraphs (b)1.a.-c., as determined by the board, one of which must be a course in psychopathology or abnormal psychology.* A doctoral internship may be applied toward the *clinical experience* ~~supervision~~ requirement. The clinical experience requirement may be met by work performed on or off the premises of the supervising mental health counselor *or the equivalent*, provided the off-premises work is not the independent private practice rendering of services that does not have a licensed mental health *professional* ~~counselor or the equivalent~~, as determined by the board, ~~as a member of the group actually rendering services~~ on the premises *at the same time the intern is providing services*.

(d) Has passed *a theory and practice* ~~an~~ examination provided by the department for this purpose.

(e) Has demonstrated, in a manner designated by rule of the board, knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy, and mental health counseling.

Section 203. Effective January 1, 2001, paragraph (b) of subsection (3) and paragraphs (b) and (c) of subsection (4) of section 491.005, Florida Statutes, as amended by this act, are amended to read:

491.005 Licensure by examination.—

(3) Upon verification of documentation and payment of a fee not to exceed $200, as set by board rule, plus the actual cost to the department for the purchase of the examination from the Association of Marital and Family Therapy Regulatory Board, or similar national organization, the department shall issue a license as a marriage and family therapist to an applicant who the board certifies:

(b)1. Has a minimum of a master's degree with major emphasis in marriage and family therapy, or a closely related field, and has completed all of the following requirements:

a. *Thirty-six* ~~Twenty-seven~~ semester hours or *48* ~~41~~ quarter hours of graduate coursework, which must include a minimum of *3* ~~2~~ semester hours or *4* ~~3~~ quarter hours of graduate-level course credits in each of the following nine areas: dynamics of marriage and family systems; marriage therapy and counseling theory and techniques; family therapy and counseling theory and techniques; individual human development theories throughout the life cycle; personality theory *or general counseling theory and techniques*; psychopathology; human sexuality theory and counseling techniques; ~~general counseling theory and techniques; and~~ psychosocial theory*; and substance abuse theory and counseling techniques*. ~~Content may be combined, provided no more than two of the nine content areas are included in any one graduate-level course and the applicant can document that the equivalent of 2 semester hours of coursework was devoted to each content area.~~ Courses in research, evaluation, appraisal, assessment, or testing theories and procedures; thesis or dissertation work; or practicums, internships, or fieldwork may not be applied toward this requirement.

b. A minimum of one graduate-level course of *3* ~~2~~ semester hours or *4* ~~3~~ quarter hours in legal, ethical, and professional standards issues in the practice of marriage and family therapy or a course determined by the board to be equivalent.

c. A minimum of one graduate-level course of *3* ~~2~~ semester hours or *4* ~~3~~ quarter hours in diagnosis, appraisal, assessment, and testing for individual or interpersonal disorder or dysfunction; and a minimum of one *3-semester-hour* ~~2-semester-hour~~ or *4-quarter-hour* ~~3-quarter-hour~~ graduate-level course in behavioral research which focuses on the interpretation and application of research data as it applies to clinical practice. Credit for thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement.

d. A minimum of one supervised clinical practicum, internship, or field experience in a marriage and family counseling setting, during which the student provided 180 direct client contact hours of marriage and family therapy services under the supervision of an individual who met the requirements for supervision under paragraph (c). This requirement may be met by a supervised practice experience which took place outside the academic arena, but which is certified as equivalent to a graduate-level practicum or internship program which required a minimum of 180 direct client contact hours of marriage and family therapy services currently offered within an academic program of a college or university accredited by an accrediting agency approved by the United States Department of Education, or an institution which is publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada or a training institution accredited by the Commission on Accreditation for Marriage and Family Therapy Education recognized by the United States Department of Education. Certification shall be required from an official of such college, university, or training institution.

2. If the course title which appears on the applicant's transcript does not clearly identify the content of the coursework, the applicant shall be required to provide additional documentation, including, but not limited to, a syllabus or catalog description published for the course.

The required master's degree must have been received in an institution of higher education which at the time the applicant graduated was: fully accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation; publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada; or an institution of higher education located outside the United States and Canada, which at the time the applicant was enrolled and at the time the applicant graduated maintained a standard of training substantially equivalent to the standards of training of those institutions in the United States which are accredited by a regional accrediting

body recognized by the Commission on Recognition of Postsecondary Accreditation. Such foreign education and training must have been received in an institution or program of higher education officially recognized by the government of the country in which it is located as an institution or program to train students to practice as professional marriage and family therapists or psychotherapists. The burden of establishing that the requirements of this provision have been met shall be upon the applicant, and the board shall require documentation, such as, but not limited to, an evaluation by a foreign equivalency determination service, as evidence that the applicant's graduate degree program and education were equivalent to an accredited program in this country. An applicant with a master's degree from a program which did not emphasize marriage and family therapy may complete the coursework requirement in a training institution fully accredited by the Commission on Accreditation for Marriage and Family Therapy Education recognized by the United States Department of Education.

(4) Upon verification of documentation and payment of a fee not to exceed $200, as set by board rule, plus the actual per applicant cost to the department for purchase of the examination from the Professional Examination Service for the National Academy of Certified Clinical Mental Health Counselors or a similar national organization, the department shall issue a license as a mental health counselor to an applicant who the board certifies:

(b)1. Has ~~received~~ a minimum of an earned master's degree *from a* ~~with a major related to the practice of~~ mental health counseling *program accredited by the Council for the Accreditation of Counseling and Related Educational Programs that consists of at least 60 semester hours or 80 quarter hours of clinical and didactic instruction, including a course in human sexuality and substance abuse. If the master's degree is earned from a program related to the practice of mental health counseling that is not accredited by the Council for the Accreditation of Counseling and Related Educational Programs, then the coursework and practicum, internship, or fieldwork must meet*~~, and has completed all of~~ the following requirements:

a. *Thirty-six* ~~Twenty-one~~ semester hours or *48* ~~32~~ quarter hours of graduate coursework, which must include a minimum of *3* ~~2~~ semester hours or *4* ~~3~~ quarter hours of graduate-level coursework in each of the following *12* ~~seven~~ content areas: counseling theories and practice; human *growth and* development ~~theories; personality theory~~; *diagnosis and treatment of* psychopathology ~~or abnormal psychology~~; human sexuality ~~theories~~; group theories and practice; ~~and~~ individual evaluation and assessment*; career and lifestyle assessment; research and program evaluation; social and cultural foundations; foundations of mental health counseling; counseling in community settings; and substance abuse*. ~~Content may be combined, provided no more than two of the seven content areas are included in any one graduate-level course and the applicant can document that the equivalent of 2 semester hours of content was devoted to each content area.~~ Courses in research, thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement.

~~b. A minimum of one 2-semester-hour or 3-quarter-hour graduate-level course in research or in career or vocational counseling. Credit for thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement.~~

b.~~c.~~ A minimum of *3* ~~2~~ semester hours or *4* ~~3~~ quarter hours of graduate-level coursework in legal, ethical, and professional standards issues in the practice of mental health counseling, which includes goals, ~~and~~ objectives*, and practices* of professional counseling organizations, codes of ethics, legal considerations, standards of preparation, certifications and licensing, and the role identity *and professional obligations* of *mental health* counselors. Courses in research, thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement.

c.~~d.~~ *The equivalent of at least 1,000 hours of university-sponsored* ~~A minimum of one~~ supervised *clinical* practicum, internship, or field experience *as required in the accrediting standards of the Council for Accreditation of Counseling and Related Educational Programs for mental health counseling programs. If the academic practicum, internship, or field experience was less than 1,000 hours, experience gained outside the academic arena in clinical mental health settings under the supervision of a qualified supervisor as determined by the board may be applied. This experience may not be used to satisfy the post-master's clinical experience requirement* ~~in a counseling setting. This requirement may be met by a supervised practice experience which takes place outside the academic arena, but which is certified as equivalent to a graduate-level practicum in a clinical mental health counseling setting currently offered within an academic program of a college or university accredited by an accrediting agency approved by the United States Department of Education. Such certification shall be required from an official of such college or university~~.

2. If the course title which appears on the applicant's transcript does not clearly identify the content of the coursework, the applicant shall be required to provide additional documentation, including, but not limited to, a syllabus or catalog description published for the course.

~~Except as provided in subparagraph 4.,~~ Education and training in mental health counseling must have been received in an institution of higher education which at the time the applicant graduated was: fully accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation; publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada; or an institution of higher education located outside the United States and Canada, which at the time the applicant was enrolled and at the time the applicant graduated maintained a standard of training substantially equivalent to the standards of training of those institutions in the United States which are accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation. Such foreign education and training must have been received in an institution or program of higher education officially recognized by the government of the country in which it is located as an institution or program to train students to practice as mental health counselors. The burden of establishing that the requirements of this provision have been met shall be upon the applicant, and the board shall require documentation, such as, but not limited to, an evaluation by a foreign equivalency determination service, as evidence that the applicant's graduate degree program and education were equivalent to an accredited program in this country.

(c) Has had not less than 2 years of clinical experience in mental health counseling, which must be at the post-master's level under the supervision of a licensed mental health counselor or the equivalent who is a qualified supervisor as determined by the board. An individual who intends to practice in Florida to satisfy the clinical experience requirements must register pursuant to s. 491.0045 prior to commencing practice. If a graduate has a master's degree with a major related to the practice of mental health counseling that did not include all the coursework required under sub-subparagraphs *(b)1.a.-b.* ~~(b)1.a.-c.~~, credit for the post-master's level clinical experience shall not commence until the applicant has completed a minimum of seven of the courses required under sub-subparagraphs *(b)1.a.-b.* ~~(b)1.a.-c.~~, as determined by the board, one of which must be a course in psychopathology or abnormal psychology. A doctoral internship may be applied toward the clinical experience requirement. The clinical experience requirement may be met by work performed on or off the premises of the supervising mental health counselor or the equivalent, provided the off-premises work is not the independent private practice rendering of services that does not have a licensed mental health professional, as determined by the board, on the premises at the same time the intern is providing services.

Section 204. Section 491.0057, Florida Statutes, is created to read:

491.0057 Dual licensure as a marriage and family therapist.—The department shall license as a marriage and family therapist any person who demonstrates to the board that he or she:

(1) Holds a valid, active license as a psychologist under chapter 490 or as a clinical social worker or mental health counselor under this chapter, or is certified under s. 464.012 as an advanced registered nurse practitioner who has been determined by the Board of Nursing as a specialist in psychiatric mental health.

(2) Has held a valid, active license for at least 3 years.

(3) Has passed the examination provided by the department for marriage and family therapy.

Section 205. Subsection (3) is added to section 491.007, Florida Statutes, to read:

491.007 Renewal of license*, registration*, or certificate.—

(3) The board or department shall prescribe by rule a method for the biennial renewal of an intern registration at a fee set by rule, not to exceed $100.

Section 206. Section 491.009, Florida Statutes, 1996 Supplement, is amended to read:

491.009 Discipline.—

(1) When the department or the board finds that an applicant, licensee, *provisional licensee, registered intern,* or certificateholder whom it regulates under this chapter has committed any of the acts set forth in subsection (2), it may issue an order imposing one or more of the following penalties:

(a) Denial of an application for licensure, *registration,* or certification, either temporarily or permanently.

(b) Revocation of an application for licensure, *registration,* or certification, either temporarily or permanently.

(c) Suspension for a period of up to 5 years or revocation of a license, *registration,* or certificate, after hearing.

(d) Immediate suspension of a license, *registration,* or certificate pursuant to s. 120.60(6).

(e) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.

(f) Issuance of a public reprimand.

(g) Placement of an applicant, licensee, *registered intern,* or certificateholder on probation for a period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the applicant, licensee, *registered intern,* or certificateholder to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of a designated licensee or certificateholder.

(h) Restriction of practice.

(2) The following acts of a licensee, *provisional licensee, registered intern,* certificateholder, or applicant are grounds for which the disciplinary actions listed in subsection (1) may be taken:

(a) Attempting to obtain, obtaining, or renewing a license, *registration,* or certificate under this chapter by bribery or fraudulent misrepresentation or through an error of the board or the department.

(b) Having a license, *registration,* or certificate to practice a comparable profession revoked, suspended, or otherwise acted against, including the denial of certification or licensure by another state, territory, or country.

(c) Being convicted or found guilty of, regardless of adjudication, or having entered a plea of nolo contendere to, a crime in any jurisdiction which directly relates to the practice of his profession or the ability to practice his profession. However, in the case of a plea of nolo contendere, the board shall allow the person who is the subject of the disciplinary proceeding to present evidence in mitigation relevant to the underlying charges and circumstances surrounding the plea.

(d) False, deceptive, or misleading advertising or obtaining a fee or other thing of value on the representation that beneficial results from any treatment will be guaranteed.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Maintaining a professional association with any person *who* ~~whom~~ the applicant, licensee, *registered intern,* or certificateholder knows, or has reason to believe, is in violation of this chapter or of a rule of the department or the board.

(g) Knowingly aiding, assisting, procuring, or advising any nonlicensed, *nonregistered,* or noncertified person to hold himself out as licensed, *registered,* or certified under this chapter.

(h) Failing to perform any statutory or legal obligation placed upon a person licensed, *registered,* or certified under this chapter.

(i) Willfully making or filing a false report or record; failing to file a report or record required by state or federal law; willfully impeding or obstructing the filing of a report or record; or inducing another person to make or file a false report or record or to impede or obstruct the filing of a report or record. Such report or record includes only a report or record which requires the signature of a person licensed, *registered,* or certified under this chapter.

(j) Paying a kickback, rebate, bonus, or other remuneration for receiving a patient or client, or receiving a kickback, rebate, bonus, or other remuneration for referring a patient or client to another provider of mental health care services or to a provider of health care services or goods; referring a patient or client to oneself for services on a fee-paid basis when those services are already being paid for by some other public or private entity; or entering into a reciprocal referral agreement.

(k) Committing any act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct as defined pursuant to s. 491.0111.

(l) Making misleading, deceptive, untrue, or fraudulent representations in the practice of any profession licensed, *registered,* or certified under this chapter.

(m) Soliciting patients or clients personally, or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct.

(n) Failing to make available to a patient or client, upon written request, copies of tests, reports, or documents in the possession or under the control of the licensee, *registered intern,* or certificateholder which have been prepared for and paid for by the patient or client.

(o) Failing to respond within 30 days to a written communication from the department or the board concerning any investigation by the department or the board, or failing to make available any relevant records with respect to any investigation about the licensee's, *registered intern's,* or ~~the~~ certificateholder's conduct or background.

(p) Being unable to practice the profession for which he is licensed, *registered,* or certified under this chapter with reasonable skill or competence as a result of any mental or physical condition or by reason of illness; drunkenness; or excessive use of drugs, narcotics, chemicals, or any other substance. In enforcing this paragraph, upon a finding by the secretary, his designee, or the board that probable cause exists to believe that the licensee, *registered intern,* or certificateholder is unable to practice the profession because of the reasons stated in this paragraph, the department shall have the authority to compel a licensee, *registered intern,* or certificateholder to submit to a mental or physical examination by psychologists, physicians, or other licensees under this chapter, designated by the department or board. If the licensee, *registered intern,* or certificateholder refuses to comply with such order, the department's order directing the examination may be enforced by filing a petition for enforcement in the circuit court in the circuit in which the licensee, *registered intern,* or certificateholder resides or does business. The licensee, *registered intern,* or certificateholder against whom the petition is filed shall not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee, *registered intern,* or certificateholder affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice for which he is licensed, *registered,* or certified with reasonable skill and safety to patients.

(q) Violating provisions of this chapter, or of chapter 455, or any rules adopted pursuant thereto.

(r) Performing any treatment or prescribing any therapy which, by the prevailing standards of the mental health professions in the community, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.

(s) Failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance, including the undertaking of activities for which the licensee,

registered intern, or certificateholder is not qualified by training or experience.

(t) Delegating professional responsibilities to a person whom the licensee, *registered intern,* or certificateholder knows or has reason to know is not qualified by training or experience to perform such responsibilities.

(u) Violating a rule relating to the regulation of the profession or a lawful order of the department or the board previously entered in a disciplinary hearing.

(v) Failure of the licensee, *registered intern,* or certificateholder to maintain in confidence a communication made by a patient or client in the context of such services, except *as provided in s. 491.0147* ~~by written permission or in the face of a clear and immediate probability of bodily harm to the patient or client or to others~~.

(w) Making public statements which are derived from test data, client contacts, or behavioral research and which identify or damage research subjects or clients.

Section 207. Section 491.012, Florida Statutes, is amended to read:

491.012 Violations; penalty; injunction.—

(1) It is unlawful and a violation of this chapter for any person to:

(a) Use the following titles or any combination thereof, unless he holds a valid, active license as a clinical social worker issued pursuant to this chapter:

1. "Licensed clinical social worker."
2. "Clinical social worker."
3. "Licensed social worker."
4. "Psychiatric social worker."
5. "Psychosocial worker."

(b) Use the following titles or any combination thereof, unless he holds a valid, active license as a marriage and family therapist issued pursuant to this chapter:

1. "Licensed marriage and family therapist."
2. "Marriage and family therapist."
3. "Marriage counselor."
4. "Marriage consultant."
5. "Family therapist."
6. "Family counselor."
7. "Family consultant."

(c) Use the following titles *or any combination thereof,* unless he holds a valid, active license as a mental health counselor *issued pursuant to this chapter*:

1. "Licensed mental health counselor."
2. "Mental health counselor."
3. "Mental health therapist."
4. "Mental health consultant."

(d) Use the terms psychotherapist or sex therapist, unless such person is licensed pursuant to this chapter or chapter 490, or is certified under s. 464.012 as an advanced registered nurse practitioner *who has been determined by the Board of Nursing as a specialist* in ~~the category of~~ psychiatric mental health and the use of such terms is within the scope of his practice based on education, training, and licensure.

(e) Present as his own the clinical social work, marriage and family therapy, or mental health counseling license of another.

(f) Give false or forged evidence to the board or a member thereof for the purpose of obtaining a license.

(g) Use or attempt to use a license issued pursuant to this chapter which has been revoked or is under suspension.

(h) Knowingly conceal information relative to violations of this chapter.

(i) ~~Beginning October 1, 1992,~~ Practice clinical social work in this state, as the practice is defined in s. 491.003(7), for compensation, unless the person holds *a valid,* ~~an~~ active license to practice clinical social work issued pursuant to this chapter.

(j) ~~Beginning October 1, 1992,~~ Practice marriage and family therapy in this state, as the practice is defined in s. 491.003(8), for compensation, unless the person holds *a valid,* ~~an~~ active license to practice marriage and family therapy issued pursuant to this chapter.

(k) ~~Beginning October 1, 1992,~~ Practice mental health counseling in this state, as the practice is defined in s. 491.003(9), for compensation, unless the person holds *a valid,* ~~an~~ active license to practice mental health counseling issued pursuant to this chapter.

(l) Use the following titles or any combination thereof, unless he or she holds a valid registration as an intern issued pursuant to this chapter:

1. "Registered clinical social worker intern."
2. "Registered marriage and family therapist intern."
3. "Registered mental health counselor intern."

(m) Use the following titles or any combination thereof, unless he or she holds a valid provisional license issued pursuant to this chapter:

1. "Provisional clinical social worker licensee."
2. "Provisional marriage and family therapist licensee."
3. "Provisional mental health counselor licensee."

(2) It is unlawful and a violation of this chapter for any person to describe his services using the following terms or any derivative thereof, unless such person holds a valid, active license under this chapter or chapter 490, or is certified *under s. 464.012* as an advanced registered nurse practitioner *who has been determined by the Board of Nursing as a specialist* in ~~the category of~~ psychiatric mental health ~~under s. 464.012,~~ and the use of such terms is within the scope of his practice based on education, training, and licensure:

(a) "Psychotherapy."
(b) "Sex therapy."
(c) "Sex counseling."
(d) "Clinical social work."
(e) "Psychiatric social work."
(f) "Marriage and family therapy."
(g) "Marriage and family counseling."
(h) "Marriage counseling."
(i) "Family counseling."
(j) "Mental health counseling."

(3) Any person who violates any provision of subsection (1) or subsection (2) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) The department may institute appropriate judicial proceedings to enjoin violation of this section.

Section 208. Section 491.014, Florida Statutes, is amended to read:

491.014 Exemptions.—

(1) No provision of this chapter shall be construed to limit the practice of physicians licensed pursuant to chapter 458 or chapter 459, or psychologists licensed pursuant to chapter 490, so long as they do not unlawfully hold themselves out to the public as possessing a license, *provisional license, registration,* or certificate issued pursuant to this chapter or use a professional title protected by this chapter.

(2) No provision of this chapter shall be construed to limit the practice of nursing, school psychology, or psychology, or to prevent qualified members of other professions from doing work of a nature consistent with their training and licensure, so long as they do not hold themselves out to the public as possessing a license, *provisional license, registration,* or certificate issued pursuant to this chapter or use a title protected by this chapter.

(3) No provision of this chapter shall be construed to limit the performance of activities of a rabbi, priest, minister, or clergyman of any religious denomination or sect, or use of the terms "Christian counselor" or "Christian clinical counselor" when the activities are within the scope

of the performance of his regular or specialized ministerial duties and no compensation is received by him, or when such activities are performed, with or without compensation, by a person for or under the auspices or sponsorship, individually or in conjunction with others, of an established and legally cognizable church, denomination, or sect, and when the person rendering service remains accountable to the established authority thereof.

(4) No person shall be required to be licensed, *provisionally licensed, registered,* or certified under this chapter who:

(a) Is a salaried employee of a government agency; developmental services program, mental health, alcohol, or drug abuse facility operating pursuant to chapter 393, chapter 394, or chapter 397; subsidized child care program, subsidized child care case management *program,* or child care resource and referral program~~,~~ operating pursuant to chapter 402; child-placing or child-caring agency licensed pursuant to chapter 409; domestic violence center certified pursuant to chapter 415; accredited academic institution; or research institution, if such employee is performing duties for which he was trained and hired solely within the confines of such agency, facility, or institution.

(b) Is a salaried employee of a private, nonprofit organization providing counseling services to children, youth, and families, if such services are provided for no charge, if such employee is performing duties for which he was trained and hired.

(c) Is a student *providing services regulated under this chapter* who is pursuing a course of study which leads to a degree in ~~medicine or~~ a profession regulated by this chapter, ~~who~~ is providing services in a training setting, provided such ~~activities or~~ services *and associated activities* constitute part of a supervised course of study, *and* ~~or is a graduate accumulating the experience required for any licensure or certification under this chapter, provided such graduate or student~~ is designated by *the* ~~a~~ title ~~such as~~ "*student* intern." ~~or "trainee" which clearly indicates the in-training status of the student.~~

(d) Is not a resident of this state but offers services in this state, provided:

1. Such services are performed for no more than 5 days in any month and no more than 15 days in any calendar year; and

2. Such nonresident is licensed or certified to practice the services provided by a state or territory of the United States or by a foreign country or province.

(5) No provision of this chapter shall be construed to limit the practice of any individual who solely engages in behavior analysis so long as he does not hold himself out to the public as possessing a license issued pursuant to this chapter or use a title protected by this chapter.

(6) Nothing in subsections (2)-(4) shall exempt any person from the provisions of s. 491.012(1)(a)-(c)*, (l), and (m).*

~~(7) Any person who is not licensed under this chapter by October 1, 1992, and who desires to become so licensed shall register with the department that person's intent to become fully licensed no later than October 1, 1995. The costs to the department of such registration shall be borne by the registrant. The department may require affidavits and supporting documentation sufficient to demonstrate that the registrant is preparing for examination by October 1, 1995, under this chapter. The department may adopt rules to implement this section. Upon receipt of the department's notice of registration, the registrant may practice services as defined in s. 491.003(7), (8), and (9), provided that the registrant uses "trainee" or "intern" with any title or description of the registrant's work and on any business correspondence and work product, including, but not limited to, a business card, letterhead, sign, billing, or report unless exempt pursuant to this chapter.~~

(7)~~(8)~~ *Except as stipulated by the board,* the exemptions contained in *this section* ~~subsection (4)~~ do not apply to any person licensed under this chapter whose license has been suspended or revoked by *the board or* another jurisdiction.

(8)~~(9)~~ Nothing in this section shall be construed to exempt a person from meeting the minimum standards of performance in professional activities when measured against generally prevailing peer performance, including the undertaking of activities for which the person is not qualified by training or experience.

Section 209. Section 491.0149, Florida Statutes, is amended to read:

491.0149 Display of license; use of professional title on promotional materials.—

(1)*(a)* A person licensed under this chapter as a clinical social worker, marriage and family therapist, or mental health counselor, or certified as a master social worker shall conspicuously display the valid license issued by the department or a true copy thereof at each location at which the licensee practices his profession.

(b)1.~~(2)~~ A licensed clinical social worker shall include the words "licensed clinical social worker" or the letters "LCSW" on all promotional materials, including cards, brochures, stationery, advertisements, and signs, naming the licensee.

2.~~(4)~~ A licensed marriage and family therapist shall include the words "licensed marriage and family therapist" or the letters "LMFT" on all promotional materials, including cards, brochures, stationery, advertisements, and signs, naming the licensee.

3.~~(3)~~ A licensed mental health counselor shall include the words "licensed mental health counselor" or the letters "LMHC" on all promotional materials, including cards, brochures, stationery, advertisements, and signs, naming the licensee.

(2)(a) A person registered under this chapter as a clinical social worker intern, marriage and family therapist intern, or mental health counselor intern shall conspicuously display the valid registration issued by the department or a true copy thereof at each location at which the registered intern is completing the experience requirements.

(b) A registered clinical social worker intern shall include the words "registered clinical social worker intern," a registered marriage and family therapist intern shall include the words "registered marriage and family therapist intern," and a registered mental health counselor intern shall include the words "registered mental health counselor intern" on all promotional materials, including cards, brochures, stationery, advertisements, and signs, naming the registered intern.

(3)(a) A person provisionally licensed under this chapter as a provisional clinical social worker licensee, provisional marriage and family therapist licensee, or provisional mental health counselor licensee shall conspicuously display the valid provisional license issued by the department or a true copy thereof at each location at which the provisional licensee is providing services.

(b) A provisional clinical social worker licensee shall include the words "provisional clinical social worker licensee," a provisional marriage and family therapist licensee shall include the words "provisional marriage and family therapist licensee," and a provisional mental health counselor licensee shall include the words "provisional mental health counselor licensee" on all promotional materials, including cards, brochures, stationery, advertisements, and signs, naming the provisional licensee.

Section 210. Paragraph (b) of subsection (4) of section 232.02, Florida Statutes, is amended to read:

232.02 Regular school attendance.—Regular attendance is the actual attendance of a pupil during the school day as defined by law and regulations of the state board. Regular attendance within the intent of s. 232.01 may be achieved by attendance in:

(4) A home education program as defined in s. 228.041, provided that at least one of the following conditions is met:

(b) The parent does not hold a valid regular Florida certificate to teach and complies with the following requirements:

1. Notifies the superintendent of schools of the county in which the parent resides of her or his intent to establish and maintain a home education program. The notice shall be in writing, signed by the parent, and shall include the names, addresses, and birthdates of all children who shall be enrolled as students in the home education program. The notice shall be filed in the superintendent's office within 30 days of the establishment of the home education program. A written notice of termination of the home education program shall be filed in the superintendent's office within 30 days of said termination.

2. Maintains a portfolio of records and materials. The portfolio shall consist of a log, made contemporaneously with the instruction, which designates by title the reading materials used and samples of any writings, worksheets, workbooks, and creative materials used or developed by the student. The portfolio shall be preserved by the parent for 2 years and shall be made available for inspection by the superintendent, or the superintendent's agent, upon 15 days' written notice.

3. Provides for an annual educational evaluation in which is documented the pupil's demonstration of educational progress at a level commensurate with her or his ability. A copy of the evaluation shall be filed annually with the district school board office in the county in which the pupil resides. The annual educational evaluation shall consist of one of the following:

a. A teacher selected by the parent shall evaluate the pupil's educational progress upon review of the portfolio and discussion with the pupil. Such teacher shall hold a valid regular Florida certificate to teach academic subjects at the elementary or secondary level. The teacher shall submit a written evaluation to the school superintendent;

b. The pupil shall take any nationally normed student achievement test used by the district and administered by a certified teacher. Such test results shall be reported to the school superintendent;

c. The pupil shall take a state student assessment test. Such test results shall be reported to the school superintendent;

d. The pupil shall be evaluated by an individual holding a valid, active license pursuant to the provisions of s. 490.003*(7)*~~(3)~~ or *(8)*~~(5)~~. Such results shall be reported to the school superintendent; or

e. The pupil shall be evaluated with any other valid measurement tool as mutually agreed upon by the school superintendent of the district in which the pupil resides and the pupil's parent or guardian. Such results shall be reported to the superintendent.

The school superintendent shall review and accept the results of the annual educational evaluation of the pupil in a home education program. If the pupil does not demonstrate educational progress at a level commensurate with her or his ability, the superintendent shall notify the parent, in writing, that such progress has not been achieved. The parent shall have 1 year from the date of receipt of the written notification to provide remedial instruction to the pupil. At the end of the 1-year probationary period, the pupil shall be reevaluated as specified in this subparagraph. Continuation in a home education program shall be contingent upon the pupil demonstrating educational progress commensurate with her or his ability at the end of the probationary period.

Section 211. Subsection (2) of section 394.455, Florida Statutes, 1996 Supplement, is amended to read:

394.455 Definitions.—As used in this part, unless the context clearly requires otherwise, the term:

(2) "Clinical psychologist" means a psychologist as defined in s. 490.003*(7)*~~(3)~~ with 3 years of postdoctoral experience in the practice of clinical psychology, inclusive of the experience required for licensure, or a psychologist employed by a facility operated by the United States Department of Veterans Affairs that qualifies as a receiving or treatment facility under this part. (

Renumber subsequent section[s])

And the title is amended as follows:

On page 248, line 22, of the amendment after the semicolon (;) insert: amending s. 456.32, F.S.; including specified mental health professionals within the definition of "practitioner of the healing arts"; amending s. 490.003, F.S.; revising and providing definitions relating to the regulation of psychological services; amending s. 490.005, F.S.; conforming cross-references; creating s. 490.0051, F.S.; providing for provisional licensure; repealing s. 490.008, F.S., relating to inactive status; amending s. 490.009, F.S.; revising and providing grounds for disciplinary action; amending s. 490.012, F.S.; providing requirements for display of licenses and provisional licenses; eliminating a requirement relating to use of the license number on professional advertisements; providing requirements for promotional materials of provisional licensees; conforming cross-references; providing penalties; amending s. 490.014, F.S.; clarifying applicability of exemption provisions; removing an obsolete licensing exemption that required registration of certain trainees or interns; amending s. 491.003, F.S.; revising and providing definitions relating to the regulation of clinical, counseling, and psychotherapy services; creating s. 491.0045, F.S.; requiring registration of interns and providing requirements thereof; creating s. 491.0046, F.S.; providing for provisional licensure; amending s. 491.005, F.S.; revising requirements for licensure by examination; providing for additional educational requirements at a future date; creating s. 491.0057, F.S.; providing for dual licensure as a marriage and family therapist; amending s. 491.007, F.S.; providing for biennial renewal of registrations; providing for fees; amending s. 491.009, F.S.; revising and providing grounds for disciplinary action; amending s. 491.012, F.S.; prohibiting the use of certain titles under certain circumstances; providing a penalty; amending s. 491.014, F.S.; revising and clarifying exemption provisions; removing an obsolete licensing exemption that required registration of certain trainees or interns; amending s. 491.0149, F.S.; requiring display of registrations and provisional licenses and use of applicable professional titles on promotional materials; amending ss. 232.02, 394.455, F.S.; conforming cross-references;

House Amendment 2 (with title amendment) to House Amendment 1 (with title amendment) to Senate Amendment 1—On page 233, between lines 24 and 25, of the amendment insert:

Section 191. Section 458.3124, Florida Statutes, is created to read:

458.3124 Restricted license; certain experienced foreign-trained physicians.—

(1) A person who was trained in a medical school that is listed in the World Directory of Medical Schools published by the World Health Organization and is located in a country other than the United States, Canada, or Puerto Rico may apply to take Step III of the United States Medical Licensing Examination, if the person:

(a) Legally practiced medicine for at least 5 years in the country in which the school is located;

(b) Has passed Steps I and II of the United States Medical Licensing Examination;

(c) Is certified by the Education Commission for Foreign Medical Graduates as qualified for a restricted license to practice medicine;

(d) Is not subject to discipline, investigation, or prosecution in any jurisdiction for acts that threaten the public health, safety, or welfare or violate chapters 455 or 458; and

(e) Has been a resident of this state since July 1, 1996.

(2) A person applying for licensure under this section must submit to the Department of Health on or before December 31, 1998:

(a) A completed application and documentation required by the Board of Medicine to prove compliance with subsection (1); and

(b) A nonrefundable application fee not to exceed $500 and a nonrefundable examination fee not to exceed $300 plus the actual cost to purchase and administer the examination.

(3) A person applying under this section may take the examination a maximum of 5 times within 5 years.

(4) A restricted licensee under this section must practice under the supervision of a licensee approved by the board, with the first year of licensure under direct supervision and the second year in community service under indirect supervision, including practicing with organizations that serve indigent populations, such as section 501(c)(3) agencies, public health units, prisons, or other organizations approved by the board.

(5) Notwithstanding s. 458.311(1)(f), a person who successfully meets the requirements of this section and who successfully passes Step III of the United States Medical Licensing Examination is eligible for full licensure as a physician.

(6) The board shall adopt rules to implement this section.

(Renumber subsequent section[s])

And the title is amended as follows:

On page 248, line 22, of the amendment after the semicolon (;) insert: creating s. 458.3124, F.S.; providing for certain foreign-trained and licensed physicians to take certain licensure examinations; providing restrictions and establishing fees; restricting the practice of such persons; providing for eligibility for full licensure; providing for the adoption of rules;

House Amendment 3 (with title amendment) to House Amendment 1 (with title amendment) to Senate Amendment 1—On page 1, between lines 17 and 18, of the amendment insert:

Section 1. Subsection (2) of section 468.1645, Florida Statutes, is amended to read:

468.1645 Administrator license required.—

(2) Nothing in this part or in the rules adopted hereunder shall require an administrator of any facility or institution operated by *and* ~~a recognized church or religious denomination~~ for persons who rely exclusively upon treatment by spiritual means through prayer, *in accordance with the creed or tenets of any organized church or religious denomination, to be licensed as a nursing home administrator if the administrator* ~~who~~ is employed only to administer *in such facilities or* institutions ~~accredited by such church or denomination~~ for the care and treatment of the sick ~~in accordance with its teachings, to be licensed as a nursing home administrator~~.

(Renumber subsequent section[s])

And the title is amended as follows:

On page 234, line 6, of the amendment after the semicolon (;) insert: amending s. 468.1645, F.S.; revising an exemption from licensure as a nursing home administrator relating to persons employed to administer in facilities or institutions operated by and for persons who rely exclusively upon treatment by spiritual means through prayer;

House Amendment 4 (with title amendment) to House Amendment 1 (with title amendment) to Senate Amendment 1—On page 1, between lines 17 and 18, insert:

Section 1. Effective upon this act becoming a law, paragraph (c) of subsection (1) of section 458.3115, Florida Statutes, 1996 Supplement, is amended to read:

458.3115 Restricted license; certain foreign-licensed physicians; United States Medical Licensing Examination (USMLE) or agency-developed examination; restrictions on practice; full licensure.—

(1)

(c) A person shall be eligible to take such examination for restricted licensure if the person:

1. Has taken, upon approval by the board, and completed, in November 1990 or November 1992, one of the special preparatory medical update courses authorized by the board and the University of Miami Medical School and subsequently passed the final course examination; ~~or~~ upon approval by the board to take the course completed in 1990 or in 1992, has a certificate of successful completion of that course from the University of Miami or the Stanley H. Kaplan course; *or can document to the department that he or she was one of the persons who took and successfully completed the Stanley H. Kaplan course that was approved by the Board of Medicine and supervised by the University of Miami. At a minimum, the documentation must include class attendance records and the test score on the final course examination;*

2. Applies to the agency and submits an application fee that is nonrefundable and equivalent to the fee required for full licensure;

3. Documents no less than 2 years of the active practice of medicine in another jurisdiction;

4. Submits an examination fee that is nonrefundable and equivalent to the fee required for full licensure plus the actual per-applicant cost to the agency to provide either examination described in this section;

5. Has not committed any act or offense in this or any other jurisdiction that would constitute a substantial basis for disciplining a physician under this chapter or chapter 455; and

6. Is not under discipline, investigation, or prosecution in this or any other jurisdiction for an act that would constitute a violation of this chapter or chapter 455 and that substantially threatened or threatens the public health, safety, or welfare.

(Renumber subsequent section[s])

And the title is amended as follows:

On page 234, line 6, after the semicolon (;) insert: amending s. 458.3115, F.S.; revising requirements for the development of examinations administered to certain foreign-licensed physicians; prescribing eligibility requirements for certain foreign-trained physicians to take a restricted-license examination;

On motion by Senator Jones, the Senate concurred in the House amendments to the Senate amendment.

HB 2013 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Bankhead	Crist	Jenne	Myers
Bronson	Dantzler	Jones	Ostalkiewicz
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dudley	Klein	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—1

Holzendorf

Vote after roll call:

Yea—Scott

Yea to Nay—Hargrett

CONSENT CALENDAR, continued

THE PRESIDENT PRESIDING

The Senate resumed consideration of—

CS for HB 83—A bill to be entitled An act relating to sexual battery; authorizing the court to sentence a defendant to be treated with medroxyprogesterone acetate (MPA) if the defendant is convicted of sexual battery; providing for mandatory treatment with medroxyprogesterone acetate (MPA) upon a subsequent conviction of sexual battery; providing for voluntary physical castration as an alternative penalty under specified circumstances; providing for medical determination of medroxyprogesterone acetate (MPA) treatment; providing for commencement, continuation, and termination of treatment; defining "prior conviction"; prohibiting the failure or refusal to appear for or allow the administration of medroxyprogesterone acetate (MPA); providing penalties; providing for severability of provisions held invalid; providing an effective date.

—which was previously considered this day.

On motion by Senator Cowin, by two-thirds vote **CS for HB 83** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Madam President	Crist	Horne	Rossin
Bankhead	Dantzler	Jenne	Silver
Bronson	Diaz-Balart	Jones	Thomas
Brown-Waite	Dudley	Kirkpatrick	Turner
Burt	Dyer	Klein	Williams
Childers	Grant	Lee	
Clary	Gutman	McKay	
Cowin	Harris	Ostalkiewicz	

Nays—8

Campbell	Hargrett	Meadows	Scott
Forman	Kurth	Myers	Sullivan

Vote after roll call:

Yea—Casas

Nay to Yea—Scott

On motion by Senator Meadows, by two-thirds vote **HB 1099** was withdrawn from the Committees on Criminal Justice; Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Meadows—

HB 1099—A bill to be entitled An act relating to criminal justice standards and training; amending s. 943.10, F.S.; defining "part-time correctional probation officer," "diverse population," and "criminal justice executive" with respect to specified provisions in ch. 943; amending s. 943.13, F.S., relating to officers' minimum qualifications for employment or appointment; clarifying that such qualifications apply to full-time, part-time, and auxiliary correctional or correctional probation officers; providing that such qualifications apply to correctional officers employed by the Correctional Privatization Commission; amending s. 943.131, F.S.; revising requirements for officers' temporary employment or appointment; amending s. 943.133, F.S.; revising criteria with respect to employing agency responsibility for compliance to employment requirements and background investigations; amending s. 943.139, F.S.; providing for electronic transmission of information in officer's affidavit-of-separation form; amending s. 943.1715, F.S.; revising provisions relating to basic skills training of officers; providing for basic skills training relating to diverse populations; deleting language regarding racial and ethnic minorities; amending s. 943.1716, F.S.; providing for continued employment training relating to diverse populations; deleting language regarding racial and ethnic minorities; amending s. 943.175, F.S.; revising certain requirements with respect to approval or recording of specialized training programs or courses; amending s. 943.1755, F.S., relating to the Florida Criminal Justice Executive Institute; providing legislative finding and authority of the institute relating to improvement of law enforcement interaction in communities of diverse population; removing certain definitions; amending s. 943.1757, F.S.; providing for skills training of criminal justice executives relating to diverse populations; deleting language regarding racial and ethnic minorities; revising duties of the policy board of the institute, to conform; amending s. 943.1758, F.S.; providing for curriculum revision for diverse populations skills training; amending s. 943.25, F.S.; relating to criminal justice trust funds; removing limitation with respect to assessment of certain additional court costs against convicted persons; revising guidelines relating to certain revenues generated from moneys in such trust funds; amending s. 318.18, F.S.; providing for court imposition of a $3 court cost for a noncriminal traffic infraction and providing for distribution thereof pursuant to specified provisions relating to criminal justice trust funds; reenacting s. 318.121, F.S., to incorporate said amendment in a reference; providing an effective date.

—a companion measure, was substituted for **CS for SB 1880** and read the second time by title. On motion by Senator Meadows, by two-thirds vote **HB 1099** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	

Nays—None

SENATOR BURT PRESIDING

CS for CS for SB 514—A bill to be entitled An act relating to the release of public records information regarding criminal offenders; creating the "Public Safety Information Act"; amending s. 775.21, F.S.; revising registration requirements for sexual predators; requiring a sexual predator to register at a driver's license office of the Department of Highway Safety and Motor Vehicles following a change in permanent or temporary residence and obtain a driver's license or identification card; requiring that a sexual predator renew such license or identification card; providing a penalty; creating s. 943.046, F.S.; authorizing a state or local law enforcement agency to release to the public criminal offender information that is not exempt from public disclosure under the public records law; providing immunity from civil liability for a law enforcement agency and its personnel in releasing such information; creating s. 943.043, F.S.; requiring the Department of Law Enforcement to provide a toll-free telephone number for public access to information regarding sex offenders; requiring that the department provide to the public upon request a copy of the photograph of a sex offender or sexual predator and a summary of information that is publicly available; providing immunity from civil liability for the department and its personnel in reporting information; providing that the department and its personnel are presumed to have acted in good faith; creating s. 943.0435, F.S.; providing definitions; requiring sex offenders to report their current place of permanent or temporary residence to the Department of Law Enforcement and the Department of Highway Safety and Motor Vehicles within a specified time and upon moving to a new place of residence; providing procedures for reporting; providing a penalty for failing to report as required; providing immunity from civil liability for the Department of Law Enforcement, the Department of Highway Safety and Motor Vehicles, the Department of Corrections, and the personnel of those departments in compiling, recording, and reporting information regarding sex offenders; providing that those departments and the personnel of those departments are presumed to have acted in good faith; creating s. 944.607, F.S.; requiring that the Department of Corrections provide information to the Department of Law Enforcement on sex offenders who are in the custody or control of, or under the supervision of, the Department of Corrections or the custody of a private correctional facility on or after a specified date; providing immunity from civil liability for the Department of Corrections and its personnel in compiling, recording, and reporting information regarding sex offenders; providing that the department and its personnel are presumed to have acted in good faith; amending ss. 944.605, 947.177, F.S.; revising requirements for the Department of Corrections, the Control Release Authority, and the Parole Commission with respect to notifying judges and law enforcement agencies of the anticipated release of an inmate; requiring that a digitized photograph be made of the inmate; requiring that this information be provided to the Department of Law Enforcement; amending s. 944.606, F.S., relating to the release of information regarding certain sex offenders by the Department of Corrections; requiring that this information be provided to the Department of Law Enforcement; providing that the release of such information does not constitute unauthorized public disclosure under the Florida Sexual Predators Act; amending s. 948.06, F.S.; requiring state and local law enforcement agencies to verify if a person under investigation or under arrest for certain sexual offenses is on probation, community control, parole, conditional release, or control release; requiring the law enforcement agency to notify the person's probation officer or release supervisor of the investigation or the arrest; amending s. 921.0012, F.S.; ranking under the sentencing guidelines the offenses of failure to register, including failure to renew a driver's license or identification card, and failure of sex offenders to comply with reporting requirements; amending s. 921.0017, F.S., relating to credit upon recommitment of an offender serving a split sentence; conforming a cross-reference to changes made by the act; requiring the court, at the time of sentencing, to note on the judgment if the victim is a minor and provide such information to the Department of Law Enforcement; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Meadows and failed:

Amendment 1 (with title amendment)—On page 32, between lines 15 and 16, insert:

Section 14. *(1) There is appropriated to the Florida Department of Law Enforcement the sum of $311,680 from the General Revenue Fund,*

and five positions are allocated to the department, for fiscal year 1997-1998. Of the funds appropriated to the Department of Law Enforcement, the sum of $209,750 may be expended for recurring costs.

(2) There is appropriated to the Department of Corrections the sum of $141,160 from the General Revenue Fund for fiscal year 1997-1998. Of the funds appropriated to the Department of Corrections, the sum of $31,200 may be expended for recurring costs.

(3) There is appropriated to the Department of Highway Safety and Motor Vehicles the sum of $31,748 from the Highway Safety Operating Trust Fund for fiscal year 1997-1998.

(Renumber subsequent section.)

And the title is amended as follows:

On page 4, line 10, after the semicolon (;) insert: providing appropriations; providing for uses of certain appropriations;

Senator Meadows moved the following amendment:

Amendment 2 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (13) is added to section 943.03, Florida Statutes, 1996 Supplement, to read:

943.03 Department of Law Enforcement.—

(13) The department shall develop and maintain, in consultation with the Criminal and Juvenile Justice Information Systems Council, under s. 943.08, an information system that supports the administration of the state's criminal and juvenile justice system in compliance with s. 943.05 and other provisions of law.

Section 2. Subsection (11) of section 20.315, Florida Statutes, 1996 Supplement, is amended to read:

20.315 Department of Corrections.—There is created a Department of Corrections.

(11) SINGLE INFORMATION AND RECORDS SYSTEM.—There shall be only one offender-based information and records system maintained by the Department of Corrections for the joint use of the department and the Parole Commission. This data system is managed through the Justice Data Center, which is hereby transferred to the department under this act pursuant to a type two transfer authorized under s. 20.06(2). The department shall develop *and maintain*, in consultation with the Criminal and Juvenile Justice Information Systems Council, *under s. 943.08,* such offender-based information system designed to serve the needs of both the department and the Parole Commission. The department shall notify the commission of all violations of parole and the circumstances thereof.

Section 3. Paragraphs (a) and (f) of subsection (6) of section 20.316, Florida Statutes, 1996 Supplement, are amended to read:

20.316 Department of Juvenile Justice.—There is created a Department of Juvenile Justice.

(6) INFORMATION SYSTEMS.—

(a) The Department of Juvenile Justice shall develop *in consultation with the Criminal and Juvenile Justice Information Systems Council, under s. 943.08,* a juvenile justice information system which shall provide information concerning the department's activities and programs.

(f) The department shall provide an annual report on the juvenile justice information system to the Joint Information Technology Resources Committee ~~and the Criminal and Juvenile Justice Information Systems Council~~. The committee ~~and the council~~ shall review and ~~reach consensus on the report and shall~~ forward the report, along with *its* ~~the consensus~~ comments, to the appropriate substantive and appropriations committees of the House of Representatives and the Senate delineating the development status of the system and other information necessary for funding policy formulation.

Section 4. Subsection (3) of section 186.022, Florida Statutes, 1996 Supplement, is amended to read:

186.022 State agency strategic plans; preparation, form, and review.—

(3) The Executive Office of the Governor shall review the state agency strategic plans to ensure that they are consistent with the state comprehensive plan and other requirements as specified in the written instructions. In its review, the Executive Office of the Governor shall consider all comments received in formulating required revisions. This shall include:

(a) The findings of the Statewide Health Council's review of the consistency of the health components of agency strategic plans with the health element of the state comprehensive plan;

(b) The findings of the review of the Information Resource Commission with respect to the strategic information resources management issues not covered under paragraph *(c)* ~~(d)~~; and

(c) The findings *and recommendations* of the Criminal and Juvenile Justice Information Systems Council's review with respect to public safety system strategic information technology resources management issues.

Within 60 days, reviewed plans shall be returned to the agency, together with any required revisions.

Section 5. Subsections (2) and (5) of section 216.0445, Florida Statutes, 1996 Supplement, are amended to read:

216.0445 Budget evaluation by the Information Resource Commission.—

(2) The executive *director* ~~administrator~~ of the Information Resource Commission shall make recommendations to the Executive Office of the Governor and the appropriations committees of the Legislature on projects that should be considered for special monitoring under s. 282.322. In making such recommendations, the executive *director* ~~administrator~~ shall consider, at a minimum, the scale of the project, the risks associated with its development and implementation, the proposed schedule for implementing the project, and the estimated project costs. Such recommendations shall be made concurrently with the commission's legislative budget recommendations pursuant to subsection (1).

(5) The *executive director shall consider any findings and recommendations made by* ~~chair of~~ the Criminal and Juvenile Justice Information Systems Council ~~shall identify and make recommendations~~ regarding related public safety system information technology resources management issues that affect multiple agencies.

Section 6. Paragraph (a) of subsection (2) of section 282.1095, Florida Statutes, 1996 Supplement, is amended to read:

282.1095 State agency law enforcement radio system.—

(2)

(a) The Joint Task Force on State Agency Law Enforcement Communications shall consist of *eight* ~~nine~~ members, as follows:

1. A representative of the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation who shall be appointed by the secretary of the department.

2. A representative of the Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles who shall be appointed by the executive director of the department.

3. A representative of the Department of Law Enforcement who shall be appointed by the executive director of the department.

4. A representative of the Game and Fresh Water Fish Commission who shall be appointed by the executive director of the commission.

5. A representative of the Division of Law Enforcement of the Department of Environmental Protection who shall be appointed by the secretary of the department.

6. A representative of the Department of Corrections who shall be appointed by the secretary of the department.

7. A representative of the Division of State Fire Marshal of the Department of Insurance who shall be appointed by the State Fire Marshal.

8. A representative of the Department of Transportation who shall be appointed by the secretary of the department.

~~9. A representative of the Criminal and Juvenile Justice Information Systems Council who shall be appointed by the chair of the council.~~

Section 7. Subsection (5) of section 282.111, Florida Statutes, 1996 Supplement, is amended to read:

282.111 Statewide system of regional law enforcement communications.—

(5) No law enforcement communications system shall be established or present system expanded after July 1, 1972, without the prior approval of the Division of Communications. ~~After January 1, 1997, the Division of Communications shall consult with the Criminal and Juvenile Justice Information Systems Council before approving any law enforcement communications system or system expansion.~~

Section 8. Section 943.08, Florida Statutes, 1996 Supplement, is amended to read:

943.08 Duties; Criminal and Juvenile Justice Information Systems Council.—

(1) The council shall facilitate the identification, standardization, sharing, and coordination of criminal and juvenile justice data and other public safety system data among federal, state, and local agencies.

(2) The council shall review ~~proposed rules and operating policies and procedures, and amendments thereto, of the Division of Criminal Justice Information Systems and make recommendations to the executive director which shall be represented in the meeting minutes of the council. In addition, the council shall review~~ proposed *plans and* policies, ~~rules, and procedures~~ relating to the information system of *the Department of Corrections, the Department of Highway Safety and Motor Vehicles,* the Department of Juvenile Justice, *and the Department of Law Enforcement for the purpose of determining whether the departments' strategic information technology resource development efforts will facilitate the effective identification, standardization, sharing, and coordination of criminal and juvenile justice data and other public safety system data among federal, state, and local agencies. The council shall make recommendations as it deems appropriate to the executive director and the secretaries of these departments* ~~and make recommendations to the Secretary of Juvenile Justice or designated assistant who shall attend council meetings~~. Those recommendations shall relate to the following areas:

(a) The management control of criminal *and juvenile* justice information systems *and applications supported by the departments*~~, criminal intelligence information systems, and criminal investigative information systems maintained by the department~~.

(b) The installation and operation of criminal *and juvenile* justice information systems~~, criminal intelligence information systems, and criminal investigative information systems~~ by the *departments* ~~department~~ and the exchange of such information with other criminal *and juvenile* justice agencies of this state and other states, including federal agencies.

(c) The operation and maintenance of computer hardware and software within criminal *and juvenile* justice information systems~~, criminal intelligence information systems, and criminal investigative information systems~~ maintained by the *departments* ~~department~~.

(d) ~~The operation, maintenance, and use of an automated fingerprint identification system, including interfacing with existing automated systems.~~

~~(e)~~ The physical security of the *systems* ~~system~~, to prevent unauthorized disclosure of information contained in the *systems* ~~system~~ and to ensure that the criminal *and juvenile* justice information in the *systems* ~~system~~ is *accurately updated in a timely manner* ~~currently and accurately revised to include subsequently revised information~~.

(e)~~(f)~~ The security of the *systems* ~~system~~, to ensure that criminal *and juvenile* justice information *is*~~, criminal intelligence information, and criminal investigative information will be~~ collected, processed, stored, and disseminated in such manner that it cannot be modified, destroyed, accessed, changed, purged, or overlaid by unauthorized individuals or agencies.

(f)~~(g)~~ The purging, expunging, or sealing of criminal *and juvenile* justice information upon order of a court of competent jurisdiction or when authorized by law.

(g)~~(h)~~ The dissemination of criminal *and juvenile* justice information to persons or agencies not associated with criminal justice when such dissemination is authorized by law.

(h)~~(i)~~ The access to criminal *and juvenile* justice information maintained by any criminal *or juvenile* justice agency by any person about whom such information is maintained for the purpose of challenge, correction, or addition of explanatory material.

(i)~~(j)~~ The training, which *should* ~~may~~ be provided *to* ~~pursuant to s. 943.25, of~~ employees of the *departments* ~~department~~ and other state and local criminal *and juvenile* justice agencies in the proper use and control of criminal *and juvenile* justice information.

(j)~~(k)~~ The characteristics, structures, and *communications technologies* ~~linkages~~ needed to allow the *transmittal of, sharing of,* access *to,* and utilization of information among the various state, local, private, and federal agencies, organizations, and institutions in the *criminal and juvenile justice systems.* ~~public safety system, including, but not limited to, recommendations regarding:~~

~~1. The management control and administration of juvenile justice data and information.~~
~~2. The installation and operation of local area networks.~~
~~3. The installation and operation of statewide area networks.~~
~~4. Electronic mail and file transport.~~
~~5. The operation and maintenance of hardware and software.~~
~~6. Access to juvenile justice information.~~
~~7. The security and integrity of the information system.~~
~~8. Training of information system users and user groups.~~

(k) The installation and operation of a statewide telecommunications and data network, to be called the Florida Criminal Justice Intranet Service Network, for which the Department of Law Enforcement will serve as custodial manager and which will be capable of electronically transmitting text and image data, including electronic mail and file transport, among criminal justice agencies within the state.

(l) The participation, by July 1, 1998, of a majority of the local law enforcement agencies, courts, clerks of the court, state law enforcement agencies, and the Department of Corrections and the Department of Juvenile Justice in the Florida Criminal Justice Intranet Service Network.

(m) The installation and operation, when feasible, of equipment in each of the judicial circuits capable of electronically transmitting over the Florida Criminal Justice Intranet Service Network digitized photographs and live-scan fingerprint images of each criminal defendant convicted or found guilty, at the time and place of such disposition.

(n)~~(l)~~ Such other areas as relate to the collection, processing, storage, and dissemination of criminal and juvenile justice and other public safety system information, ~~criminal intelligence information, and criminal justice investigative information,~~ including the development of criteria, policies, and procedures for the standardization of criminal *and juvenile* justice data and *information transfer protocols to transmit* ~~electronic transmission of~~ such data.

(3) It is the policy of this state and the intent of the Legislature that all further installation, enhancement, and planned utilization of equipment capable of transmitting telecommunications and data performed by any state court, the clerks of the court, state or local law enforcement agencies, or the departments referred to in this section be implemented in a manner to assure that such equipment is compatible with the Florida Criminal Justice Intranet Service Network standards.

Section 9. Subsection (9) of section 943.10, Florida Statutes, is amended, and subsections (19), (20), and (21) are added to that section, to read:

943.10 Definitions; ss. 943.085-943.255.—The following words and phrases as used in ss. 943.085-943.255 are defined as follows:

(9) "Auxiliary correctional officer" means any person employed or appointed, with or without compensation, who aids or assists a full-time or part-time correctional officer and who, while under the supervision of a full-time or part-time correctional officer, has the same authority as a full-time or part-time correctional officer for the purpose of providing supervision, protection, care, custody, and control of inmates within a correctional institution or a county or municipal detention facility. *In a correctional institution or a jail, an auxiliary certified officer may not have direct inmate supervision unless accompanied by a fully certified officer.*

(19) "Part-time correctional probation officer" means a person who is employed less than full time by the state and whose primary responsibility is the supervised custody, surveillance, and control of assigned inmates, probationers, parolees, or community controllees within institutions of the Department of Corrections or in the community.

(20) "Diverse populations" includes people of different ethnic, racial, or national origins, or of different religious beliefs, living within the same geographic area.

(21) "Criminal justice executive" includes executives of law enforcement, correctional, and correctional probation agencies.

Section 10. Section 943.13, Florida Statutes, is amended to read:

943.13 Officers' minimum qualifications for employment or appointment.—On or after October 1, 1984, any person employed or appointed as a full-time, part-time, or auxiliary law enforcement officer or correctional officer; on or after October 1, 1986, any person employed as a *full-time, part-time, or auxiliary* correctional probation officer; and on or after October 1, 1986, any person employed as a *full-time, part-time, or auxiliary* correctional officer by a private entity under contract to the Department of Corrections, ~~or~~ to a county commission, *or to the Correctional Privatization Commission* shall:

(1) Be at least 19 years of age.

(2) Be a citizen of the United States, notwithstanding any law of the state to the contrary.

(3) Be a high school graduate or its "equivalent" as the *commission has defined the* term *by rule* ~~may be determined by the commission~~.

(4) Not have been convicted of any felony or of a misdemeanor involving perjury or a false statement, or have received a dishonorable discharge from any of the Armed Forces of the United States. Any person who, after July 1, 1981, pleads guilty or nolo contendere to or is found guilty of any felony or of a misdemeanor involving perjury or a false statement is not eligible for employment or appointment as an officer, notwithstanding suspension of sentence or withholding of adjudication. Notwithstanding this subsection, any person who has pled nolo contendere to a misdemeanor involving a false statement, prior to December 1, 1985, and has had such record sealed or expunged shall not be deemed ineligible for employment or appointment as an officer.

(5) Have *documentation of* his *or her* processed fingerprints on file with the employing agency or, if a private correctional officer, have *documentation of* his *or her processed* fingerprints on file with the Department of Corrections or the Criminal Justice Standards and Training Commission. If administrative delays are caused by the department or the Federal Bureau of Investigation and the person has complied with subsections (1)-(4) and (6)-(9), he *or she* may be employed or appointed for a period not to exceed 1 calendar year from the date he *or she* was employed or appointed or until return of the processed fingerprints documenting noncompliance with subsections (1)-(4) or subsection (7), whichever occurs first.

(6) Have passed a physical examination by a licensed physician, based on specifications established by the commission.

(7) Have a good moral character as determined by a background investigation under procedures established by the commission.

(8) Execute and submit to the employing agency or, if a private correctional officer, submit to the appropriate governmental entity an affidavit-of-applicant form, adopted by the commission, attesting to his or her compliance with subsections (1)-(7). The affidavit shall be executed under oath and constitutes an official statement within the purview of s. 837.06. The affidavit shall include conspicuous language that the intentional false execution of the affidavit constitutes a misdemeanor of the second degree. The affidavit shall be retained by the employing agency.

(9) Complete a commission-approved basic recruit training program for the applicable criminal justice discipline, unless exempt under this subsection. An applicant who has:

(a) Completed a comparable basic recruit training program for the applicable criminal justice discipline in another state or for the Federal Government; and

(b) Served as a full-time sworn officer in another state or for the Federal Government for at least one year

is exempt in accordance with s. 943.131(2) from completing the commission-approved basic recruit training program.

(10) Achieve an acceptable score on the officer certification examination for the applicable criminal justice discipline. *However, an applicant for employment as an auxiliary officer is not required to take the applicable officer certification examination.*

(11) Comply with the continuing training or education requirements of s. 943.135.

Section 11. Paragraphs (a) and (b) of subsection (1) of section 943.131, Florida Statutes, are amended to read:

943.131 Temporary employment or appointment; minimum basic recruit training exemption.—

(1)(a) An employing agency may temporarily employ or appoint a person who complies with the qualifications for employment in s. 943.13(1)-(8), but has not fulfilled the requirements of s. 943.13(9) and (10), if a critical need exists to employ or appoint the person and such person is or will be enrolled in the next approved basic recruit training program available in the geographic area or that no assigned state training program for state officers is available within a reasonable time. The employing agency must maintain documentation which demonstrates that a critical need exists to employ a person pursuant to this section. Prior to the employment or appointment of any person other than a correctional probation officer under this subsection, the person shall comply with the firearms provisions established pursuant to s. 943.17(1)(a). Any person temporarily employed or appointed as an officer under this subsection must *attend* ~~enroll in~~ the first training program offered in the geographic area, or the first assigned state training program for a state officer, subsequent to his *or her* employment or appointment. Further, upon successful completion of the basic recruit training program, any person temporarily employed or appointed as an officer must fulfill the requirements of s. 943.13(10) within 180 consecutive days.

(b) In no case may the person be temporarily employed or appointed for more than 180 consecutive days, and such temporary employment or appointment is not renewable by the employing agency or transferable to another employing agency. However, a person who is temporarily employed or appointed and *is attending* ~~who has enrolled in~~ the first training program offered in the geographic area, or has been assigned to a state training program, may continue to be temporarily employed or appointed until the person:

1. Successfully completes the basic recruit training program and achieves an acceptable score on the officer certification examination;

2. Fails ~~to successfully complete,~~ or withdraws from~~,~~ any course of the basic recruit training program;

3. Fails to achieve an acceptable score on the officer certification examination within 180 consecutive days after the successful completion of the basic recruit training program; or

4. Is separated from employment or appointment by the employing agency.

Section 12. Subsections (2), (3), and (4) of section 943.133, Florida Statutes, are amended to read:

943.133 Responsibilities of employing agency, commission, and division with respect to compliance with employment qualifications and the conduct of background investigations; injunctive relief.—

(2) Prior to the employment or appointment of any officer, the chief law enforcement or correctional officer administrator or probation and parole regional administrator of the employing agency, or his designee, is required to execute and maintain *a registration* ~~an~~ affidavit-of-compliance form adopted by the commission, attesting to compliance by the employing agency with subsection (1). The affidavit shall be executed under oath and constitutes an official statement within the purview of s. 837.06. The affidavit shall include conspicuous language that intentional false execution of the affidavit constitutes a misdemeanor of the second degree. *The information contained in the registration* ~~A copy of the~~ affidavit-of-compliance form must be submitted, or electronically transmitted, to the commission.

(3) The commission shall adopt rules that establish procedures for conducting background investigations. The rules must specify a form for employing agencies to use to document the findings of the background investigation. Before employing or appointing any officer, the employing agency must conduct a thorough background investigation in accordance with the rules. The background information should include information setting forth the facts and reasons for any of the applicant's previous separations from private or public employment or appointment, as the applicant understands them. For the purposes of this subsection, "separation from employment or appointment" includes any firing, termination, resignation, retirement, or voluntary or involuntary extended leave of absence from any salaried or nonsalaried position. The employing agency must maintain the original background investigation form, which must be signed by the administrator of the employing agency or his designee. ~~A copy of the background investigation form must be submitted, or electronically transmitted, to the commission.~~

(4) When the employing agency is a private entity under contract to the county or the state pursuant to s. 944.105, ~~or~~ s. 951.062*, or chapter 957*, the contracting agency shall be responsible for meeting the requirements of subsections (1), (2), and (3).

Section 13. Subsections (1) and (2) of section 943.139, Florida Statutes, are amended to read:

943.139 Notice of employment, appointment, or separation; response by the officer; duty of commission.—

(1) An employing agency shall immediately notify the commission in writing, on a form adopted by the commission, of the employment or appointment, or separation from employment or appointment, of any officer. The employing agency must maintain the original form and submit, or electronically transmit, *this information* ~~a copy of the form~~ to the commission. Separation from employment or appointment includes any firing, termination, resignation, retirement, or voluntary or involuntary extended leave of absence of any officer.

(2) In a case of separation from employment or appointment, the employing agency shall execute and maintain an affidavit-of-separation form adopted by the commission, setting forth in detail the facts and reasons for such separation. *The information contained in* ~~A copy of~~ the affidavit-of-separation form must be submitted, or electronically transmitted, to the commission. If the officer is separated for his *or her* failure to comply with s. 943.13, the notice must so specify. The affidavit must be executed under oath and constitutes an official statement within the purview of s. 837.06. The affidavit must include conspicuous language that intentional false execution of the affidavit constitutes a misdemeanor of the second degree. Any officer who has separated from employment or appointment must be permitted to respond to the separation, in writing, to the commission, setting forth the facts and reasons for the separation as he understands them.

Section 14. Section 943.1715, Florida Statutes, is amended to read:

943.1715 Basic skills training relating to *diverse populations* ~~racial and ethnic minorities~~.—

~~(1) As used in this section:~~

~~(a) "Racial and ethnic minorities" means members of a socially or economically disadvantaged group which includes blacks, Hispanics, and American Indians.~~

~~(b) "Law enforcement officer" includes law enforcement officers, correctional officers, and correctional probation officers.~~

~~(2)~~ The commission shall establish *and maintain* standards for instruction of ~~law enforcement~~ officers in the subject of interpersonal skills relating to *diverse populations* ~~racial and ethnic minorities~~, with an emphasis on the awareness of cultural differences. Every basic skills course required in order for ~~law enforcement~~ officers to obtain initial certification *must* ~~shall, after January 1, 1993,~~ include a minimum of 8 hours training in interpersonal skills with *diverse populations* ~~racial and ethnic minorities~~.

Section 15. Section 943.1716, Florida Statutes, is amended to read:

943.1716 Continued employment training relating to *diverse populations* ~~racial and ethnic minorities~~.—

~~(1) As used in this section:~~

~~(a) "Racial and ethnic minorities" means members of a socially or economically disadvantaged group which includes blacks, Hispanics, and American Indians.~~

~~(b) "Law enforcement officer" includes law enforcement officers, correctional officers, and correctional probation officers.~~

~~(2)~~ The commission shall by rule *require that* ~~adopt a program by January 1, 1993, which shall be implemented by July 1, 1993, that requires~~ each officer ~~to~~ receive, as part of the 40 hours of required instruction for continued employment or appointment as *an* ~~a law enforcement~~ officer, 8 hours of instruction in the subject of interpersonal skills relating to *diverse populations* ~~racial and ethnic minorities~~, with an emphasis on the awareness of cultural differences.

Section 16. Section 943.175, Florida Statutes, is amended to read:

943.175 Inservice and specialized training.—

(1) Inservice training programs, consisting of courses established, implemented, and evaluated by an employing agency, are the responsibility of the employing agency. Specialized training programs, consisting of courses established, implemented, and evaluated by a criminal justice training school, are the responsibility of the criminal justice training school. Inservice and specialized training programs or courses need not be approved by the commission.

(2) The commission shall, by rule, establish procedures and criteria whereby an employing agency or criminal justice training school seeking commission approval of *a* ~~an inservice or~~ specialized training program or course must submit the program or course to the commission for evaluation. The procedures and criteria shall include, but are not limited to, a demonstration of job relevance and quality of instruction.

(3) ~~Each inservice or specialized training course that is approved by the commission and successfully completed by an officer shall be identified as such in any record the commission maintains on the officer. Commission-approved inservice and specialized training courses will be acceptable for the provisions of s. 943.135.~~

~~(4)~~ Inservice or specialized training courses or programs shall not be part of the programs *or* ~~of~~ courses established by the commission pursuant to s. 943.17, nor shall they be used to qualify an officer for salary incentive payment provided under s. 943.22.

Section 17. Paragraphs (b) and (c) of subsection (1) of section 943.1755, Florida Statutes, are amended to read:

943.1755 Florida Criminal Justice Executive Institute.—

(1)

(b) The Legislature further finds that there exists a need to improve relationships between law enforcement agencies and the *diverse populations* ~~racial and ethnic minorities~~ they serve. To this end the Florida Criminal Justice Executive Institute shall conduct research projects, utilizing the resources of community colleges and universities, for the

purpose of improving law enforcement interaction and intervention in ~~the~~ communities of *diverse populations* ~~racial and ethnic minorities~~.

~~(c) As used in this subsection:~~

~~1. "Racial and ethnic minorities" means members of a socially or economically disadvantaged group which includes blacks, Hispanics, and American Indians.~~

~~2. "Criminal justice executive" includes executives of law enforcement, correctional, and correctional probation agencies.~~

Section 18. Section 943.1757, Florida Statutes, is amended to read:

943.1757 Criminal justice executives; training; policy report.—

(1) ~~As used in this section:~~

~~(a) "Racial and ethnic minorities" means members of a socially or economically disadvantaged group which includes blacks, Hispanics, and American Indians.~~

~~(b) "Criminal justice executive" includes executives of law enforcement, correctional, and correctional probation agencies.~~

~~(2)~~ The Legislature finds that there exists a need to provide training to criminal justice executives in the subject of interpersonal skills relating to *diverse populations* ~~racial and ethnic minorities~~, with an emphasis on the awareness of cultural differences.

(2)~~(3)~~ The policy board of the Criminal Justice Executive Institute shall identify the needs of criminal justice executives *regarding issues related to diverse populations* ~~in racially and ethnically sensitive areas,~~ and ensure that such needs are met through appropriate training. Beginning January 1, 1995, and every 5 years thereafter, the policy board shall provide to the appropriate substantive committees of each house a report describing executive training needs. In addition, the policy board shall prepare a biennial report to the appropriate substantive committees of each house describing how these needs are being met through training by the Criminal Justice Executive Institute.

Section 19. Section 943.1758, Florida Statutes, is amended to read:

943.1758 Curriculum revision for *diverse populations* ~~racial and ethnic minorities~~; skills training.—

(1) ~~As used in this section:~~

~~(a) "Racial and ethnic minorities" means members of a socially or economically disadvantaged group which includes blacks, Hispanics, and American Indians.~~

~~(b) "Law enforcement officer" includes law enforcement officers, correctional officers, and correctional probation officers.~~

~~(2)(a)~~ The Criminal Justice Standards and Training Commission shall revise its standards and training for basic recruits and its requirements for continued employment by integrating instructions on interpersonal skills relating to *diverse populations* ~~racial and ethnic minorities~~ into the criminal justice standards and training curriculum. The curriculum shall include standardized proficiency instruction relating to high-risk and critical tasks which include, but are not limited to, stops, use of force and domination, and other areas of interaction between ~~law enforcement~~ officers and *members of diverse populations* ~~racial and ethnic minorities. Culturally sensitive lesson plans, up-to-date videotapes, and other demonstrative aids developed for use in racial and ethnic minorities-related training shall be used as instructional materials~~.

(2)~~(b)~~ The commission shall develop and implement, as part of its ~~law enforcement~~ instructor training programs, standardized instruction in the subject of interpersonal skills relating to *diverse populations* ~~racial and ethnic minorities~~.

Culturally sensitive lesson plans, up-to-date videotapes, and other demonstrative aids developed for use in *diverse-population-related* ~~racial and ethnic minorities-related~~ training shall be used as instructional materials.

~~(3) A report detailing the racial and ethnic minorities-related curriculum for recruits, employment, and instructors shall be submitted by the commission to the chairs of the relevant substantive committees of both houses of the Legislature no later than December 1, 1992, and the revised criminal justice standards and training curriculum for recruits and instructors shall be implemented no later than January 1, 1993.~~

Section 20. *Section 775.0121, Florida Statutes, as created by section 1 of chapter 96-388, Laws of Florida, is repealed.*

Section 21. Section 790.174, Florida Statutes, is amended to read:

790.174 Safe storage of firearms required.—

(1) A person who stores or leaves, on a premise under his control, a loaded firearm, as defined in s. 790.001, and who knows or reasonably should know that a minor is likely to gain access to the firearm without the lawful permission of the minor's parent or the person having charge of the minor, or without the supervision required by law, shall keep the firearm in a securely locked box or container or in a location *that* ~~which~~ a reasonable person would believe to be secure or shall secure it with a trigger lock *or a firearm-mounted push-button combination lock*, except when he is carrying the firearm on his body or within such close proximity thereto that he can retrieve and use it as easily and quickly as if he carried it on his body.

(2) It is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, if a person violates subsection (1) by failing to store or leave a firearm in the required manner and as a result thereof a minor gains access to the firearm, without the lawful permission of the minor's parent or the person having charge of the minor, and possesses or exhibits it, without the supervision required by law:

(a) In a public place; or

(b) In a rude, careless, angry, or threatening manner in violation of s. 790.10.

This subsection does not apply if the minor obtains the firearm as a result of an unlawful entry by any person.

(3) As used in this act, the term "minor" means any person under the age of 16.

Section 22. Paragraph (g) of subsection (1) of section 112.532, Florida Statutes, is amended to read:

112.532 Law enforcement officers' and correctional officers' rights.—All law enforcement officers and correctional officers employed by or appointed to a law enforcement agency or a correctional agency shall have the following rights and privileges:

(1) RIGHTS OF LAW ENFORCEMENT OFFICERS AND CORRECTIONAL OFFICERS WHILE UNDER INVESTIGATION.—Whenever a law enforcement officer or correctional officer is under investigation and subject to interrogation by members of his or her agency for any reason which could lead to disciplinary action, demotion, or dismissal, such interrogation shall be conducted under the following conditions:

(g) The formal interrogation of a law enforcement officer or correctional officer, including all recess periods, shall be recorded, and there shall be no unrecorded questions or statements. *In addition to any recording made by the agency, the officer being interrogated must be given a copy of the recording of the interrogation session no later than the end of the next business day following said interrogation.*

Section 23. Present subsection (3) of section 112.533, Florida Statutes, 1996 Supplement, is renumbered as subsection (4), and a new subsection (3) is added to that section to read:

112.533 Receipt and processing of complaints.—

(3) A law enforcement officer or correctional officer has the right to review his or her official personnel file at any reasonable time under the supervision of the designated records custodian. A law enforcement officer or correctional officer may attach to the file a concise statement in response to any items included in the file and must be sent a copy of any derogatory material that is placed in the file.

Section 24. Subsection (4) of section 943.135, Florida Statutes, is amended to read:

943.135 Requirements for continued employment.—

(4)*(a) Notwithstanding any other provision of law, any person holding active certification from the Criminal Justice Standards and Training Commission as a law enforcement officer, correctional officer, or correctional probation officer, as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), who resigns his or her position as law enforcement officer, correctional officer, or correctional probation officer for the sole purpose of serving in an office to which the person has been elected or appointed and to thereby avoid the prohibition against dual officeholding established in s. 5(a) of Art. II of the State Constitution may be allowed to retain active certification in a special status during the tenure of the elected or appointed office if at the time of resignation, the person:*

1. Was employed by or associated with an employing agency in a manner authorized by chapter 943;

2. Was not subject to an internal investigation or employment action to discipline or dismiss by the employing agency;

3. Was not subject to criminal investigation or prosecution by any state or federal authority; and

4. Was not subject to an investigation or action against his or her certification by the Criminal Justice Standards and Training Commission,

and that subsequent to the resignation the person otherwise complies with this subsection.

(b) Any person who qualifies under paragraph (a) may, for purposes of meeting the minimum mandatory continuing training or education requirements of this section, at the option of an employing agency, associate with that agency for the sole purpose of securing continuing training or education as required by this section and for allowing the agency to report completion of the education or training to the Criminal Justice Standards and Training Commission. The employing agency with which the person has associated shall submit proof of completion of any education or training so obtained for purposes of demonstrating compliance with this section and shall indicate that the person for whom the credits are reported has secured the training under the special status authorized by this section. An employing agency may require any person so associated to attend continuing training or education at the person's own expense and may determine the courses or training that a person is to attend while associated with the agency. Any person who is permitted to associate with an employing agency for purposes of obtaining and reporting education or continuing training credits while serving in an elected or appointed public office shall not be considered to be employed by the employing agency or considered by the association with the employing agency to maintain an office under s. 4(d) of Art. II of the State Constitution.

(c) The period of time a person serves in an elected or appointed office and thereby maintains the special certification status authorized by this section may not be considered in calculating whether the person is considered to have incurred a break in service for purposes of maintaining active certification by the Criminal Justice Standards and Training Commission.

(d) An employing agency that receives a resignation from a person for the purpose of avoiding the dual office holding prohibition as discussed in this subsection shall verify that the person who has resigned is in fact serving in an elected or public office and report the verification including an indication of the office in which the person is serving to the Criminal Justice Standards and Training Commission via the affidavit of separation of employment used by the commission.

(e) Any person seeking the benefit of this subsection shall, upon request, provide to the Criminal Justice Standards and Training Commission any documentation or proof required by the commission to evaluate the person's eligibility under this subsection, to evaluate a submission of continuing training or education credits as authorized by this subsection, or to determine the duration of any tenure in an elected or appointed public office, including any extension of the status by reason of re-election or re-appointment or by election or appointment to a different office. ~~The commission is authorized to develop this program for implementation on July 1, 1985, for full-time, part-time, or auxiliary law enforcement officers and correctional officers and a program for correctional probation officers for implementation on July 1, 1987.~~

Section 25. Section 960.003, Florida Statutes, 1996 Supplement, is amended to read:

960.003 Human immunodeficiency virus testing for persons *when probable cause exists that such persons* ~~charged with or alleged by petition for delinquency to~~ have committed certain offenses; disclosure of results to victims.—

(1) LEGISLATIVE INTENT.—The Legislature finds that a victim of a criminal *episode that* ~~offense which~~ involves the transmission of body fluids is entitled to know at the earliest possible opportunity whether the person ~~charged with or~~ alleged ~~by petition for delinquency~~ to have committed the offense has tested positive for human immunodeficiency virus (HIV) infection. The Legislature finds that to deny victims access to HIV test results causes unnecessary mental anguish in persons who have already suffered trauma. The Legislature further finds that since medical science now recognizes that early diagnosis is a critical factor in the treatment of HIV infection, both the victim and the person ~~charged with or~~ alleged ~~by petition for delinquency~~ to have committed the offense benefit from prompt disclosure of HIV test results.

(2) TESTING OF PERSON *WHEN PROBABLE CAUSE EXISTS THAT SUCH PERSON* ~~CHARGED WITH OR ALLEGED BY PETITION FOR DELINQUENCY TO HAVE~~ COMMITTED CERTAIN OFFENSES.—In any case in which *probable cause exists that* a person has ~~been charged by information or indictment with or alleged by petition for delinquency to have~~ committed any offense enumerated in s. 775.0877(1)(a)-(n), which involves the transmission of body fluids from one person to another, upon request of the victim or the victim's legal guardian, or of the parent or legal guardian of the victim if the victim is a minor, the court shall order such person to undergo HIV testing. The testing shall be performed under the direction of the Department of Health ~~and Rehabilitative Services~~ in accordance with s. 381.004. The results of an HIV test performed on a defendant or juvenile offender pursuant to this subsection shall not be admissible in any criminal or juvenile proceeding arising out of the alleged offense.

(3) DISCLOSURE OF RESULTS.—

(a) The results of the test shall be disclosed, under the direction of the Department of Health ~~and Rehabilitative Services~~, to the person ~~charged with or~~ alleged ~~by petition for delinquency~~ to have committed or to the person convicted of or adjudicated delinquent for any offense enumerated in s. 775.0877(1)(a)-(n), which involves the transmission of body fluids from one person to another, and, upon request, to the victim or the victim's legal guardian, or the parent or legal guardian of the victim if the victim is a minor, and to public health agencies pursuant to s. 775.0877. If the alleged offender is a juvenile, the test results shall also be disclosed to the parent or guardian. Otherwise, HIV test results obtained pursuant to this section are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and shall not be disclosed to any other person except as expressly authorized by law or court order.

(b) At the time that the results are disclosed to the victim or the victim's legal guardian, or to the parent or legal guardian of a victim if the victim is a minor, the same immediate opportunity for face-to-face counseling which must be made available under s. 381.004(3)(e) to those who undergo HIV testing shall also be afforded to the victim or the victim's legal guardian, or to the parent or legal guardian of the victim if the victim is a minor.

(4) POSTCONVICTION TESTING.—If, for any reason, the testing requested under subsection (2) has not been undertaken, then upon request of the victim or the victim's legal guardian, or the parent or legal guardian of the victim if the victim is a minor, the court shall order the offender to undergo HIV testing following conviction or delinquency adjudication. The testing shall be performed under the direction of the Department of Health ~~and Rehabilitative Services~~, and the results shall be disclosed in accordance with the provisions of subsection (3).

(5) EXCEPTIONS.—The provisions of subsections (2) and (4) do not apply if:

(a) The person ~~charged with or convicted of or~~ alleged ~~by petition for delinquency~~ to have committed ~~or been adjudicated delinquent for~~ an offense described in subsection (2) has undergone HIV testing voluntarily or pursuant to procedures established in s. 381.004(3)(i)6. or s. 951.27, or any other applicable law or rule providing for HIV testing of

criminal defendants, inmates, or juvenile offenders, subsequent to his arrest, conviction, or delinquency adjudication for the offense for which he was ~~charged or~~ alleged ~~by petition for delinquency~~ to have committed; and

(b) The results of such HIV testing have been furnished to the victim or the victim's legal guardian, or the parent or legal guardian of the victim if the victim is a minor.

(6) TESTING DURING INCARCERATION, DETENTION, OR PLACEMENT; DISCLOSURE.—In any case in which a person convicted of or adjudicated delinquent for an offense described in subsection (2) has not been tested under subsection (2), but undergoes HIV testing during his incarceration, detention, or placement, the results of the initial HIV testing shall be disclosed in accordance with the provisions of subsection (3). Except as otherwise requested by the victim or the victim's legal guardian, or the parent or guardian of the victim if the victim is a minor, if the initial test is conducted within the first year of the imprisonment, detention, or placement, the request for disclosure shall be considered a standing request for any subsequent HIV test results obtained within 1 year after the initial HIV test performed, and need not be repeated for each test administration. Where the inmate or juvenile offender has previously been tested pursuant to subsection (2) the request for disclosure under this subsection shall be considered a standing request for subsequent HIV results conducted within 1 year of the test performed pursuant to subsection (2). If the HIV testing is performed by an agency other than the Department of Health ~~and Rehabilitative Services~~, that agency shall be responsible for forwarding the test results to the Department of Health ~~and Rehabilitative Services~~ for disclosure in accordance with the provisions of subsection (3). This subsection shall not be limited to results of HIV tests administered subsequent to June 27, 1990, but shall also apply to the results of all HIV tests performed on inmates convicted of or juvenile offenders adjudicated delinquent for sex offenses as described in subsection (2) during their incarceration, detention, or placement prior to June 27, 1990.

Section 26. For the purpose of incorporating the amendments to section 960.003, Florida Statutes, 1996 Supplement, in references thereto, paragraphs (g) and (i) of subsection (3) of section 381.004, Florida Statutes, 1996 Supplement, are reenacted to read:

381.004 Testing for human immunodeficiency virus.—

(3) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.—

(g) Except as provided in this section, the identity of a person upon whom a test has been performed is confidential and exempt from the provisions of s. 119.07(1). No person to whom the results of a test have been disclosed may disclose the test results to another person except as authorized by this subsection and by ss. 951.27 and 960.003. Whenever disclosure is made pursuant to this subsection, it shall be accompanied by a statement in writing which includes the following or substantially similar language: "This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of such information without the specific written consent of the person to whom such information pertains, or as otherwise permitted by state law. A general authorization for the release of medical or other information is NOT sufficient for this purpose." An oral disclosure shall be accompanied by oral notice and followed by a written notice within 10 days, except that this notice shall not be required for disclosures made pursuant to subparagraphs (f)3. and 4.

(i) Notwithstanding the provisions of paragraph (a), informed consent is not required:

1. When testing for sexually transmissible diseases is required by state or federal law, or by rule including the following situations:

a. HIV testing pursuant to s. 796.08 of persons convicted of prostitution or of procuring another to commit prostitution.

b. Testing for HIV by a medical examiner in accordance with s. 406.11.

2. Those exceptions provided for blood, plasma, organs, skin, semen, or other human tissue pursuant to s. 381.0041.

3. For the performance of an HIV-related test by licensed medical personnel in bona fide medical emergencies when the test results are necessary for medical diagnostic purposes to provide appropriate emergency care or treatment to the person being tested and the patient is unable to consent, as supported by documentation in the medical record. Posttest counseling is required.

4. For the performance of an HIV-related test by licensed medical personnel for medical diagnosis of acute illness where, in the opinion of the attending physician, obtaining informed consent would be detrimental to the patient, as supported by documentation in the medical record, and the test results are necessary for medical diagnostic purposes to provide appropriate care or treatment to the person being tested. Posttest counseling is required if it would not be detrimental to the patient. This subparagraph does not authorize the routine testing of patients for HIV infection without informed consent.

5. When HIV testing is performed as part of an autopsy for which consent was obtained pursuant to s. 872.04.

6. For the performance of an HIV test upon a defendant pursuant to the victim's request in a prosecution for any type of sexual battery where a blood sample is taken from the defendant voluntarily, pursuant to court order for any purpose, or pursuant to the provisions of s. 775.0877, s. 951.27, or s. 960.003; however, the results of any HIV test performed shall be disclosed solely to the victim and the defendant, except as provided in ss. 775.0877, 951.27, and 960.003.

7. When an HIV test is mandated by court order.

8. For epidemiological research pursuant to s. 381.0032, for research consistent with institutional review boards created by 45 C.F.R. part 46, or for the performance of an HIV-related test for the purpose of research, if the testing is performed in a manner by which the identity of the test subject is not known and may not be retrieved by the researcher.

9. When human tissue is collected lawfully without the consent of the donor for corneal removal as authorized by s. 732.9185 or enucleation of the eyes as authorized by s. 732.919.

10. For the performance of an HIV test upon an individual who comes into contact with medical personnel in such a way that a significant exposure has occurred during the course of employment or within the scope of practice and where a blood sample is taken from that individual voluntarily by medical personnel for other purposes. "Medical personnel" includes a licensed or certified health care professional; an employee of a health care professional, health care facility, or blood bank; and a paramedic or emergency medical technician as defined in s. 401.23.

a. Prior to performance of an HIV test on a voluntarily obtained blood sample, the individual from whom the blood was obtained shall be requested to consent to the performance of the test and to the release of the results. The individual's refusal to consent and all information concerning the performance of an HIV test and any HIV test result shall be documented only in the medical personnel's record unless the individual gives written consent to entering this information on the individual's medical record.

b. Reasonable attempts to locate the individual and to obtain consent shall be made and all attempts must be documented. If the individual cannot be found, an HIV test may be conducted on the available blood sample. If the individual does not voluntarily consent to the performance of an HIV test, the individual shall be informed that an HIV test will be performed, and counseling shall be furnished as provided in this section. However, HIV testing shall be conducted only after a licensed physician documents, in the medical record of the medical personnel, that there has been a significant exposure and that, in the physician's medical judgment, the information is medically necessary to determine the course of treatment for the medical personnel.

c. Costs of any HIV test of a blood sample performed with or without the consent of the individual, as provided in this subparagraph, shall be borne by the medical personnel or the employer of the medical personnel. However, costs of testing or treatment not directly related to the initial HIV tests or costs of subsequent testing or treatment shall not be borne by the medical personnel or the employer of the medical personnel.

d. In order to utilize the provisions of this subparagraph, the medical personnel must either be tested for HIV pursuant to this section or provide the results of an HIV test taken within 6 months prior to the significant exposure if such test results are negative.

e. A person who receives the results of an HIV test pursuant to this subparagraph shall maintain the confidentiality of the information received and of the persons tested. Such confidential information is exempt from s. 119.07(1).

11. For the performance of an HIV test upon an individual who comes into contact with medical personnel in such a way that a significant exposure has occurred during the course of employment or within the scope of practice of the medical personnel while the medical personnel provides emergency medical treatment to the individual; or who comes into contact with nonmedical personnel in such a way that a significant exposure has occurred while the nonmedical personnel provides emergency medical assistance during a medical emergency. For the purposes of this subparagraph, a medical emergency means an emergency medical condition outside of a hospital or health care facility that provides physician care. The test may be performed only during the course of treatment for the medical emergency.

a. An individual who is capable of providing consent shall be requested to consent to an HIV test prior to the testing. The individual's refusal to consent, and all information concerning the performance of an HIV test and its result, shall be documented only in the medical personnel's record unless the individual gives written consent to entering this information on the individual's medical record.

b. HIV testing shall be conducted only after a licensed physician documents, in the medical record of the medical personnel or nonmedical personnel, that there has been a significant exposure and that, in the physician's medical judgment, the information is medically necessary to determine the course of treatment for the medical personnel or nonmedical personnel.

c. Costs of any HIV test performed with or without the consent of the individual, as provided in this subparagraph, shall be borne by the medical personnel or the employer of the medical personnel or nonmedical personnel. However, costs of testing or treatment not directly related to the initial HIV tests or costs of subsequent testing or treatment shall not be borne by the medical personnel or the employer of the medical personnel or nonmedical personnel.

d. In order to utilize the provisions of this subparagraph, the medical personnel or nonmedical personnel shall be tested for HIV pursuant to this section or shall provide the results of an HIV test taken within 6 months prior to the significant exposure if such test results are negative.

e. A person who receives the results of an HIV test pursuant to this subparagraph shall maintain the confidentiality of the information received and of the persons tested. Such confidential information is exempt from s. 119.07(1).

12. For the performance of an HIV-related test medically indicated by licensed medical personnel for medical diagnosis of a hospitalized infant as necessary to provide appropriate care and treatment of the infant when, after a reasonable attempt, a parent cannot be contacted to provide consent. The medical records of the infant shall reflect the reason consent of the parent was not initially obtained. Test results and posttest counseling shall be provided to the parent when the parent is located.

Section 27. For the purpose of incorporating the amendments to section 960.003, Florida Statutes, 1996 Supplement, in references thereto, subsection (2) of section 775.0877, Florida Statutes, 1996 Supplement, is reenacted and amended to read:

775.0877 Criminal transmission of HIV; procedures; penalties.—

(2) The results of the HIV test must be disclosed under the direction of the Department of Health ~~and Rehabilitative Services~~, to the offender who has been convicted of or pled nolo contendere or guilty to an offense specified in subsection (1), the public health agency of the county in which the conviction occurred and, if different, the county of residence of the offender, and, upon request pursuant to s. 960.003, to the victim or the victim's legal guardian, or the parent or legal guardian of the victim if the victim is a minor.

Section 28. For the purpose of incorporating the amendments to section 960.003, Florida Statutes, 1996 Supplement, in references thereto, subsection (2) of section 951.27, Florida Statutes, 1996 Supplement, is reenacted and amended to read:

951.27 Blood tests of inmates.—

(2) Except as otherwise provided in this subsection, serologic blood test results obtained pursuant to subsection (1) are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, such results may be provided to employees or officers of the sheriff or chief correctional officer who are responsible for the custody and care of the affected inmate and have a need to know such information, and as provided in ss. 775.0877 and 960.003. In addition, upon request of the victim or the victim's legal guardian, or the parent or legal guardian of the victim if the victim is a minor, the results of any HIV test performed on an inmate who has been arrested for any sexual offense involving oral, anal, or vaginal penetration by, or union with, the sexual organ of another, shall be disclosed to the victim or the victim's legal guardian, or to the parent or legal guardian of the victim if the victim is a minor. In such cases, the county or municipal detention facility shall furnish the test results to the Department of Health ~~and Rehabilitative Services~~, which is responsible for disclosing the results to public health agencies as provided in s. 775.0877 and to the victim or the victim's legal guardian, or the parent or legal guardian of the victim if the victim is a minor, as provided in s. 960.003(3).

Section 29. Subsection (2) of section 384.34, Florida Statutes, 1996 Supplement, is amended to read:

384.34 Penalties.—

(2) Any person who violates the provisions of s. 384.26 or s. 384.29 commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. *Notwithstanding any other provision of law, a first offense for violation of s. 384.29 is subject to a monetary penalty of $5,000, and a second offense is subject to a monetary penalty of $10,000, as provided in s. 775.083(1)(g).*

Section 30. This act shall take effect July 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to law enforcement; amending s. 943.03, F.S.; requiring the Department of Law Enforcement to develop and maintain, in consultation with the Criminal and Juvenile Justice Information Systems Council, an information system in administrative support of the state criminal and juvenile justice system; amending s. 20.315, F.S.; providing for maintenance by the Department of Corrections of an offender-based information system; amending s. 20.316, F.S.; conforming terminology relating to development by the Department of Juvenile Justice of a juvenile justice information system; removing a provision requiring a report by the department to the council; amending s. 186.022, F.S., relating to state agency strategic plans; providing for review by the Executive Office of the Governor of recommendations of the council; conforming a cross-reference; amending s. 216.0445, F.S.; providing that the executive director shall consider any findings and recommendations made by the council; conforming terminology; amending s. 282.1095, F.S., relating to the state agency law enforcement radio system; reducing the membership of the Joint Task Force on State Agency Law Enforcement Communications to eliminate a representative of the council; amending s. 282.111, F.S., relating to the statewide system of regional law enforcement communications; removing a provision requiring certain consultation by the Division of Communications with the council; amending s. 943.08, F.S.; deleting obsolete provisions; requiring the council to review proposed plans and policies for the information system of the specified agencies to assist in facilitating the standardization, sharing, and coordination of criminal and juvenile justice data and other specified data; requiring the council to make recommendations to specified agencies; requiring recommendations regarding the installation and operation of the Florida Criminal Justice Intranet Service Network, of which the department will be the custodial manager, and specifying its functions; requiring recommendations concerning the participation of specified entities in the Intranet Service Network; requiring recommendations concerning installation and operation of such a statewide network in each judicial circuit; providing legislative intent that future equipment capable of certain technologies within the specified entities be compatible with certain standards; amending s. 943.10,

F.S.; prohibiting an auxiliary certified correctional officer from directly supervising inmates without accompaniment by a fully certified officer; defining the terms "part-time correctional probation officer," "diverse population," and "criminal justice executive" with respect to specified provisions in ch. 943; amending s. 943.13, F.S., relating to officers' minimum qualifications for employment or appointment; clarifying that such qualifications apply to full-time, part-time, and auxiliary correctional or correctional probation officers; providing that such qualifications apply to correctional officers employed by the Correctional Privatization Commission; providing that applicants for auxiliary officers are not required to take a certification examination; amending s. 943.131, F.S.; revising requirements for officers' temporary employment or appointment; amending s. 943.133, F.S.; revising criteria with respect to employing agency responsibility for compliance with employment requirements and background investigations; amending s. 943.139, F.S.; providing for electronic transmission of information in an officer's affidavit-of-separation form; amending s. 943.1715, F.S.; revising provisions relating to basic skills training of officers; providing for basic skills training relating to diverse populations; deleting provisions regarding racial and ethnic minorities; amending s. 943.1716, F.S.; providing for continued employment training relating to diverse populations; deleting provisions regarding racial and ethnic minorities; amending s. 943.175, F.S.; revising certain requirements with respect to approval or recording of specialized training programs or courses; amending s. 943.1755, F.S., relating to the Florida Criminal Justice Executive Institute; providing legislative finding and authority of the institute relating to improvement of law enforcement interaction in communities of diverse population; removing certain definitions; amending s. 943.1757, F.S.; providing for skills training of criminal justice executives relating to diverse populations; deleting provisions regarding racial and ethnic minorities; revising duties of the policy board of the institute, to conform; amending s. 943.1758, F.S.; providing for curriculum revision for diverse populations skills training; repealing s. 775.0121, F.S., relating to a continuous revision cycle of criminal penalties; amending s. 790.174, F.S.; revising requirements for the safe storage of firearms; amending s. 112.532, F.S.; providing requirements with respect to recordings made during the formal interrogation of a law enforcement officer or correctional officer; amending s. 112.533, F.S.; providing rights of such officers to review their personnel files, attach a response, and receive a copy of certain material; amending s. 943.135, F.S.; allowing law enforcement officers who are also elected or appointed public officials to maintain certification in a special status while holding office; amending s. 960.003, F.S.; revising legislative intent and guidelines with respect to human immunodeficiency virus testing in connection with a criminal episode; revising criteria for persons subject to such testing to provide for testing under certain circumstances when probable cause exists that a person has committed an offense enumerated under specified provisions relating to criminal transmission of HIV; providing conforming language with respect to disclosures of results to the alleged offender and victim; reenacting s. 381.004(3)(g) and (i), F.S., relating to HIV testing, s. 775.0877(2), F.S., relating to criminal transmission of HIV, and s. 951.27(2), F.S., relating to blood tests of inmates, to incorporate the amendments to s. 960.003, F.S., in references thereto; amending s. 384.34, F.S.; providing additional monetary penalties for certain violations; providing an effective date.

Senator Silver moved the following amendment to **Amendment 2** which was adopted:

Amendment 2A (with title amendment)—On page 23, between lines 5 and 6, insert:

Section 20. Subsection (3) of section 943.25, Florida Statutes, is amended to read:

943.25 Criminal justice trust funds; source of funds; use of funds.—

(3) All courts created by Art. V of the State Constitution shall, in addition to any fine or other penalty, assess $3 as a court cost against every person convicted for violation of a state penal or criminal statute or convicted for violation of a municipal or county ordinance. However, such assessment shall not be imposed in addition to civil penalties provided in s. 318.18. Any person whose adjudication is withheld pursuant to the provisions of s. 318.14(9) or (10) shall also be assessed such cost. In addition, $3 from every bond estreature or forfeited bail bond related to such penal statutes or penal ordinances shall be forwarded to the Treasurer as described in this subsection. However, no such assessment may be made against any person convicted for violation of any state statute, municipal ordinance, or county ordinance relating to the parking of vehicles.

(a) All such costs collected by the courts shall be remitted to the Department of Revenue, in accordance with administrative rules adopted by the executive director of the Department of Revenue, for deposit in the Additional Court Cost Clearing Trust Fund and shall be earmarked to the Department of Law Enforcement and the Department of Community Affairs for distribution as follows:

1. Two dollars and seventy-five cents of each $3 assessment shall be deposited in the Criminal Justice Standards and Training Trust Fund, and the remaining 25 cents of each such assessment shall be deposited into the Operating Trust Fund and shall be disbursed to the Bureau of Public Safety Management of the Department of Community Affairs.

2. Ninety-two percent of the money distributed to the Additional Court Cost Clearing Trust Fund pursuant to s. 318.21 shall be earmarked to the Department of Law Enforcement for deposit in the Criminal Justice Standards and Training Trust Fund, and 8 percent of such money shall be deposited into the Operating Trust Fund and shall be disbursed to the Bureau of Public Safety Management of the Department of Community Affairs.

(b) The funds deposited in the Criminal Justice Standards and Training Trust Fund and the Operating Trust Fund may be invested. Any interest earned from investing such funds and any unencumbered funds remaining at the end of the budget cycle shall *remain in the respective trust fund until the following year* ~~be deposited, for redistribution, in the Additional Court Cost Clearing Trust Fund. However, revenues generated from officer certification examination fees shall not revert to the Additional Court Cost Clearing Trust Fund and shall remain in the Criminal Justice Standards and Training Trust Fund~~.

(c) All funds in the Criminal Justice Standards and Training Trust Fund earmarked to the Department of Law Enforcement shall be disbursed only in compliance with subsection (10).

Section 21. Subsection (11) of section 318.18, Florida Statutes, 1996 Supplement, is amended to read:

318.18 Amount of civil penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 are as follows:

(11) Court costs which are to be in addition to the stated fine shall be imposed by the court in an amount not less than the following:

For pedestrian infractions . . . . . $ 3.
For nonmoving traffic infractions . . . . . $ 6.
For moving traffic infractions . . . . . $10.

In no event may court costs imposed under this subsection exceed $30. Court costs must include the costs provided in s. 943.25(3). A regional criminal justice assessment center or other local criminal justice access and assessment center may be funded from these court costs. Where a local ordinance is enacted pursuant to s. 943.25(13), $2 in court costs must be imposed for the purposes described in that subsection.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 43, line 22, after the semicolon (;) insert: amending s. 943.25, F.S., relating to criminal justice trust funds; revising guidelines relating to certain revenues generated from moneys in such trust funds; amending s. 318.18, F.S.; providing a limitation on court costs imposed for traffic offenses; requiring court costs to include a $3 court cost relating to officer training as provided; authorizing court costs for civil traffic offenses to be used to fund regional criminal justice assessment centers; authorizing a $2 court cost to be imposed for municipal and county law enforcement as provided if authorized by local ordinance;

Senator Turner moved the following amendment to **Amendment 2** which was adopted:

Amendment 2B (with title amendment)—On page 39, between lines 27 and 28, insert:

Section 30. Effective October 1, 1997, paragraphs (a) and (b) of subsection (2) of section 790.115, Florida Statutes, as amended by section 20 of Committee Substitute for House Bill 1309 and others, 2nd Engrossed, which was enacted by the 1997 Regular Session of the Florida Legislature, is amended to read:

790.115 Possessing or discharging weapons or firearms on school property prohibited; penalties; exceptions.—

(2)(a) A person shall not possess any firearm, electric weapon or device, destructive device, or other weapon, including a razor blade, box cutter, or knife *with a blade length greater than 4 inches*, except as authorized in support of school-sanctioned activities, on the property of any school, school bus, or school bus stop; however, a person may carry a firearm:

1. In a case to a firearms program, class or function which has been approved in advance by the principal or chief administrative officer of the school as a program or class to which firearms could be carried;

2. In a case to a vocational school having a firearms training range; or

3. In a vehicle pursuant to s. 790.25(5); except that school districts may adopt written and published policies that waive the exception in this subparagraph for purposes of student and campus parking privileges.

For the purposes of this section, "school" means any preschool, elementary school, middle school, junior high school, secondary school, vocational school, or postsecondary school, whether public or nonpublic.

(b) A person who willfully and knowingly possesses any electric weapon or device, destructive device, or other weapon, including a razor blade, box cutter, or knife *with a blade length greater than 4 inches*, except as authorized in support of school-sanctioned activities, in violation of this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(Renumber subsequent section.)

And the title is amended as follows:

On page 44, line 26, after the semicolon (;) insert: amending s. 790.115, F.S.; clarifying language with respect to a prohibition against possessing certain weapons on school property;

Amendment 2 as amended was adopted.

On motion by Senator Meadows, by two-thirds vote **CS for CS for SB 514** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Madam President

THE PRESIDENT PRESIDING

On motion by Senator Lee, by two-thirds vote **CS for HB's 845 and 1255** was withdrawn from the Committees on Regulated Industries; Criminal Justice; and Ways and Means.

On motion by Senator Lee—

CS for HB's 845 and 1255—A bill to be entitled An act relating to tobacco products; amending s. 20.165, F.S.; authorizing employees of the Division of Alcoholic Beverages and Tobacco who are certified as law enforcement officers to investigate, enforce, and prosecute certain violations relating to tobacco products; redesignating chapter 569, F.S., as "Tobacco Products"; amending and renumbering s. 859.06, F.S., to clarify language; providing increased penalty for a second or subsequent violation for illegally selling or giving tobacco products to certain persons; amending s. 569.002, F.S.; revising the definition of "tobacco products"; revising definition language to exclude certain classes of persons from definition of "under age 18"; creating s. 569.11, F.S.; making it unlawful for any person under age 18 to knowingly possess any tobacco product or to misrepresent age or military service to acquire or purchase any tobacco product; providing for civil citation and imposition of sanctions by court; providing for the disposition of fines; creating s. 569.12, F.S.; providing for jurisdiction and enforcement and local tobacco product enforcement officers; providing for enforcement by correctional probation officers; providing necessary information for civil citation form; amending ss. 569.003, 569.004, and 569.006, F.S.; clarifying language; renumbering and amending s. 859.061, F.S., relating to posting of signs to conform and clarify language; providing for instructional material; authorizing use of electronic or automated systems upon approval by the division; providing penalties; amending s. 569.007, F.S.; providing restrictions on the sale or delivery of tobacco products; providing exceptions; creating s. 569.0075, F.S.; prohibiting the gift of sample tobacco products to persons under the age of 18; providing for penalties; amending s. 569.008, F.S.; requiring tobacco products dealers to exercise diligent management and supervision in the management and supervision of their premises and in supervision and training of their employees, agents, or servants; conforming and clarifying language relating to responsible tobacco product dealers; amending s. 569.009, F.S.; conforming and clarifying language relating to rulemaking authority; amending s. 322.056, F.S.; providing for mandatory revocation or suspension of, or delay of eligibility for, drivers' licenses for persons under age 18 who commit noncriminal tobacco violations and fail to comply with corresponding sanctions; providing a suspended or revoked driver's license as a result of violation, shall not result in increased automobile insurance premiums or in assessment of points against person's driving record; creating s. 569.19, F.S.; providing for an annual report; requiring notification to licensees and permittees of the provisions included in this legislation; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for SB's 1964 and 1742** and read the second time by title.

SENATOR JENNE PRESIDING

THE PRESIDENT PRESIDING

On motion by Senator Lee, by two-thirds vote **CS for HB's 845 and 1255** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Madam President	Diaz-Balart	Jones	Myers
Bankhead	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Lee	Thomas
Clary	Harris	McKay	Turner
Cowin	Horne	Meadows	

Nays—6

Campbell	Hargrett	Ostalkiewicz	Williams
Dantzler	Holzendorf		

Vote after roll call:

Yea—Crist

Nay—Jenne

The Senate resumed consideration of—

SB 1906—A bill to be entitled An act relating to waiver of court costs for indigent persons; amending s. 57.081, F.S.; requiring that the certification of indigency for purposes of waiving court costs be based on an affidavit which certifies that no person has been paid or promised payment for services in connection with the action or proceeding; providing an effective date.

—which was previously considered and amended this day.

On motion by Senator Campbell, by two-thirds vote **SB 1906** 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

Madam President	Dantzler	Horne	Rossin
Bankhead	Diaz-Balart	Jones	Scott
Bronson	Dudley	Kirkpatrick	Silver
Burt	Dyer	Klein	Sullivan
Campbell	Forman	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—1

Ostalkiewicz

Vote after roll call:

Yea—Brown-Waite, Jenne

SPECIAL ORDER CALENDAR

Consideration of **CS for SB 2086** and **SB 1270** was deferred.

On motion by Senator Brown-Waite, by two-thirds vote **CS for CS for HB's 297 and 325** was withdrawn from the Committees on Health Care; Banking and Insurance; and Ways and Means.

On motion by Senator Brown-Waite—

CS for CS for HB's 297 and 325—A bill to be entitled An act relating to managed health care entities; amending s. 636.003, F.S.; providing an exemption from the definition of "prepaid limited health service organization"; amending s. 641.315, F.S.; prohibiting provider contracts from restricting a provider's ability to communicate certain information to subscribers; creating s. 641.316, F.S.; providing for regulation of fiscal intermediary services organizations; providing requirements and restrictions; requiring a bond; requiring registration with the Department of Insurance; providing exemptions; providing for rules; creating the Florida Commission on Integrated Health Care Delivery Systems; providing membership and duties; requiring recommendations to the Legislature; providing for future repeal; amending s. 641.47, F.S.; providing definitions; amending s. 641.495, F.S.; requiring designation of a licensed physician as medical director; amending s. 641.51, F.S.; requiring development of policies relating to out-of-network referrals; requiring written procedures for standing referrals for individuals who require ongoing specialty care for chronic and disabling conditions; requiring certain continued access to terminated treating providers for subscribers with a life-threatening or a disabling and degenerative condition, and for certain pregnant subscribers; providing limitations; requiring report to the Agency for Health Care Administration of access, quality of care, and customer satisfaction data; requiring publication of data; requiring adoption of certain recommendations and goals for preventive pediatric health care; amending s. 641.511, F.S.; specifying procedures, requirements, and timeframes for addressing subscriber grievances; requiring certain notice to subscribers; providing for review of adverse determinations; providing for certain referral to the Statewide Provider and Subscriber Assistance Program; providing for expedited review of urgent grievances; authorizing administrative sanctions for noncompliance with grievance procedure requirements; amending s. 641.54, F.S.; requiring disclosure to subscribers, upon request, of certain policies, procedures, and processes relating to authorization and referral for services, determination of medical necessity, quality of care, prescription drug benefits, confidentiality of medical records, approval or denial of experimental or investigational treatments, addressing the needs of non-English-speaking subscribers, and examining qualifications of and the credentialing of providers; requiring report to the agency of changes in authorization and referral criteria or the process used to determine medical necessity; providing effective dates.

—a companion measure, was substituted for **CS for SB 2066** and read the second time by title. On motion by Senator Brown-Waite, by two-thirds vote **CS for CS for HB's 297 and 325** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Dantzler	Jones	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Grant	Latvala	Thomas
Casas	Gutman	Lee	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Jenne

SENATOR BANKHEAD PRESIDING

CS for SB 2086—A bill to be entitled An act relating to juvenile justice; creating chapter 985, F.S., relating to certain juvenile proceedings; creating s. 985.01, F.S.; providing purposes and intent; creating s. 985.02, F.S.; providing legislative intent for the juvenile justice system; creating s. 985.03, F.S.; providing definitions; renumbering and amending s. 39.045, F.S., relating to oaths, records, and confidential information; creating s. 985.05, F.S.; providing for court records; renumbering and amending s. 39.0573, F.S., relating to statewide information sharing; renumbering s. 39.0574, F.S., relating to school district and law enforcement information sharing; renumbering and amending s. 39.0585, F.S., relating to information systems; renumbering and amending s. 39.022, F.S., relating to court jurisdiction; renumbering and amending s. 39.014, F.S., relating to legal representation for delinquency cases; renumbering and amending s. 39.041, F.S., relating to the right to counsel; renumbering s. 39.0476, F.S., relating to powers with respect to certain children; creating s. 985.205, F.S.; providing that hearings are open to the public; renumbering and amending s. 39.0515, F.S., relating to rights of victims; renumbering and amending s. 39.037, F.S., relating to taking a child into custody; renumbering and amending s. 39.064, F.S., relating to detention of furloughed children or escapees; renumbering s. 39.0471, F.S., relating to juvenile justice assessment centers; renumbering and amending s. 39.047, F.S., relating to intake and case management; renumbering and amending s. 39.038, F.S., relating to release or delivery from custody; renumbering and amending s. 39.039, F.S., relating to fingerprinting and photographing a minor; renumbering and amending s. 39.042, F.S., relating to the use of detention; renumbering s. 39.043, F.S., relating to prohibited uses of detention; renumbering and amending s. 39.044, F.S., relating to detention; transferring and renumbering s. 39.0145, F.S., relating to punishment for contempt of court; renumbering and amending s. 39.0445, F.S., relating to juvenile domestic violence offenders; renumbering s. 39.048, F.S., relating to petitions for delinquency; renumbering and amending s. 39.049, F.S., relating to process and service; renumbering and amending s. 39.0495, F.S., relating to threatening or dismissing employees; renumbering s. 39.073, F.S., relating to court and witness fees; renumbering s. 39.051, F.S., relating to answers to petitions; renumbering and amending s. 39.0517, F.S., relating to incompetency in juvenile delinquency cases; renumbering and amending s. 39.046, F.S., relating to medical, psychiatric, psychological, substance abuse, and educational examinations and treatment; creating s. 985.225, F.S.; providing for indictment of a juvenile; providing for sentencing; creating s. 985.226, F.S.; providing criteria for waiver of juvenile court jurisdiction; creating s. 985.227, F.S.; providing for prosecution of juveniles as adults; creating s. 985.228, F.S.; providing for adjudicatory hearings, withheld adjudications, and orders of adjudication; creating s. 985.229, F.S.; providing for predisposition reports; creating s. 985.23, F.S.; providing for disposition hearings in delinquency cases; creating s. 985.231, F.S.; providing powers of disposition in delinquency cases; renumbering s. 39.078, F.S., relating to commitment forms; creating s. 985.233, F.S.; providing dispositional powers and procedures and alternatives for juveniles prosecuted as adults; renumbering s. 39.069, F.S., relating to appeals; renumbering

s. 39.0711, F.S., relating to additional grounds for appeals by the state; renumbering s. 39.072, F.S., relating to orders or decisions when the state appeals; renumbering and amending s. 39.0255, F.S., relating to civil citations; renumbering s. 39.019, F.S., relating to teen courts; renumbering and amending s. 39.0361, F.S., relating to the Neighborhood Restorative Justice Act; renumbering and amending s. 39.026, F.S., relating to community arbitration; renumbering and amending s. 39.055, F.S., relating to early delinquency intervention; renumbering s. 39.0475, F.S., relating to delinquency pretrial intervention; renumbering s. 39.0551, F.S., relating to juvenile assignment centers; renumbering s. 39.0571, F.S., relating to juvenile sexual offender commitment programs; renumbering and amending s. 39.057, F.S., relating to boot camps for children; renumbering and amending s. 39.058, F.S., relating to serious or habitual juvenile offenders; renumbering and amending s. 39.0582, F.S., relating to intensive residential treatment; renumbering and amending s. 39.0583, F.S., relating to intensive residential treatment programs; renumbering s. 39.0581, F.S., relating to maximum-risk residential programs; renumbering and amending s. 39.0584, F.S., relating to commitment programs for juvenile felony offenders; renumbering and amending s. 39.05841, F.S., relating to vocational work training programs; renumbering s. 39.067, F.S., relating to furlough and intensive aftercare; renumbering and amending s. 39.003, F.S., relating to the Juvenile Justice Advisory Board; renumbering s. 39.085, F.S., relating to the Alternative Education Institute; renumbering s. 39.0572, F.S., relating to the Task Force on Juvenile Sexual Offenders and their Victims; renumbering and amending s. 39.021, F.S., relating to administering the juvenile justice continuum; creating s. 985.405, F.S.; requiring the Department of Juvenile Justice to adopt rules; renumbering s. 39.024, F.S., relating to juvenile justice training academies, the Juvenile Justice Standards and Training Commission, and the Juvenile Justice Training Trust Fund; renumbering s. 39.076, F.S., relating to contracting and personnel; renumbering s. 39.075, F.S., relating to consultants; creating s. 985.409, F.S.; providing for participation in the Florida Casualty Insurance Risk Management Trust Fund; renumbering s. 39.074, F.S., relating to facilities siting; renumbering and amending s. 39.0215, F.S., relating to county and municipal delinquency programs and facilities; creating s. 985.412, F.S.; providing for quality assurance; renumbering and amending s. 39.025, F.S., relating to district juvenile justice boards; creating s. 985.414, F.S.; providing for county juvenile justice councils; creating s. 985.415, F.S.; providing for county juvenile justice partnership grants; creating s. 985.416, F.S.; providing for innovation zones; renumbering s. 39.062, F.S., relating to transferring children from the Department of Corrections to the Department of Juvenile Justice; renumbering s. 39.063, F.S., relating to transferring children to other treatment services; renumbering s. 39.065, F.S., relating to contracts for the transfer of children under federal custody; renumbering s. 39.51, F.S., relating to the Interstate Compact on Juveniles; renumbering s. 39.511, F.S., relating to execution of the compact; renumbering s. 39.512, F.S., relating to the juvenile compact administrator; renumbering s. 39.513, F.S., relating to supplementary agreements; renumbering s. 39.514, F.S., relating to financial arrangements; renumbering s. 39.515, F.S., relating to responsibility of state departments, agencies, and officers; renumbering s. 39.516, F.S., relating to additional procedures with respect to the compact; creating s. 984.01, F.S.; providing purposes and intent with respect to children and families in need of services; creating s. 984.02, F.S.; providing legislative intent; creating s. 984.03, F.S.; providing definitions; renumbering and amending s. 39.42, F.S., relating to children in need of services and families in need of services; renumbering and amending s. 39.015, F.S., relating to rules relating to habitual truants; renumbering and amending s. 39.4451, F.S., relating to oaths, records, and confidential information; renumbering s. 39.447, F.S., relating to appointed counsel; renumbering and amending s. 39.017, F.S., relating to attorney's fees; creating s. 984.09, F.S.; providing for punishment for contempt of court; renumbering and amending s. 39.423, F.S., relating to intake of children; renumbering and amending s. 39.424, F.S., relating to services to families in need of services; renumbering s. 39.426, F.S., relating to staffing for treatment and services to families in need of services; renumbering and amending s. 39.421, F.S., relating to taking certain children into custody; renumbering and amending s. 39.422, F.S., relating to shelter placement of certain children; renumbering and amending s. 39.436, F.S., relating to petitions for children in need of services; renumbering s. 39.437, F.S., relating to process and service; renumbering s. 39.438, F.S., relating to response to petition and representation of parties; renumbering s. 39.4431, F.S., relating to referral of children-in-need-of-services cases to mediation; renumbering and amending s. 39.446, F.S., relating to examination and treatment of certain children; renumbering s. 39.44, F.S., relating to hearings for children-in-need-of-services cases; renumbering s. 39.441, F.S., relating to orders of adjudication; renumbering and amending s. 39.442, F.S., relating to powers of disposition; renumbering s. 39.4375, F.S., relating to court and witness fees; renumbering s. 39.4441, F.S., relating to appeals; amending s. 39.01, F.S.; revising definitions applicable to ch. 39, F.S.; repealing ss. 39.0205, 39.0206, F.S., relating to a short title and a definition; renumbering s. 39.061, F.S., relating to escapes from detention or residential commitment facilities; repealing s. 39.419, F.S., relating to a definition; repealing ss. 39.027, 39.028, 39.029, 39.033, 39.034, 39.035, 39.036, F.S., relating to community arbitration, which provisions are otherwise incorporated into this act; repealing ss. 39.052, 39.053, 39.054, 39.059, F.S., relating to adjudicatory hearings, adjudication, powers of disposition, and community control or commitment of children prosecuted as adults, which provisions are otherwise incorporated into this act; repealing ss. 39.05842, 39.05843, 39.05844, 39.05845, F.S., relating to vocational/work programs, which provisions are otherwise incorporated into this act; repealing s. 39.056, F.S., relating to early delinquency intervention, which provision is otherwise incorporated into this act; amending s. 39.002, F.S.; providing legislative intent for the juvenile justice system; amending s. 39.012, F.S.; providing for the Department of Children and Family Services to adopt rules; designating and naming parts of ch. 985, F.S.; providing legislative intent with respect to other acts; providing an effective date.

—was read the second time by title.

Senator Horne moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *(1) Section 39.085, Florida Statutes, is repealed.*

(2) The programs, activities, contractual rights, obligations, functions, records, property, and unexpended balances of appropriations, allocations, and all other funds including public education capital outlay funds on deposit, under the control of the Alternative Education Institute, are hereby transferred by a type two transfer to the Department of Education.

(3) Specific Appropriation 2012A in chapter 94-357, Laws of Florida, which funds the Griff-Mills high-risk residential program and maximum-risk residential construction program is de-authorized and no further state funds shall be expended or disbursed for it.

(4) The Department of Education is directed to make a report and recommendation, no later than September 30, 1997, to the Governor, Speaker of the Florida House of Representatives, and the President of the Florida Senate, for alternative uses of the real property acquired in conjunction with the Adam Paine Academy project in Hillsborough County. The Department of Education has priority as the ultimate user.

(5) Each contractor, subcontractor, and materialman seeking compensation for damages must provide the Attorney General with reasonable proof of eligibility and proof of the extent of damages incurred directly by reason of the de-authorization of this project. The Attorney General is directed to determine eligible claimants, within 6 months of the effective date of this act, or December 31, 1997, whichever is later. Upon receipt of reasonable proof of eligibility and extent of damages, the Attorney General shall make a report and recommendation to the President of the Senate and Speaker of the House of Representatives, for consideration of payment of said claims from funds appropriated by the next session of the Legislature.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to education; repealing s. 39.085, F.S., relating to Alternative Education Institute; transferring its functions by a type two transfer to the Department of Education; de-authorizing the Adam Paine Academy project; providing for compensation of contractors, subcontractors, and materialmen; providing an effective date.

On motion by Senator Horne, by two-thirds vote **CS for SB 2086** 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

Bankhead	Dudley	Jenne	Ostalkiewicz
Brown-Waite	Dyer	Jones	Rossin
Campbell	Forman	Kirkpatrick	Scott
Casas	Grant	Klein	Silver
Childers	Gutman	Kurth	Sullivan
Clary	Hargrett	Latvala	Thomas
Cowin	Harris	Lee	Turner
Dantzler	Holzendorf	McKay	Williams
Diaz-Balart	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Bronson, Crist

THE PRESIDENT PRESIDING

Consideration of **CS for SB 2048** was deferred.

On motion by Senator Dyer, by two-thirds vote **CS for HB 433** was withdrawn from the Committees on Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Dyer—

CS for HB 433—A bill to be entitled An act relating to the Board of Professional Engineers; amending s. 471.011, F.S.; revising fees; creating s. 471.038, F.S.; providing legislative findings and intent; providing definitions; creating the Florida Engineers Management Corporation; providing for the organization, powers, and duties of the corporation; providing an appropriation; providing for review and repeal of s. 471.038; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 526** and read the second time by title.

Senator Dyer moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (3) and (5) of section 471.011, Florida Statutes, are amended to read:

471.011 Fees.—

(3) The initial license fee shall not exceed *$125* ~~$200~~.

(5) The biennial renewal fee shall not exceed *$125* ~~$150~~.

Section 2. Section 471.038, Florida Statutes, is created to read:

471.038 Florida Engineers Management Corporation.—

(1) This section may be cited as the "Florida Engineers Management Corporation Act."

(2) As used in this section, the term:

(a) "Board" means the Board of Professional Engineers.

(b) "Board of Directors" means the board of directors of the Florida Engineers Management Corporation.

(c) "Corporation" means the Florida Engineers Management Corporation.

(d) "Department" means the Department of Business and Professional Regulation.

(e) "Secretary" means the Secretary of Business and Professional Regulation.

(3)(a) It is the finding of the Legislature that the privatization of certain functions that are performed by the department for the board will encourage greater operational and economic efficiency and, therefore, will benefit regulated persons and the public.

(b) It is the intent of the Legislature that a single nonprofit corporation be established to provide administrative, investigative, and prosecutorial services to the board and that no additional nonprofit corporation be created for these purposes.

(c) It is further the intent of the Legislature that the corporation assume, by July 1, 1998, all duties assigned to it.

(4) The Florida Engineers Management Corporation is created to provide administrative, investigative, and prosecutorial services to the board in accordance with the provisions of chapters 455 and 471. The corporation may hire staff as necessary to carry out its functions. Such staff are not public employees for the purposes of chapter 110 or chapter 112. The provisions of s. 768.28 apply to the corporation, which is deemed to be a corporation primarily acting as an instrumentality of the state, but which is not an agency within the meaning of s. 20.03(11). The corporation shall:

(a) Be a Florida corporation not-for-profit, incorporated under the provisions of chapter 617.

(b) Provide administrative, investigative, and prosecutorial services to the board in accordance with the provisions of chapters 455 and 471.

(c) Receive, hold, and administer property and make expenditures for the benefit of the board.

(d) Be approved by the board and the department to operate for the benefit of the board and in the best interest of the state.

(e) Operate under a fiscal year that begins on July 1 of each year and ends on June 30 of the following year.

(f) Have a seven-member board of directors, five of whom are to be appointed by the board and must be registrants regulated by the board and two of whom are to be appointed by the secretary and must be lay persons not regulated by the board. The corporation shall select its officers in accordance with its bylaws. The members of the board of directors may be removed by the board, with the concurrence of the department, for the same reasons that a board member may be removed.

(g) Operate under a written contract with the department which is approved by the board and renewed annually. The initial contract must be entered into no later than March 1, 1998. The contract must provide for:

1. Approval of the articles of incorporation and bylaws of the corporation by the department and the board.

2. Submission by the corporation of an annual budget that complies with board rules for approval by the board and the department.

3. Annual certification by the board and the department that the corporation is complying with the terms of the contract in a manner consistent with the goals and purposes of the board and in the best interest of the state. This certification must be reported in the board's minutes.

4. Employment by the department of a contract administrator to actively supervise the administrative, investigative, and prosecutorial activities of the corporation to ensure compliance with the contract and the provisions of chapters 455 and 471 and to act as a liaison for the department, the board, and the corporation to ensure the effective operation of the corporation.

5. Funding of the corporation through appropriations allocated to the regulation of professional engineers from the Professional Regulation Trust Fund.

6. The reversion to the board, or the state if the board ceases to exist, of moneys and property held in trust by the corporation for the benefit of the board, if the corporation is no longer approved to operate for the board or the board ceases to exist.

7. The securing and maintaining by the corporation, during the term of the contract and for all acts performed during the term of the contract, of all liability insurance coverages in an amount to be approved by the

department to defend, indemnify, and hold harmless the corporation and its officers and employees, the department and its employees, and the state against all claims arising from state and federal laws. Such insurance coverage must be with insurers qualified and doing business in the state. The corporation must provide proof of insurance to the department. The department and its employees and the state are exempt from and are not liable for any sum of money which represents a deductible, which sums shall be the sole responsibility of the corporation. Violation of this subparagraph shall be grounds for terminating the contract.

(h) Provide for an annual financial and compliance audit of its financial accounts and records by an independent certified public accountant in conjunction with the Auditor General. The annual audit report must be submitted to the board and the department for review and approval. Copies of the audit must be submitted to the secretary and the Legislature together with any other information requested by the secretary, the board, or the Legislature.

(i) Submit to the secretary, the board, and the Legislature, on or before January 1 of each year, a report on the status of the corporation which includes, but is not limited to, information concerning the programs and funds that have been transferred to the corporation. The report must include: the number of license applications received; the number approved and denied and the number of licenses issued; the number of examinations administered and the number of applicants who passed or failed the examination; the number of complaints received; the number determined to be legally sufficient; the number dismissed; the number determined to have probable cause; the number of administrative complaints issued and the status of the complaints; and the number and nature of disciplinary actions taken by the board.

(5) The corporation may not exercise any authority specifically assigned to the board under chapter 455 or chapter 471, including determining probable cause to pursue disciplinary action against a licensee, taking final action on license applications or in disciplinary cases, or adopting administrative rules under chapter 120.

(6) The department shall retain the independent authority to open, investigate, or prosecute any cases or complaints, as necessary to protect the public health, safety, or welfare. In addition, the department shall retain sole authority to issue emergency suspension or restriction orders pursuant to s. 120.60 and to prosecute unlicensed activity cases pursuant to ss. 455.228 and 455.2281.

(7) Corporation records are public records subject to the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution; however, public records exemptions set forth in ss. 455.217 and 455.229 for records created or maintained by the department shall apply to records created or maintained by the corporation. The exemptions set forth in s. 455.225, relating to complaints and information obtained pursuant to an investigation by the department, shall apply to such records created or obtained by the corporation only until an investigation ceases to be active. For the purposes of this subsection, an investigation is considered active so long as the corporation or any law enforcement or administrative agency is proceeding with reasonable dispatch and has a reasonable, good-faith belief that it may lead to the filing of administrative, civil, or criminal proceedings. An investigation ceases to be active when the case is dismissed prior to a finding of probable cause and the board has not exercised its option to pursue the case or 10 days after the board makes a determination regarding probable cause. All information, records, and transcriptions regarding a complaint that has been determined to be legally sufficient to state a claim within the jurisdiction of the board become available to the public when the investigation ceases to be active, except information that is otherwise confidential or exempt from s. 119.07(1). However, in response to an inquiry about the licensure status of an individual, the corporation shall disclose the existence of an active investigation if the nature of the violation under investigation involves the potential for substantial physical or financial harm to the public. The board shall designate by rule those violations that involve the potential for substantial physical or financial harm. The department and the board shall have access to all records of the corporation, as necessary to exercise their authority to approve and supervise the contract.

(8) The Office of Program Policy Analysis and Governmental Accountability within the Office of the Auditor General shall conduct a performance audit of the corporation for the period beginning January 1, 1998, through January 1, 2000, and thereafter at the request of the Joint Legislative Auditing Committee.

Section 3. *If any provision of section 471.038, Florida Statutes, is held to be unconstitutional or is held to violate the state or federal antitrust laws, the following shall occur:*

(1) The corporation shall cease and desist from exercising any powers and duties enumerated in the act.

(2) The Department of Business and Professional Regulation shall resume the performance of such activities. The department shall regain and receive, hold, invest, and administer property and make expenditures for the benefit of the board.

(3) The Executive Office of the Governor, notwithstanding chapter 216, Florida Statutes, is authorized to reestablish positions, budget authority, and salary rate necessary to carry out the department's responsibilities related to the regulation of professional engineers.

Section 4. *In addition to moneys appropriated for the operation of the State Board of Professional Engineers, the sum of $646,000 is appropriated from the account of the State Board of Professional Engineers in the Professional Regulation Trust Fund to the Department of Business and Professional Regulation, of which $586,000 shall be released to the Florida Engineers Management Corporation as needed for start-up costs and $60,000 shall be used to fund one O.P.S. position to assist with preparing the contract required by section 471.038, Florida Statutes.*

Section 5. This act shall take effect July 1, 1997, but section 471.038, Florida Statutes, shall stand repealed on October 1, 2000. The Legislature shall review the effect of this act in the regular session immediately prior to the repeal date.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Board of Professional Engineers; amending s. 471.011, F.S.; revising fees; creating s. 471.038, F.S.; providing legislative findings and intent; providing definitions; creating the Florida Engineers Management Corporation; providing for the organization, powers, and duties of the corporation; providing an appropriation; providing for review and repeal of s. 471.038; providing an effective date.

On motion by Senator Dyer, by two-thirds vote **CS for HB 433** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Dantzler	Horne	Myers
Bankhead	Diaz-Balart	Jenne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	
Crist	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Burt, Sullivan

On motion by Senator Sullivan, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 858, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 858—A bill to be entitled An act relating to education; establishing the Florida Bright Futures Scholarship Program; providing levels of award; providing for administration and funding; providing student eligibility and program requirements; providing for awards; providing requirements for qualification for a Florida Academic Scholars award, a Florida Merit Scholarship award, and a Florida Gold Seal Vocational Endorsement Scholarship award; providing a transition in eligibility for scholarship awards; amending s. 24.121, F.S.; providing for funding of the Florida Bright Futures Scholarship Program from the Educational Enhancement Trust Fund; repealing ss. 232.2465, 239.217, 240.402, 240.4021, and 240.4024, F.S., relating to the Florida Academic Scholars' Certificate Program, the Florida Gold Seal Vocational Endorsement Program, the Florida Undergraduate Scholars' Program, the Vocational Gold Seal Endorsement Scholarship Program, and the Florida Postsecondary Tuition Program; amending ss. 240.233, 232.246, 240.404, and 240.40242, F.S.; conforming cross-references and provisions; providing an effective date.

House Amendment 1—On page 10, between lines 19 and 20, of the bill, insert:

Effective with the 1998-1999 school year, a student must complete a program of community service work, as approved by the district school board or the administrators of a nonpublic school, which shall include a minimum of 75 hours of service work and require the student to identify a social problem that interests him or her, develop a plan for his or her personal involvement in addressing the problem, and, through papers or other presentations, evaluate and reflect upon his or her experience.

On motion by Senator Sullivan, the Senate concurred in the House amendment.

CS for CS for SB 858 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Madam President	Crist	Holzendorf	Myers
Bronson	Dantzler	Horne	Ostalkiewicz
Brown-Waite	Dudley	Jenne	Rossin
Burt	Dyer	Jones	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Lee	Thomas
Clary	Hargrett	McKay	Turner
Cowin	Harris	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Diaz-Balart

SPECIAL ORDER CALENDAR, continued

The Senate resumed consideration of—

SB 1270—A bill to be entitled An act relating to hospital licensing and regulation; amending s. 395.0163, F.S.; requiring certain outpatient facilities to submit plans and specifications for agency review; exempting certain outpatient facilities that meet specified standards from certain construction reviews; providing exceptions; amending s. 395.1055, F.S.; requiring the Agency for Health Care Administration to adopt rules related to construction requirements for new facilities or additions to existing facilities; providing an effective date.

—with pending **Amendment 1** by Senator Bronson which was considered May 1.

Senator Gutman moved the following amendment to **Amendment 1**:

Amendment 1A—On page 1, lines 19-27, delete those lines and insert:

395.0164 Mobile surgical facilities.—A mobile surgical facility that has a contract with the Department of Corrections to provide medical services is exempt from the licensing and construction requirements of chapter 395.

Senator Klein moved the following substitute amendment for **Amendment 1A** which was adopted:

Amendment 1B—On page 1, lines 19-27, delete those lines and insert:

395.0164 Mobile surgical facilities.—A mobile surgical facility that has a contract with the Department of Corrections to provide medical services is exempt from the licensing and construction requirements of chapter 395. Any such mobile facility is restricted to providing medical services to Department of Corrections inmates.

Amendment 1 as amended was adopted.

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 3, between lines 2 and 3, insert:

Section 3. Paragraphs (b), (d), and (e) of subsection (2) and subsections (6) and (7) of section 20.42, Florida Statutes, 1996 Supplement, are amended to read:

20.42 Agency for Health Care Administration.—There is created the Agency for Health Care Administration within the Department of Business and Professional Regulation. The agency shall be a separate budget entity, and the director of the agency shall be the agency head for all purposes. The agency shall not be subject to control, supervision, or direction by the Department of Business and Professional Regulation in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.

(2) ORGANIZATION OF THE AGENCY.—The agency shall be organized as follows:

(b) The Division of Health Policy and Cost Control, which shall be responsible for health policy, the State Center for Health Statistics, the development of The Florida Health Plan, certificate of need, ~~hospital budget review,~~ state and local health planning under s. 408.033, and research and analysis.

~~(d) The Health Care Board, which shall be responsible for hospital budget review, nursing home financial analysis, and special studies as assigned by the secretary or the Legislature.~~

(d)~~(e)~~ The Division of Administrative Services, which shall be responsible for revenue management, budget, personnel, and general services.

~~(6) HEALTH CARE BOARD.—The Health Care Board shall be composed of 11 members appointed by the Governor, subject to confirmation by the Senate. The members of the board shall biennially elect a chairperson and a vice chairperson from its membership. The board shall be responsible for hospital budget review, nursing home financial review and analysis, and special studies requested by the Governor, the Legislature, or the director.~~

(6)~~(7)~~ DEPUTY DIRECTOR OF ADMINISTRATIVE SERVICES.—The director shall appoint a Deputy Director of Administrative Services who shall serve at the pleasure of, and be directly responsible to, the director. The deputy director shall be responsible for the Division of Administrative Services.

Section 4. Section 112.153, Florida Statutes, is amended to read:

112.153 Local governmental group insurance plans; refunds with respect to overcharges by providers.—A participant in a group insurance plan offered by a county, municipality, school board, local governmental unit, and special taxing unit, who discovers that he or she was overcharged by a hospital, physician, clinical lab, and other health care providers, shall receive a refund of 50 percent of any amount recovered as a result of such overcharge, up to a maximum of $1,000 per admission. All such instances of overcharge shall be reported to the *Agency for Health Care Administration* ~~Health Care Cost Containment Board~~ for action it deems appropriate.

Section 5. Subsections (1), (4), and (8) of section 154.304, Florida Statutes, are amended to read:

154.304 Definitions.—For the purpose of this act:

(1) *"Agency" means the Agency for Health Care Administration* ~~"Board" means the Health Care Board as established in chapter 408~~.

(4) "Charity care obligation" means the minimum amount of uncompensated charity care as reported to the *agency* ~~Health Care Cost Containment Board~~, based on the hospital's most recent audited actual experience, which must be provided by a participating hospital or a regional referral hospital before the hospital is eligible to be reimbursed by a county under the provisions of this act. That amount shall be the ratio of uncompensated charity care days compared to total acute care inpatient days, which shall be equal to or greater than 2 percent.

(8) "Participating hospital" means a hospital which is eligible to receive reimbursement under the provisions of this act because it has been certified by the *agency* ~~board~~ as having met its charity care obligation and has either:

(a) A formal signed agreement with a county or counties to treat such county's indigent patients; or

(b) Demonstrated to the *agency* ~~board~~ that at least 2.5 percent of its uncompensated charity care, as reported to the board, is generated by out-of-county residents.

Section 6. Paragraph (d) of subsection (4) and paragraph (c) of subsection (6) of section 212.055, Florida Statutes, 1996 Supplement, are amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(4) INDIGENT CARE SURTAX.—

(d) The ordinance adopted by the governing body providing for the imposition of the surtax shall set forth a plan for providing health care services to qualified residents, as defined in paragraph (e). Such plan and subsequent amendments to it shall fund a broad range of health care services for both indigent persons and the medically poor, including, but not limited to, primary care and preventive care as well as hospital care. It shall emphasize a continuity of care in the most cost-effective setting, taking into consideration both a high quality of care and geographic access. Where consistent with these objectives, it shall include, without limitation, services rendered by physicians, clinics, community hospitals, mental health centers, and alternative delivery sites, as well as at least one regional referral hospital where appropriate. It shall provide that agreements negotiated between the county and providers will include reimbursement methodologies that take into account the cost of services rendered to eligible patients, recognize hospitals that render a disproportionate share of indigent care, provide other incentives to promote the delivery of charity care, and require cost containment including, but not limited to, case management. It must also provide that any hospitals that are owned and operated by government entities on May 21, 1991, must, as a condition of receiving funds under this subsection, afford public access equal to that provided under s. 286.011 as to meetings of the governing board, the subject of which is budgeting resources for the rendition of charity care as that term is defined in the rules of the *Agency for Health Care Administration* ~~Health Care Cost Containment Board~~. The plan *must* ~~shall~~ also include innovative health care programs that provide cost-effective alternatives to traditional methods of service delivery and funding.

(6) SMALL COUNTY INDIGENT CARE SURTAX.—

(c) The ordinance adopted by the governing body providing for the imposition of the surtax shall set forth a brief plan for providing health care services to qualified residents, as defined in paragraph (d). Such plan and subsequent amendments to it shall fund a broad range of health care services for both indigent persons and the medically poor, including, but not limited to, primary care and preventive care as well as hospital care. It shall emphasize a continuity of care in the most cost-effective setting, taking into consideration both a high quality of care and geographic access. Where consistent with these objectives, it shall include, without limitation, services rendered by physicians, clinics, community hospitals, mental health centers, and alternative delivery sites, as well as at least one regional referral hospital where appropriate. It shall provide that agreements negotiated between the county and providers will include reimbursement methodologies that take into account the cost of services rendered to eligible patients, recognize hospitals that render a disproportionate share of indigent care, provide other incentives to promote the delivery of charity care, and require cost containment including, but not limited to, case management. It shall also provide that any hospitals that are owned and operated by government entities on May 21, 1991, must, as a condition of receiving funds under this subsection, afford public access equal to that provided under s. 286.011 as to meetings of the governing board, the subject of which is budgeting resources for the rendition of charity care as that term is defined in the rules of the *Agency for Health Care Administration* ~~Health Care Cost Containment Board~~. The plan *must* ~~shall~~ also include innovative health care programs that provide cost-effective alternatives to traditional methods of service delivery and funding.

Section 7. Paragraphs (a) and (b) of subsection (1) of section 395.401, Florida Statutes, are amended to read:

395.401 Trauma services system plans; verification of trauma centers and pediatric trauma referral centers; procedures; renewal.—

(1) As used in this part, the term:

(a) *"Agency" means the Agency for Health Care Administration* ~~"Board" means the Health Care Board~~.

(b) "Charity care" or "uncompensated charity care" means that portion of hospital charges reported to the *agency* ~~board~~ for which there is no compensation for care provided to a patient whose family income for the 12 months preceding the determination is less than or equal to 150 percent of the federal poverty level, unless the amount of hospital charges due from the patient exceeds 25 percent of the annual family income. However, in no case shall the hospital charges for a patient whose family income exceeds 4 times the federal poverty level for a family of four be considered charity.

Section 8. Subsections (1), (2), (3), and (4) of section 395.701, Florida Statutes, are amended to read:

395.701 Annual assessments on net operating revenues to fund public medical assistance; administrative fines for failure to pay assessments when due.—

(1) For the purposes of this section, the term:

(a) "Agency" means the Agency for Health Care Administration.

(b)~~(a)~~ "Gross operating revenue" or "gross revenue" means the sum of daily hospital service charges, ambulatory service charges, ancillary service charges, and other operating revenue.

~~(b) "Health Care Board" or "board" means the Health Care Board created by s. 20.42.~~

(c) "Hospital" means a health care institution as defined in s. 395.002(12), but does not include any hospital operated by the agency or the Department of Corrections.

(d) "Net operating revenue" or "net revenue" means gross revenue less deductions from revenue.

(e) "Total deductions from gross revenue" or "deductions from revenue" means reductions from gross revenue resulting from inability to collect payment of charges. Such reductions include bad debts; contractual adjustments; uncompensated care; administrative, courtesy, and policy discounts and adjustments; and other such revenue deductions, but also includes the offset of restricted donations and grants for indigent care.

(2) There is ~~hereby~~ imposed upon each hospital an assessment in an amount equal to 1.5 percent of the annual net operating revenue for each

hospital, such revenue to be determined by the *agency* ~~department~~, based on the actual experience of the hospital as reported to the *agency* ~~department~~. Within 6 months after the end of each hospital fiscal year, the *agency* ~~department~~ shall certify the amount of the assessment for each hospital. The assessment shall be payable to and collected by the *agency* ~~department~~ in equal quarterly amounts, on or before the first day of each calendar quarter, beginning with the first full calendar quarter that occurs after the *agency* ~~department~~ certifies the amount of the assessment for each hospital. All moneys collected pursuant to this subsection shall be deposited into the Public Medical Assistance Trust Fund.

(3) The *agency* ~~department~~ shall impose an administrative fine, not to exceed $500 per day, for failure of any hospital to pay its assessment by the first day of the calendar quarter on which it is due. The failure of a hospital to pay its assessment within 30 days after the assessment is due is ground for the *agency* ~~department~~ to impose an administrative fine not to exceed $5,000 per day.

(4) The purchaser, successor, or assignee of a facility subject to the *agency's* ~~board's~~ jurisdiction shall assume full liability for any assessments, fines, or penalties of the facility or its employees, regardless of when identified. Such assessments, fines, or penalties shall be paid by the employee, owner, or licensee who incurred them, within 15 days of the sale, transfer, or assignment. However, the purchaser, successor, or assignee of the facility may withhold such assessments, fines, or penalties from purchase moneys or payment due to the seller, transferor, or employee, and shall make such payment on behalf of the seller, transferor, or employee. Any employer, purchaser, successor, or assignee who fails to withhold sufficient funds to pay assessments, fines, or penalties arising under the provisions of chapter 408 shall make such payments within 15 days of the date of the transfer, purchase, or assignment. Failure by the transferee to make payments as provided in this subsection shall subject such transferee to the penalties and assessments provided in chapter 408. Further, in the event of sale, transfer, or assignment of any facility under the *agency's* ~~board's~~ jurisdiction, future assessments shall be based upon the most recently available prior year report or audited actual experience for the facility. It shall be the responsibility of the new owner or licensee to require the production of the audited financial data for the period of operation of the prior owner. If the transferee fails to obtain current audited financial data from the previous owner or licensee, the new owner shall be assessed based upon the most recent year of operation for which 12 months of audited actual experience are available or upon a reasonable estimate of 12 months of full operation as calculated by the *agency* ~~board~~.

Section 9. Subsection (3) of section 395.806, Florida Statutes, is amended to read:

395.806 Designation of family practice teaching hospitals.—

(3) The agency shall create a separate review category for family practice teaching hospitals for the purpose of review by the *agency* ~~Health Care Board~~.

Section 10. Subsection (2) of section 408.033, Florida Statutes, is amended to read:

408.033 Local and state health planning.—

(2) STATEWIDE HEALTH COUNCIL.—The Statewide Health Council is hereby established as a state-level comprehensive health planning and policy advisory board. For administrative purposes, the council shall be located within the agency. The Statewide Health Council shall be composed of: the State Health Officer; the Deputy Director for Health Policy and Cost Control and the Deputy Director for Health Quality Assurance of the *agency* ~~department~~; ~~the director of the Health Care Board;~~ the Insurance Commissioner or his designee; the Vice Chancellor for Health Affairs of the Board of Regents; three chairmen of regional planning councils, selected by the regional planning councils; five chairmen of local health councils, selected by the local health councils; four members appointed by the Governor, one of whom is a consumer over 60 years of age, one of whom is a representative of organized labor, one of whom is a physician, and one of whom represents the nursing home industry; five members appointed by the President of the Senate, one of whom is a representative of the insurance industry in this state, one of whom is the chief executive officer of a business with more than 300 employees in this state, one of whom represents the hospital industry, one of whom is a primary care physician, and one of whom is a nurse, and five members appointed by the Speaker of the House of Representatives, one of whom is a consumer who represents a minority group in this state, one of whom represents the home health care industry in this state, one of whom is an allied health care professional, one of whom is the chief executive officer of a business with fewer than 25 employees in this state, and one of whom represents a county social services program that provides health care services to the indigent. Appointed members of the council shall serve for 2-year terms commencing October 1 of each even-numbered year. The council shall elect a president from among the members who are not state employees. The Statewide Health Council shall:

(a) Advise the Governor, the Legislature, and the *agency* ~~department~~ on state health policy issues, state and local health planning activities, and state health regulation programs;

(b) Prepare a state health plan that specifies subgoals, quantifiable objectives, strategies, and resource requirements to implement the goals and policies of the health element of the State Comprehensive Plan. The plan must assess the health status of residents of this state; evaluate the adequacy, accessibility, and affordability of health services and facilities; assess government-financed programs and private health care insurance coverages; and address other topical local and state health care issues. Within 2 years after the health element of the State Comprehensive Plan is amended, and by July 1 of every 3rd year, if it is not amended, the Statewide Health Council shall submit the state health plan to the Executive Office of the Governor, the *director of the agency* ~~secretary of the department~~, the President of the Senate, and the Speaker of the House of Representatives;

(c) Promote public awareness of state health care issues and, in conjunction with the local health councils, conduct public forums throughout the state to solicit the comments and advice of the public on the adequacy, accessibility, and affordability of health care services in this state and other health care issues;

(d) Consult with local health councils, the Department of Insurance, the Department of Health and Rehabilitative Services, and other appropriate public and private entities, including health care industry representatives regarding the development of health policies;

(e) Serve as a forum for the discussion of local health planning issues of concern to the local health councils and regional planning councils;

(f) Review district health plans for consistency with the State Comprehensive Plan and the state health plan;

(g) Review the health components of agency functional plans for consistency with the health element of the State Comprehensive Plan, advise the Executive Office of the Governor regarding inconsistencies, and recommend revisions to agency functional plans to make them consistent with the State Comprehensive Plan;

(h) Review any strategic regional plans that address health issues for consistency with the health element of the State Comprehensive Plan, advise the Executive Office of the Governor regarding inconsistencies, and recommend revisions to strategic regional policy plans to make them consistent with the State Comprehensive Plan;

(i) Assist the Department of Community Affairs in the review of local government comprehensive plans to ensure consistency with policy developed in the district health plans;

(j) With the assistance of the local health councils, conduct public forums and use other means to determine the opinions of health care consumers, providers, payors, and insurers regarding the state's health care goals and policies and develop suggested revisions to the health element of the State Comprehensive Plan. The council shall submit the proposed revisions to the health element of the State Comprehensive Plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 1993, and shall widely circulate the proposed revisions to affected parties. The council shall periodically assess the progress made in achieving the goals and policies contained in the health element of the State Comprehensive Plan and report to the *agency* ~~department~~, the Governor, the President of the Senate, and the Speaker of the House of Representatives; and

(k) Conduct any other functions or studies and analyses falling under the duties listed above.

Section 11. Subsection (1), paragraphs (e) and (f) of subsection (3), subsection (6), and paragraphs (c) and (d) of subsection (7) of section 408.05, Florida Statutes, are amended to read:

408.05 State Center for Health Statistics.—

(1) ESTABLISHMENT.—The *agency* ~~department~~ shall establish a State Center for Health Statistics. The center shall establish a comprehensive health information system to provide for the collection, compilation, coordination, analysis, indexing, dissemination, and utilization of both purposefully collected and extant health-related data and statistics. The center shall be staffed with public health experts, biostatisticians, information system analysts, health policy experts, economists, and other staff necessary to carry out its functions.

(3) COMPREHENSIVE HEALTH INFORMATION SYSTEM.—In order to produce comparable and uniform health information and statistics, the agency shall perform the following functions:

(e) The *agency* ~~department~~ shall establish by rule the types of data collected, compiled, processed, used, or shared. Decisions regarding center data sets should be made based on consultation with the Comprehensive Health Information System Advisory Council and other public and private users regarding the types of data which should be collected and their uses.

(f) The center shall establish standardized means for collecting health information and statistics under laws and rules administered by the *agency* ~~department~~.

(6) PROVIDER DATA REPORTING.—This section does not confer on the *agency* ~~department~~ the power to demand or require that a health care provider or professional furnish information, records of interviews, written reports, statements, notes, memoranda, or data other than as expressly required by law.

(7) BUDGET; FEES; TRUST FUND.—

(c) The center may charge such reasonable fees for services as the *agency* ~~department~~ prescribes by rule. The established fees *may* ~~shall~~ not exceed the reasonable cost for such services. Fees collected may not be used to offset annual appropriations from the General Revenue Fund.

(d) The *agency* ~~department~~ shall establish a Comprehensive Health Information System Trust Fund as the repository of all funds appropriated to, and fees and grants collected for, services of the State Center for Health Statistics. Any funds, other than funds appropriated to the center from the General Revenue Fund, which are raised or collected by the *agency* ~~department~~ for the operation of the center and which are not needed to meet the expenses of the center for its current fiscal year shall be available to the *agency* ~~board~~ in succeeding years.

Section 12. Subsections (10) and (11) of section 408.061, Florida Statutes, 1996 Supplement, are amended to read:

408.061 Data collection; uniform systems of financial reporting; information relating to physician charges; confidentiality of patient records; immunity.—

(10) No health care facility, health care provider, health insurer, or other reporting entity or its employees or agents shall be held liable for civil damages or subject to criminal penalties either for the reporting of patient data to the *agency* ~~board~~ or for the release of such data by the *agency* ~~board~~ as authorized by this chapter.

(11) The agency shall be the primary source for collection and dissemination of health care data. No other agency of state government may gather data from a health care provider licensed or regulated under this chapter without first determining if the data is currently being collected by the agency and affirmatively demonstrating that it would be more cost-effective for an agency of state government other than the agency to gather the health care data. The *director* ~~secretary~~ shall ensure that health care data collected by the divisions within the agency is coordinated. It is the express intent of the Legislature that all health care data be collected by a single source within the agency and that other divisions within the agency, and all other agencies of state government, obtain data for analysis, regulation, and public dissemination purposes from that single source. Confidential information may be released to other governmental entities or to parties contracting with the agency to perform agency duties or functions as needed in connection with the performance of the duties of the receiving entity. The receiving entity or party shall retain the confidentiality of such information as provided for herein.

Section 13. Subsections (2) and (5) of section 408.062, Florida Statutes, are amended to read:

408.062 Research, analyses, studies, and reports.—

(2) The *agency* ~~board~~ shall evaluate data from nursing home financial reports and shall document and monitor:

(a) Total revenues, annual change in revenues, and revenues by source and classification, including contributions for a resident's care from the resident's resources and from the family and contributions not directed toward any specific resident's care.

(b) Average resident charges by geographic region, payor, and type of facility ownership.

(c) Profit margins by geographic region and type of facility ownership.

(d) Amount of charity care provided by geographic region and type of facility ownership.

(e) Resident days by payor category.

(f) Experience related to Medicaid conversion as reported under s. 408.061.

(g) Other information pertaining to nursing home revenues and expenditures.

The findings of the *agency* ~~board~~ shall be included in an annual report to the Governor and Legislature by January 1 each year.

(5)*(a) The agency is empowered to conduct data-based studies and evaluations and to make recommendations to the Governor and the Legislature concerning exemptions, the effectiveness of limitations of referrals, restrictions on investment interests and compensation arrangements, and the effectiveness of public disclosure. Such analysis may include, but need not be limited to, utilization of services, cost of care, quality of care, and access to care. The agency may require the submission of data necessary to carry out this duty, which may include, but need not be limited to, data concerning ownership, Medicare and Medicaid, charity care, types of services offered to patients, revenues and expenses, patient-encounter data, and other data reasonably necessary to study utilization patterns and the impact of health-care-provider ownership interests in health-care-related entities on the cost, quality, and accessibility of health care.*

(b) The agency may collect such data from any health facility as a special study. ~~The board is directed to research hospital financial and nonfinancial data in order to determine the need for establishing a category of inpatient hospital patients defined as medically indigent. For purposes of this section, a medically indigent patient is an individual who is admitted as an inpatient to a hospital, who is not classified as a Medicare beneficiary, a Medicaid recipient, or a charity care patient, but who has insufficient financial resources to pay for needed medical care. In its determination of the need for establishing a category of medically indigent patients, the board shall consider the creation of income and asset levels that would establish a person as medically indigent. The board shall submit a report and recommendations to the Governor and the Legislature on the establishment of a category of medically indigent inpatient hospital patients on or before January 1, 1994. If the board recommends the establishment of a category of medically indigent patients, it shall provide a specific recommendation for the eligibility determination process to be used in classifying a patient as medically indigent.~~

Section 14. Subsection (1) of section 408.063, Florida Statutes, is amended to read:

408.063 Dissemination of health care information.—

(1) The agency, relying on data collected pursuant to this chapter, shall establish a reliable, timely, and consistent information system which distributes information and serves as the basis for the *agency's*

~~board's~~ public education programs. The agency shall seek advice from consumers, health care purchasers, health care providers, health care facilities, health insurers, and local health councils in the development and implementation of its information system. Whenever appropriate, the agency shall use the local health councils for the dissemination of information and education of the public.

Section 15. Section 408.07, Florida Statutes, is amended to read:

408.07 Definitions.—As used in this chapter, with the exception of ss. 408.031-408.045, the term:

(1) "Accepted" means that the *agency* ~~board~~ has found that a report or data submitted by a health care facility or a health care provider contains all schedules and data required by the *agency* ~~board~~ and has been prepared in the format specified by the *agency* ~~board~~, and otherwise conforms to applicable rule or Florida Hospital Uniform Reporting System manual requirements regarding reports in effect at the time such report was submitted, and the data are mathematically reasonable and accurate.

(2) "Adjusted admission" means the sum of acute and intensive care admissions divided by the ratio of inpatient revenues generated from acute, intensive, ambulatory, and ancillary patient services to gross revenues. If a hospital reports only subacute admissions, then "adjusted admission" means the sum of subacute admissions divided by the ratio of total inpatient revenues to gross revenues.

(3) "Agency" means the Agency for Health Care Administration.

(4) "Alcohol or chemical dependency treatment center" means an organization licensed under chapter 397.

(5) "Ambulatory care center" means an organization which employs or contracts with licensed health care professionals to provide diagnosis or treatment services predominantly on a walk-in basis and the organization holds itself out as providing care on a walk-in basis. Such an organization is not an ambulatory care center if it is wholly owned and operated by five or fewer health care providers.

(6) "Ambulatory surgical center" means a facility licensed as an ambulatory surgical center under chapter 395.

~~(7) "Applicable rate of increase" means the maximum allowable rate of increase (MARI) when applied to gross revenue per adjusted admission, unless the board has approved a different rate of increase, in which case the board-approved rate of increase shall apply.~~

(7)~~(8)~~ "Audited actual data" means information contained within financial statements examined by an independent, Florida-licensed, certified public accountant in accordance with generally accepted auditing standards, but does not include data within a financial statement about which the certified public accountant does not express an opinion or issues a disclaimer.

~~(9) "Banked points" means the percentage points earned by a hospital when the actual rate of increase in gross revenue per adjusted admission (GRAA) is less than the maximum allowable rate of increase (MARI) or the actual rate of increase in the net revenue per adjusted admission (NRAA) is less than the market basket index.~~

(8)~~(10)~~ "Birth center" means an organization licensed under s. 383.305.

~~(11) "Board" means the Health Care Board established under s. 408.003.~~

~~(12) "Budget" means the projections by the hospital, for a specified future time period, of expenditures and revenues, with supporting statistical indicators, or a budget letter verified by the board pursuant to s. 408.072(3)(a).~~

(9)~~(13)~~ "Cardiac catheterization laboratory" means a freestanding facility *that* ~~which~~ employs or contracts with licensed health care professionals to provide diagnostic or therapeutic services for cardiac conditions such as cardiac catheterization or balloon angioplasty.

(10)~~(14)~~ "Case mix" means a calculated index for each health care facility or health care provider, based on patient data, reflecting the relative costliness of the mix of cases to that facility or provider compared to a state or national mix of cases.

(11)~~(15)~~ "Clinical laboratory" means a facility licensed under s. 483.091, excluding: any hospital laboratory defined under s. 483.041(5); any clinical laboratory operated by the state or a political subdivision of the state; any blood or tissue bank where the majority of revenues are received from the sale of blood or tissue and where blood, plasma, or tissue is procured from volunteer donors and donated, processed, stored, or distributed on a nonprofit basis; and any clinical laboratory which is wholly owned and operated by physicians who are licensed pursuant to chapter 458 or chapter 459 and who practice in the same group practice, and at which no clinical laboratory work is performed for patients referred by any health care provider who is not a member of that same group practice.

(12)~~(16)~~ "Comprehensive rehabilitative hospital" or "rehabilitative hospital" means a hospital licensed by the Agency for Health Care Administration as a specialty hospital as defined in s. 395.002; provided that the hospital provides a program of comprehensive medical rehabilitative services and is designed, equipped, organized, and operated solely to deliver comprehensive medical rehabilitative services, and further provided that all licensed beds in the hospital are classified as "comprehensive rehabilitative beds" pursuant to s. 395.003(4), and are not classified as "general beds."

(13)~~(17)~~ "Consumer" means any person other than a person who administers health activities, is a member of the governing body of a health care facility, provides health services, has a fiduciary interest in a health facility or other health agency or its affiliated entities, or has a material financial interest in the rendering of health services.

(14)~~(18)~~ "Continuing care facility" means a facility licensed under chapter 651.

(15)~~(19)~~ "Cross-subsidization" means that the revenues from one type of hospital service are sufficiently higher than the costs of providing such service as to offset some of the costs of providing another type of service in the hospital. Cross-subsidization results from the lack of a direct relationship between charges and the costs of providing a particular hospital service or type of service.

(16)~~(20)~~ "Deductions from gross revenue" or "deductions from revenue" means reductions from gross revenue resulting from inability to collect payment of charges. For hospitals, such reductions include contractual adjustments; uncompensated care; administrative, courtesy, and policy discounts and adjustments; and other such revenue deductions, but also includes the offset of restricted donations and grants for indigent care.

(17)~~(21)~~ "Diagnostic-imaging center" means a freestanding outpatient facility that provides specialized services for the diagnosis of a disease by examination and also provides radiological services. Such a facility is not a diagnostic-imaging center if it is wholly owned and operated by physicians who are licensed pursuant to chapter 458 or chapter 459 and who practice in the same group practice and no diagnostic-imaging work is performed at such facility for patients referred by any health care provider who is not a member of that same group practice.

(18)~~(22)~~ "FHURS" means the Florida Hospital Uniform Reporting System developed by the *agency* ~~board~~.

(19)~~(23)~~ "Freestanding" means that a health facility bills and receives revenue which is not directly subject to the hospital assessment for the Public Medical Assistance Trust Fund as described in s. 395.701.

(20)~~(24)~~ "Freestanding radiation therapy center" means a facility where treatment is provided through the use of radiation therapy machines that are registered under s. 404.22 and the provisions of the Florida Administrative Code implementing s. 404.22. Such a facility is not a freestanding radiation therapy center if it is wholly owned and operated by physicians licensed pursuant to chapter 458 or chapter 459 who practice within the specialty of diagnostic or therapeutic radiology.

(21)~~(25)~~ "GRAA" means gross revenue per adjusted admission.

(22)~~(26)~~ "Gross revenue" means the sum of daily hospital service charges, ambulatory service charges, ancillary service charges, and

other operating revenue. Gross revenues do not include contributions, donations, legacies, or bequests made to a hospital without restriction by the donors.

(23)~~(27)~~ "Health care facility" means an ambulatory surgical center, a hospice, a nursing home, a hospital, a diagnostic-imaging center, a freestanding or hospital-based therapy center, a clinical laboratory, a home health agency, a cardiac catheterization laboratory, a medical equipment supplier, an alcohol or chemical dependency treatment center, a physical rehabilitation center, a lithotripsy center, an ambulatory care center, a birth center, or a nursing home component licensed under chapter 400 within a continuing care facility licensed under chapter 651.

(24)~~(28)~~ "Health care provider" means a health care professional licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 463, chapter 464, chapter 465, chapter 466, part I, part III, part IV, part V, or part X of chapter 468, chapter 483, chapter 484, chapter 486, chapter 490, or chapter 491.

(25)~~(29)~~ "Health care purchaser" means an employer in the state, other than a health care facility, health insurer, or health care provider, who provides health care coverage for his employees.

(26)~~(30)~~ "Health insurer" means any insurance company authorized to transact health insurance in the state, any insurance company authorized to transact health insurance or casualty insurance in the state that is offering a minimum premium plan or stop-loss coverage for any person or entity providing health care benefits, any self-insurance plan as defined in s. 624.031, any health maintenance organization authorized to transact business in the state pursuant to part I of chapter 641, any prepaid health clinic authorized to transact business in the state pursuant to part II of chapter 641, any multiple-employer welfare arrangement authorized to transact business in the state pursuant to ss. 624.436-624.45, or any fraternal benefit society providing health benefits to its members as authorized pursuant to chapter 632.

(27)~~(31)~~ "Home health agency" means an organization licensed under part IV of chapter 400.

(28)~~(32)~~ "Hospice" means an organization licensed under part VI of chapter 400.

(29)~~(33)~~ "Hospital" means a health care institution licensed by the Agency for Health Care Administration as a hospital under chapter 395.

(30)~~(34)~~ "Lithotripsy center" means a freestanding facility *that* ~~which~~ employs or contracts with licensed health care professionals to provide diagnosis or treatment services using electro-hydraulic shock waves.

(31)~~(35)~~ "Local health council" means the agency defined in s. 408.033.

(32)~~(36)~~ "Market basket index" means the Florida hospital input price index (FHIPI), which is a statewide market basket index used to measure inflation in hospital input prices weighted for the Florida-specific experience which uses multistate regional and state-specific price measures, when available. The index shall be constructed in the same manner as the index employed by the Secretary of the United States Department of Health and Human Services for determining the inflation in hospital input prices for purposes of Medicare reimbursement.

~~(37) "Maximum allowable rate of increase" or "MARI" means the maximum rate at which a hospital is normally expected to increase its average gross revenues per adjusted admission for a given period. The board, using the most recent audited actual data for each hospital, shall calculate the MARI for each hospital as follows: The projected rate of increase in the market basket index shall be divided by a number which is determined by subtracting the sum of one-half of the proportion of Medicare days plus one-half of the proportion of CHAMPUS days plus the proportion of Medicaid days plus 1.5 times the proportion of charity care days from the number one. The formula to be employed by the board to calculate the MARI shall take the following form:~~

$$\text{MARI} = \left(\frac{\text{FHIPI}}{1 - [(\text{Me} \times 0.5) + (\text{Cp} \times 0.5) + \text{Md} + (\text{Cc} \times 1.5)]}\right)$$

~~MARI = maximum allowable rate of increase applied to gross revenue.~~

~~FHIPI = Florida hospital input price index, which shall be the projected rate of change in the market basket index.~~

~~Me = proportion of Medicare days, including when available and reported to the board Medicare HMO days, to total days.~~

~~Cp = proportion of Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) days to total days.~~

~~Md = proportion of Medicaid days, including when available and reported to the board Medicaid HMO days, to total days.~~

~~Cc = proportion of charity care days to total days with a 50-percent offset for restricted grants for charity care and unrestricted grants from local governments.~~

(33)~~(38)~~ "Medical equipment supplier" means an organization *that* ~~which~~ provides medical equipment and supplies used by health care providers and health care facilities in the diagnosis or treatment of disease.

(34)~~(39)~~ "Net revenue" means gross revenue minus deductions from revenue.

(35)~~(40)~~ "New hospital" means a hospital in its initial year of operation as a licensed hospital and does not include any facility which has been in existence as a licensed hospital, regardless of changes in ownership, for over 1 calendar year.

(36)~~(41)~~ "Nursing home" means a facility licensed under s. 400.062 or, for resident level and financial data collection purposes only, any institution licensed under chapter 395 and which has a Medicare or Medicaid certified distinct part used for skilled nursing home care, but does not include a facility licensed under chapter 651.

(37)~~(42)~~ "Operating expenses" means total expenses excluding income taxes.

(38)~~(43)~~ "Other operating revenue" means all revenue generated from hospital operations other than revenue directly associated with patient care.

(39)~~(44)~~ "Physical rehabilitation center" means an organization *that* ~~which~~ employs or contracts with health care professionals licensed under part I or part III of chapter 468 or chapter 486 to provide speech, occupational, or physical therapy services on an outpatient or ambulatory basis.

(40)~~(45)~~ "Prospective payment arrangement" means a financial agreement negotiated between a hospital and an insurer, health maintenance organization, preferred provider organization, or other third-party payor which contains, at a minimum, the elements provided for in s. 408.50.

(41)~~(46)~~ "Rate of return" means the financial indicators used to determine or demonstrate reasonableness of the financial requirements of a hospital. Such indicators shall include, but not be limited to: return on assets, return on equity, total margin, and debt service coverage.

(42)~~(47)~~ "Rural hospital" means an acute care hospital licensed under chapter 395, with *100* ~~85~~ licensed beds or fewer, which has an emergency room and is located in an area defined as rural by the United States Census, and which is:

(a) The sole provider within a county with a population density of no greater than 100 persons per square mile;

(b) An acute care hospital, in a county with a population density of no greater than 100 persons per square mile, which is at least 30 minutes of travel time, on normally traveled roads under normal traffic conditions, from another acute care hospital within the same county; or

(c) A hospital supported by a tax district or subdistrict whose boundaries encompass a population of 100 persons or less per square mile.

(43)~~(48)~~ "Special study" means a nonrecurring data-gathering and analysis effort designed to aid the Agency for Health Care Administration in meeting its responsibilities pursuant to this chapter.

(44)~~(49)~~ "Teaching hospital" means any hospital formally affiliated with an accredited medical school *which* ~~that~~ exhibits activity in the area of medical education as reflected by at least seven different resident physician specialties and the presence of 100 or more resident physicians.

Section 16. Section 408.08, Florida Statutes, is amended to read:

408.08 Inspections and audits; violations; penalties; fines; enforcement.—

(1) The agency may inspect and audit books and records of individual or corporate ownership, including books and records of related organizations with which a health care provider or a health care facility had transactions, for compliance with this chapter. Upon presentation of a written request for inspection to a health care provider or a health care facility by the agency or its staff, the health care provider or the health care facility shall make available to the agency or its staff for inspection, copying, and review all books and records relevant to the determination of whether the health care provider or the health care facility has complied with this chapter.

~~(2) The board shall annually compare the audited actual experience of each hospital to the audited actual experience of that hospital for the previous year.~~

~~(a) For a hospital submitting a budget letter, if the board determines that the audited actual experience of the hospital exceeded its previous year's audited actual experience by more than the maximum allowable rate of increase as certified in the budget letter plus any banked points utilized in the budget letter, the amount of such excess shall be determined by the board and a penalty shall be levied against such hospital pursuant to subsection (3).~~

~~(b) For a hospital subject to budget review, if the board determines that the audited actual experience of the hospital exceeded its previous year's audited actual experience by more than the most recent approved budget or the most recent approved budget as amended, the amount of such excess shall be determined by the board, and a penalty shall be levied against such hospital pursuant to subsection (3).~~

~~(c) For a hospital submitting a budget letter and for a hospital subject to budget review, the board shall annually compare each hospital's audited actual experience for net revenues per adjusted admission to the hospital's audited actual experience for net revenues per adjusted admission for the previous year. If the rate of increase in net revenues per adjusted admission between the previous year and the current year was less than the market basket index, the hospital may carry forward the difference and earn up to a cumulative maximum of 3 banked net revenue percentage points. Such banked net revenue percentage points shall be available to the hospital to offset, in any future year, penalties for exceeding the approved budget or the maximum allowable rate of increase as set forth in subsection (3). Nothing in this paragraph shall be used by a hospital to justify the approval of a budget or a budget amendment by the board in excess of the maximum allowable rate of increase pursuant to s. 408.072.~~

~~(3) Penalties shall be assessed as follows:~~

~~(a) For the first occurrence within a 5-year period, the board shall prospectively reduce the current budget of the hospital by the amount of the excess up to 5 percent; and, if such excess is greater than 5 percent over the maximum allowable rate of increase, any amount in excess of 5 percent shall be levied by the board as a fine against such hospital to be deposited in the Public Medical Assistance Trust Fund.~~

~~(b) For the second occurrence with the 5-year period following the first occurrence as set forth in paragraph (a), the board shall prospectively reduce the current budget of the hospital by the amount of the excess up to 2 percent; and, if such excess is greater than 2 percent over the maximum allowable rate of increase, any amount in excess of 2 percent shall be levied by the board as a fine against such hospital to be deposited in the Public Medical Assistance Trust Fund.~~

~~(c) For the third occurrence within the 5-year period following the first occurrence as set forth in paragraph (a), the board shall:~~

~~1. Levy a fine against the hospital in the total amount of the excess, to be deposited in the Public Medical Assistance Trust Fund.~~

~~2. Notify the agency of the violation, whereupon the agency shall not accept any application for a certificate of need pursuant to ss. 408.031-408.045 from or on behalf of such hospital until such time as the hospital has demonstrated to the satisfaction of the board that, following the date the penalty was imposed under subparagraph 1., the hospital has stayed within its projected or amended budget or its applicable maximum allowable rate of increase for a period of at least 1 year. However, this provision does not apply with respect to a certificate of need application filed to satisfy a life or safety code violation.~~

~~3. Upon a determination that the hospital knowingly and willfully generated such excess, notify the agency, whereupon the agency shall initiate disciplinary proceedings to deny, modify, suspend, or revoke the license of such hospital or impose an administrative fine on such hospital not to exceed $20,000.~~

~~The determination of the amount of any such excess shall be based upon net revenues per adjusted admission, excluding funds distributed to the hospital from the Public Medical Assistance Trust Fund. However, in making such determination, the board shall appropriately reduce the amount of the excess by the total amount of the assessment paid by such hospital pursuant to s. 395.701 minus the amount of revenues received by the hospital through the Public Medical Assistance Trust Fund. It is the responsibility of the hospital to demonstrate to the satisfaction of the board its entitlement to such reduction. It is the intent of the Legislature that the Health Care Board, in levying any penalty imposed against a hospital for exceeding its maximum allowable rate of increase or its approved budget pursuant to this subsection, consider the effect of changes in the case mix of the hospital and in the hospital's intensity and severity of illness as measured by changes in the hospital's actual proportion of outlier cases to total cases and dollar increases in outlier cases' average charge per case. It is the responsibility of the hospital to demonstrate to the satisfaction of the board any change in its case mix and in its intensity and severity of illness. For psychiatric hospitals and other hospitals not reimbursed under a prospective payment system by the Federal Government, until a proxy for case mix is available, the board shall also reduce the amount of excess by the change in a hospital's audited actual average length of stay without any thresholds or limitations.~~

~~(4) The following factors may be used by the board to reduce the amount of excess of the hospital as determined pursuant to this section:~~

~~(a) Unforeseen and unforeseeable events which affect the net revenue per adjusted admission and which are beyond the control of the hospital, such as prior year Medicare cost report settlements, retroactive changes in Medicare reimbursement methodology, and increases in malpractice insurance premiums, which occurred in the last 3 months of the hospital fiscal year during which the hospital generated the excess; or~~

~~(b) Imposition of the penalty would have a severe adverse effect which would jeopardize the continued existence of an otherwise economically viable hospital.~~

~~(5) The board shall reduce the amount of the excess for hospitals submitting budget letters pursuant to s. 408.072(3)(a) by the amount of any documented costs from financial assistance provided to expand or supplement the curriculum of a community college, university, or vocational training school for the purpose of training nurses or other health professionals, not including physicians. Financial assistance would include, but not be limited to, the direct costs for faculty salaries and expenses, books, equipment, recruiting efforts, tuition assistance, and hospital internships. The reduction would be based on actual documented expenses increased by the gross revenues necessary to generate net revenues sufficient to cover the expenses.~~

~~(6) If the board finds that any hospital chief executive officer or any person who is in charge of hospital administration or operations has knowingly and willfully allowed or authorized actual operating revenues or expenditures that are in excess of projected operating revenues or expenditures in the hospital's approved budget, the board shall order such officer or person to pay an administrative fine not to exceed $5,000.~~

~~(7) For hospitals filing budget letters, the board shall annually compare the audited actual experience of each hospital for the year under review to the audited actual experience of that hospital for the previous year. For hospitals which submitted detailed budgets or budget amendments, the board shall compare the audited actual experience of each hospital for the year under review to its approved gross revenue per~~

~~adjusted admission for the year under review, for purposes of levying an administrative fine.~~

~~(a) For a hospital submitting a budget letter pursuant to s. 408.072(3)(a), if the board determines that the audited actual experience for the year under review exceeded the hospital's previous year's audited actual experience by more than the maximum allowable rate of increase as certified in the budget letter plus any banked points utilized in the budget letter, the amount of the excess shall be determined and an administrative fine shall be levied against such hospital pursuant to subsection (8).~~

~~(b) For a hospital which submitted a budget pursuant to s. 408.072(1), or a budget amendment pursuant to s. 408.072(6), if the board determines that the gross revenue per adjusted admission contained in the hospital's audited actual experience exceeded its board-approved gross revenue per adjusted admission, the amount of the excess shall be determined and an administrative fine shall be levied against such hospital pursuant to subsection (8).~~

~~(8) If the board determines that an excess exists pursuant to subsection (7), the board shall multiply the excess by the number of actual adjusted admissions contained in the year at issue to determine the amount of the base fine. The base fine shall be multiplied by the applicable occurrence factor to determine the amount of the administrative fine levied against the hospital.~~

~~(a) For the first occurrence within a 5-year period, the applicable occurrence factor shall be 0.25. For the second occurrence within a 5-year period, the applicable occurrence factor shall be 0.55. For the third occurrence within a 5-year period, the applicable occurrence factor shall be 1.0.~~

~~(b) In no event shall any administrative fine levied pursuant to this subsection exceed $365,000.~~

~~(9) In levying any administrative fine against a hospital pursuant to subsection (8), the board shall consider the effect of any changes in the hospital's case mix, and in the hospital's intensity and severity of illness as measured by changes in the hospital's actual proportion of outlier cases to total cases and dollar increases in outlier cases' average charge per case. The board shall adjust the amount of any excess by the changes in the hospital's case mix and in its intensity and severity of illness, based upon certified hospital patient discharge data provided to the board pursuant to s. 408.061. For psychiatric hospitals and other hospitals not reimbursed under a prospective payment system by the Federal Government, until a proxy for case mix is available, the board shall adjust the amount of any excess by the change in a hospital's audited actual average length of stay without any thresholds or limitation.~~

~~(10) In levying any administrative fine against a hospital pursuant to subsection (8), it is the intent of the Legislature that if a hospital can demonstrate to the satisfaction of the board that it operated within its approved gross revenue per adjusted admission for the first 8 months of its fiscal year and did not increase its prices, except for exceptions determined by the board during the last 5 months of its fiscal year, it shall not be subject to any administrative fine levied pursuant to subsection (8).~~

~~(11) It is the further intent of the Legislature that if a hospital can demonstrate to the satisfaction of the board that it did not increase its prices on average in excess of the MARI for the prior year, it shall not be subject to any administrative fine levied pursuant to subsection (8).~~

~~(12) If the board finds that any hospital chief executive officer or any person who is in charge of hospital administration or operations has knowingly and willfully allowed or authorized gross revenue per adjusted admission, net revenue per adjusted admission, or rates of increase that are in excess of gross or net revenue per adjusted admission, or rates of increase in the hospital's approved budget, budget amendment, or budget letter, the agency shall order such officer or person to pay an administrative fine not to exceed $5,000.~~

(2)~~(13)~~ Any health care facility that refuses to file a report, fails to timely file a report, files a false report, or files an incomplete report and upon notification fails to timely file a complete report required under ~~this section and~~ s. 408.061; that violates ~~any provision of~~ this section, s. 408.061, or s. 408.20, or rule adopted thereunder; or that fails to provide documents or records requested by the agency under ~~the provisions of~~ this chapter shall be punished by a fine not exceeding $1,000 per day for each day in violation, to be imposed and collected by the agency.

(3)~~(14)~~ Any health care provider that refuses to file a report, fails to timely file a report, files a false report, or files an incomplete report and upon notification fails to timely file a complete report required under ~~this section and~~ s. 408.061; that violates ~~any provision of~~ this section, s. 408.061, or s. 408.20, or rule adopted thereunder; or that fails to provide documents or records requested by the agency under ~~the provisions of~~ this chapter shall be referred to the appropriate licensing board which shall take appropriate action against the health care provider.

(4)~~(15)~~ *If* ~~In the event that~~ a health insurer does not comply with the requirements of s. 408.061, the agency shall report a health insurer's failure to comply to the Department of Insurance, which shall take into account the failure by the health insurer to comply in conjunction with its approval authority under s. 627.410. The agency shall adopt any rules necessary to carry out its responsibilities required by this subsection.

(5)~~(16)~~ Refusal to file, failure to timely file, or filing false or incomplete reports or other information required to be filed under the provisions of this chapter, failure to pay or failure to timely pay any assessment authorized to be collected by the agency, or violation of any other provision of this chapter or lawfully entered order of the agency or rule adopted under this chapter, shall be punished by a fine not exceeding $1,000 a day for each day in violation, to be fixed, imposed, and collected by the agency. Each day in violation shall be considered a separate offense.

(6)~~(17)~~ Notwithstanding any other provisions of this chapter, when a hospital alleges that a factual determination made by the *agency* ~~board~~ is incorrect, the burden of proof shall be on the hospital to demonstrate that such determination is, in light of the total record, not supported by a preponderance of the evidence. The burden of proof remains with the hospital in all cases involving administrative agency action.

Section 17. Section 408.40, Florida Statutes, 1996 Supplement, is amended to read:

408.40 ~~Budget review proceedings; duty of~~ Public Counsel.—

(1) Notwithstanding any other provisions of this chapter, ~~it shall be the duty of~~ the Public Counsel *shall* ~~to~~ represent the ~~general~~ public ~~of the state~~ in any proceeding before the agency or its advisory panels in any administrative hearing conducted pursuant to ~~the provisions of~~ chapter 120 or before any other state and federal agencies and courts in any issue before the agency, any court, or any agency. With respect to any such proceeding, the Public Counsel is subject to the provisions of and may *use* ~~utilize~~ the powers granted to him by ss. 350.061-350.0614.

(2) The Public Counsel shall:

(a) Recommend to the agency, by petition, the commencement of any proceeding or action or to appear, in the name of the state or its citizens, in any proceeding or action before the agency and urge therein any position *that* ~~which~~ he deems to be in the public interest, whether consistent or inconsistent with positions previously adopted by the agency, and *use* ~~utilize~~ therein all forms of discovery available to attorneys in civil actions generally, subject to protective orders of the agency, which shall be reviewable by summary procedure in the circuit courts of this state.

(b) Have access to and use of all files, records, and data of the agency available to any other attorney representing parties in a proceeding before the agency.

(c) In any proceeding in which he has participated as a party, seek review of any determination, finding, or order of the agency, or of any administrative law judge, or any hearing officer or hearing examiner designated by the agency, in the name of the state or its citizens.

(d) Prepare and issue reports, recommendations, and proposed orders to the agency, the Governor, and the Legislature on any matter or subject within the jurisdiction of the agency, and to make such recommendations as he deems appropriate for legislation relative to agency procedures, rules, jurisdiction, personnel, and functions.

(e) Appear before other state agencies, federal agencies, and state and federal courts in connection with matters under the jurisdiction of the agency, in the name of the state or its citizens.

Section 18. Subsections (10) and (14) of section 409.2673, Florida Statutes, 1996 Supplement, are amended to read:

409.2673 Shared county and state health care program for low-income persons; trust fund.—

(10) Under the shared county and state program, reimbursement to a hospital for services for an eligible person must:

(a) Be at a reimbursement rate which is negotiated by the lead agency but which does not exceed the hospital's per diem reimbursement rate in effect at the time of service delivery for the hospital under the medical assistance program for the needy under Title XIX of the Social Security Act, as amended;

(b) Be limited to payment for 12 days of service per admission, not to exceed 45 days of service per county fiscal year;

(c) Be conditioned on participation of the eligible person prior to hospitalization in a case-managed program of primary care and health care services which is coordinated by the lead agency or referral of the eligible person immediately subsequent to discharge from the hospital to the lead agency's case-managed services. For purposes of this program, case-managed programs of primary care and other health care services are those operated by:

1. A state-funded county public health unit, a county public health unit primary care program, or a contractor whose primary care program is funded through a county public health unit;

2. A county-operated primary care program or a contractor whose primary care program is funded by or through a county governing authority;

3. A federally funded community or migrant primary health care center; or

4. A private physician or group of physicians who agree to work with the lead agency and other providers of primary care within the county in providing services to individuals enrolled in a countywide program of primary care;

(d) Be conditioned, for public hospitals and hospital districts that deliver services as part of this program, on a commitment not to reduce the percentage of the hospital's ad valorem tax dollars being devoted to health care for low-income persons if any of these funds were previously utilized for the provision of health care services to those persons made eligible for the shared county and state program. It is the intent of the Legislature that, as a result of the shared county and state program, funds that were previously utilized for the provision of health care services to persons made eligible by the program be used by public hospitals and hospital districts to expand their health care program capabilities for low-income persons; and

(e) Be conditioned, for tax district hospitals that deliver services as part of this program, on the delivery of charity care, as defined in the rules of the *Agency for Health Care Administration* ~~Health Care Cost Containment Board~~, which equals a minimum of 2.5 percent of the tax district hospital's net revenues; however, those tax district hospitals which by virtue of the population within the geographic boundaries of the tax district can not feasibly provide this level of charity care shall assure an "open door" policy to those residents of the geographic boundaries of the tax district who would otherwise be considered charity cases.

(14) Any dispute among a county, the *Agency for Health Care Administration* ~~Health Care Cost Containment Board~~, the department, or a participating hospital shall be resolved by order as provided in chapter 120. Hearings held under this subsection shall be conducted in the same manner as provided in ss. 120.569 and 120.57, except that the administrative law judge's or hearing officer's order constitutes final agency action. Cases filed under chapter 120 may combine all relevant disputes between parties.

Section 19. Section 409.9113, Florida Statutes, is amended to read:

409.9113 Disproportionate share program for teaching hospitals.—In addition to the payments made under ss. 409.911 and 409.9112, the *Agency for Health Care Administration* ~~Department of Health and Rehabilitative Services~~ shall make disproportionate share payments to statutorily defined teaching hospitals for their increased costs associated with medical education programs and for tertiary health care services provided to the indigent. This system of payments shall conform with federal requirements and shall distribute funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding ~~the provisions of~~ s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients.

(1) On or before September 15 of each year, the Agency for Health Care Administration shall calculate an allocation fraction to be used for distributing funds to state statutory teaching hospitals. Subsequent to the end of each quarter of the state fiscal year, the *agency* ~~department~~ shall distribute to each statutory teaching hospital, as defined in s. 408.07, an amount determined by multiplying one-fourth of the funds appropriated for this purpose by the Legislature times such hospital's allocation fraction. The allocation fraction for each such hospital shall be determined by the sum of three primary factors, divided by three. The primary factors are:

(a) The number of nationally accredited graduate medical education programs offered by the hospital, including programs accredited by the Accreditation Council for Graduate Medical Education and the combined Internal Medicine and Pediatrics programs acceptable to both the American Board of Internal Medicine and the American Board of Pediatrics at the beginning of the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the hospital represents of the total number of programs, where the total is computed for all state statutory teaching hospitals.

(b) The number of full-time equivalent trainees in the hospital, which comprises two components:

1. The number of trainees enrolled in nationally accredited graduate medical education programs, as defined in paragraph (a). Full-time equivalents are computed using the fraction of the year during which each trainee is primarily assigned to the given institution, over the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the hospital represents of the total number of full-time equivalent trainees enrolled in accredited graduate programs, where the total is computed for all state statutory teaching hospitals.

2. The number of medical students enrolled in accredited colleges of medicine and engaged in clinical activities, including required clinical clerkships and clinical electives. Full-time equivalents are computed using the fraction of the year during which each trainee is primarily assigned to the given institution, over the course of the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total number of full-time equivalent students enrolled in accredited colleges of medicine, where the total is computed for all state statutory teaching hospitals.

The primary factor for full-time equivalent trainees is computed as the sum of these two components, divided by two.

(c) A service index *that* ~~which~~ comprises three components:

1. The *Agency for Health Care Administration* ~~Health Care Cost Containment Board~~ Service Index, computed by applying the standard Service Inventory Scores established by the *Agency for Health Care Administration* ~~Health Care Cost Containment Board~~ to services offered by the given hospital, as reported on ~~the Health Care Cost Containment Board~~ Worksheet A-2 for the last fiscal year reported to the *agency* ~~board~~ before the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total *Agency for Health Care Administration* ~~Health Care Cost Containment Board~~ Service Index values, where the total is computed for all state statutory teaching hospitals.

2. A volume-weighted service index, computed by applying the standard Service Inventory Scores established by the *Agency for Health Care Administration* ~~Health Care Cost Containment Board~~ to the volume of each service, expressed in terms of the standard units of measure reported on ~~the Health Care Cost Containment Board~~ Worksheet A-2 for the last fiscal year reported to the *agency* ~~board~~ before the date on which the allocation factor is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total volume-

weighted service index values, where the total is computed for all state statutory teaching hospitals.

3. Total Medicaid payments to each hospital for direct inpatient and outpatient services during the fiscal year preceding the date on which the allocation factor is calculated. This includes payments made to each hospital for such services by Medicaid prepaid health plans, whether the plan was administered by the hospital or not. The numerical value of this factor is the fraction that each hospital represents of the total of such Medicaid payments, where the total is computed for all state statutory teaching hospitals.

The primary factor for the service index is computed as the sum of these three components, divided by three.

(2) *By October 1 of each year, the agency shall use* the following formula ~~shall be utilized by the department~~ to calculate the maximum additional disproportionate share payment for statutorily defined teaching hospitals:

TAP = THAF x A

Where:

TAP = total additional payment.

THAF = teaching hospital allocation factor.

A = amount appropriated for a teaching hospital disproportionate share program.

~~(3) The Health Care Cost Containment Board shall report to the department the statutory teaching hospital allocation fraction prior to October 1 of each year.~~

Section 20. Paragraph (a) of subsection (4) of section 240.4076, Florida Statutes, is amended to read:

240.4076 Nursing scholarship loan program.—

(4) Credit for repayment of a scholarship loan shall be on a year-for-year basis as follows:

(a) For each year of scholarship loan assistance, the recipient agrees to work for 12 months at a health care facility in a medically underserved area as approved by the Department of Health and Rehabilitative Services. Eligible health care facilities include state-operated medical or health care facilities, county public health units, federally sponsored community health centers, or teaching hospitals as defined in *s. 408.07* ~~s. 408.07(49)~~.

Section 21. Paragraph (b) of subsection (1) of section 395.0197, Florida Statutes, 1996 Supplement, is amended to read:

395.0197 Internal risk management program.—

(1) Every licensed facility shall, as a part of its administrative functions, establish an internal risk management program that includes all of the following components:

(b) The development of appropriate measures to minimize the risk of injuries and adverse incidents to patients, including, but not limited to:

1. Risk management and risk prevention education and training of all nonphysician personnel as follows:

a. Such education and training of all nonphysician personnel as part of their initial orientation; and

b. At least 1 hour of such education and training annually for all nonphysician personnel of the licensed facility working in clinical areas and providing patient care.

2. A prohibition, except when emergency circumstances require otherwise, against a staff member of the licensed facility attending a patient in the recovery room, unless the staff member is authorized to attend the patient in the recovery room and is in the company of at least one other person. However, a *licensed facility* ~~hospital~~ is exempt from the two-person requirement if it has:

a. Live visual observation;

b. Electronic observation; or

c. Any other reasonable measure taken to ensure patient protection and privacy.

Section 22. *Sections 407.61 and 408.003, Florida Statutes, section 408.072, Florida Statutes, as amended by chapter 96-410, Laws of Florida, and section 408.085, Florida Statutes, are repealed.*

Section 23. *The repeal of laws governing the review of hospital budgets and related penalties contained in this act operates retroactively and applies to any hospital budget prepared for a fiscal year that ended during the 1994 calendar year.*

Section 24. Paragraph (e) of subsection (2) of section 395.602, Florida Statutes, is amended to read:

395.602 Rural hospitals.—

(2) DEFINITIONS.—As used in this part:

(e) "Rural hospital" means an acute care hospital licensed under this chapter, with *100* ~~85~~ licensed beds or less, which has an emergency room and is located in an area defined as rural by the United States Census, and which is:

1. The sole provider within a county with a population density of no greater than 100 persons per square mile; or

2. An acute care hospital, in a county with a population density of no greater than 100 persons per square mile, which is at least 30 minutes of travel time, on normally traveled roads under normal traffic conditions, from any other acute care hospital within the same county; or

3. A hospital supported by a tax district or subdistrict whose boundaries encompass a population of 100 persons or less per square mile.

Section 25. Subsection (7) is added to s. 409.9116, Florida Statutes, 1996 Supplement, to read:

409.9116 Disproportionate share/financial assistance program for rural hospitals.—In addition to the payments made under s. 409.911, the Agency for Health Care Administration shall administer a federally matched disproportionate share program and a state-funded financial assistance program for statutory rural hospitals. The agency shall make disproportionate share payments to statutory rural hospitals that qualify for such payments and financial assistance payments to statutory rural hospitals that do not qualify for disproportionate share payments. The disproportionate share program payments shall be limited by and conform with federal requirements. In fiscal year 1993-1994, available funds shall be distributed in one payment, as soon as practicable after the effective date of this act. In subsequent fiscal years, funds shall be distributed quarterly in each fiscal year for which an appropriation is made. Notwithstanding the provisions of s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients.

(7) This section only applies to hospitals, or their successor in interest hospitals that were defined as statutory rural hospitals prior to July 1, 1997, unless additional funds are provided for such hospitals by the General Appropriations Act.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 13, after the semicolon (;) insert: amending s. 20.42, F.S.; deleting the responsibility of the Division of Health Policy and Cost Control within the Agency for Health Care Administration for reviewing hospital budgets; abolishing the Health Care Board; amending s. 112.153, F.S., relating to local governmental group insurance plans; updating provisions to reflect the assumption by the Agency for Health Care Administration of duties formerly performed by the Health Care Cost Containment Board; amending s. 154.304, F.S., relating to health care for indigent persons; revising definitions; amending s. 212.055, F.S., relating to discretionary sales surtaxes; updating provisions to reflect the assumption by the agency of duties formerly performed by the Health Care Cost Containment Board; amending s. 395.401, F.S.; providing for certain reports formerly made to the Health Care Board to be made to the agency; amending s. 395.701, F.S., relating to the Public

Medical Assistance Trust Fund; revising definitions; amending s. 395.806, F.S.; providing for the agency to assume the board's duties in reviewing family practice teaching hospitals; amending s. 408.033, F.S.; revising membership on the Statewide Health Council to reflect the abolishment of the Health Care Board; amending ss. 408.05, 408.061, 408.062, 408.063, F.S., relating to the State Center for Health Statistics and the collection and dissemination of health care information; updating provisions to reflect the assumption by the Agency for Health Care Administration of duties formerly performed by the Health Care Board and the Department of Health and Rehabilitative Services; authorizing the agency to conduct studies and make recommendations to the Governor and the Legislature with respect to the cost, quality, and accessibility of health care; deleting obsolete provisions; amending s. 408.07, F.S.; deleting definitions made obsolete by the repeal of requirements with respect to hospital budget reviews; revising the definition of "rural hospital" to increase the allowable number of licensed beds; amending s. 408.08, F.S.; deleting provisions requiring the Health Care Board to review the budgets of certain hospitals; deleting requirements that a hospital file budget letters; deleting certain administrative penalties; amending s. 408.40, F.S.; removing a reference to the duties of the Public Counsel with respect to hospital budget review proceedings; amending ss. 409.2673, 409.9113, F.S., relating to health care programs for low-income persons and the disproportionate share program for teaching hospitals; updating provisions to reflect the abolishment of the Health Care Cost Containment Board and the assumption of its duties by the agency; amending s. 240.4076, F.S.; conforming a cross-reference to changes made by the act; amending s. 395.0197, F.S.; exempting ambulatory surgical centers and hospitals from certain staffing requirements in surgical recovery rooms; repealing ss. 407.61, 408.003, 408.072, 408.085, F.S., relating to studies by the Health Care Board, appointment of members to the Health Care Board, review of hospital budgets, and budget reviews of comprehensive inpatient rehabilitation hospitals; providing for retroactive application of the act; amending s. 395.602, F.S.; revising the definition of "rural hospital" to increase the allowable number of licensed beds; amending s. 409.9116, F.S.; exempting certain rural hospitals from the disproportionate share/financial assistance program for rural hospitals; providing an effective date.

Senator Forman moved the following amendment:

Amendment 3 (with title amendment)—On page 3, lines 3 and 4, delete those lines and insert:

Section 3. Subsection (6) of section 381.026, Florida Statutes, is amended to read:

381.026 Florida Patient's Bill of Rights and Responsibilities.—

(6) SUMMARY OF RIGHTS AND RESPONSIBILITIES.—Any health care provider who treats a patient in an office or any health care facility *licensed under chapter 395* that *provides emergency services and care or outpatient services and care to a patient, or* admits and treats a patient, shall adopt and make *available to the patient* ~~public~~, in writing, a statement of the rights and responsibilities of patients, including:

SUMMARY OF THE FLORIDA PATIENT'S BILL
OF RIGHTS AND RESPONSIBILITIES

Florida law requires that your health care provider or health care facility recognize your rights while you are receiving medical care and that you respect the health care provider's or health care facility's right to expect certain behavior on the part of patients. You may request a copy of the full text of this law from your health care provider or health care facility. A summary of your rights and responsibilities follows:

A patient has the right to be treated with courtesy and respect, with appreciation of his or her individual dignity, and with protection of his or her need for privacy.

A patient has the right to a prompt and reasonable response to questions and requests.

A patient has the right to know who is providing medical services and who is responsible for his or her care.

A patient has the right to know what patient support services are available, including whether an interpreter is available if he or she does not speak English.

A patient has the right to know what rules and regulations apply to his or her conduct.

A patient has the right to be given by the health care provider information concerning diagnosis, planned course of treatment, alternatives, risks, and prognosis.

A patient has the right to refuse any treatment, except as otherwise provided by law.

A patient has the right to be given, upon request, full information and necessary counseling on the availability of known financial resources for his or her care.

A patient who is eligible for Medicare has the right to know, upon request and in advance of treatment, whether the health care provider or health care facility accepts the Medicare assignment rate.

A patient has the right to receive, upon request, prior to treatment, a reasonable estimate of charges for medical care.

A patient has the right to receive a copy of a reasonably clear and understandable, itemized bill and, upon request, to have the charges explained.

A patient has the right to impartial access to medical treatment or accommodations, regardless of race, national origin, religion, physical handicap, or source of payment.

A patient has the right to treatment for any emergency medical condition that will deteriorate from failure to provide treatment.

A patient has the right to know if medical treatment is for purposes of experimental research and to give his or her consent or refusal to participate in such experimental research.

A patient has the right to express grievances regarding any violation of his or her rights, as stated in Florida law, through the grievance procedure of the health care provider or health care facility which served him or her and to the appropriate state licensing agency.

A patient is responsible for providing to the health care provider, to the best of his or her knowledge, accurate and complete information about present complaints, past illnesses, hospitalizations, medications, and other matters relating to his or her health.

A patient is responsible for reporting unexpected changes in his or her condition to the health care provider.

A patient is responsible for reporting to the health care provider whether he or she comprehends a contemplated course of action and what is expected of him or her.

A patient is responsible for following the treatment plan recommended by the health care provider.

A patient is responsible for keeping appointments and, when he or she is unable to do so for any reason, for notifying the health care provider or health care facility.

A patient is responsible for his or her actions if he or she refuses treatment or does not follow the health care provider's instructions.

A patient is responsible for assuring that the financial obligations of his or her health care are fulfilled as promptly as possible.

A patient is responsible for following health care facility rules and regulations affecting patient care and conduct.

Section 4. Section 381.0261, Florida Statutes, is amended to read:

381.0261 ~~Distribution of~~ Summary *of patient's bill of rights; distribution; penalty*.—

(1) The *Agency for Health Care Administration* ~~Department of Health and Rehabilitative Services~~ shall have printed and made continuously available to health care facilities licensed under chapter 395, physicians licensed under chapter 458, osteopathic physicians licensed under chapter 459, and podiatrists licensed under chapter 461 a summary of the Florida Patient's Bill of Rights and Responsibilities. In

adopting and making *available to patients* ~~public~~ the summary of the Florida Patient's Bill of Rights and Responsibilities, health care providers and health care facilities are not limited to the format in which the *Agency for Health Care Administration* ~~Department of Health and Rehabilitative Services~~ prints and distributes the summary.

(2) Health care providers and health care facilities shall inform patients of the address and telephone number of each state agency responsible for responding to patient complaints about a health care provider or health care facility's alleged noncompliance with state licensing requirements established pursuant to law.

(3) Health care facilities shall adopt policies and procedures to ensure that inpatients are provided the opportunity during the course of admission to receive information regarding their rights and how to file complaints with the facility and appropriate state agencies.

(4) An administrative fine may be imposed by the agency when any health care provider or health care facility fails to make available to patients a summary of their rights, pursuant to s. 381.026 and this section. Initial nonwillful violations shall be subject to corrective action and shall not be subject to an administrative fine. The agency may levy a fine of up to $5,000 for repeated nonwillful violations, and up to $25,000 for intentional and willful violations. Each intentional and willful violation constitutes a separate violation and is subject to a separate fine.

(5) In determining the amount of fine to be levied for a violation, as provided in subsection (4), the following factors shall be considered:

(a) The scope and severity of the violation, including the number of patients found to have not received notice of patient rights, and whether the failure to provide notice to patients was willful.

(b) Actions taken by the health care provider or health care facility to correct the violations or to remedy complaints.

(c) Any previous violations of this section by the health care provider or health care facility.

Section 5. Subsection (7) of section 394.4787, Florida Statutes, 1996 Supplement, is amended to read:

394.4787 Definitions.—As used in this section and ss. 394.4786, 394.4788, and 394.4789:

(7) "Specialty psychiatric hospital" means a hospital licensed by the agency pursuant to *s. 395.002(28)* ~~s. 395.002(27)~~ as a specialty psychiatric hospital.

Section 6. Section 395.002, Florida Statutes, is amended to read:

395.002 Definitions.—As used in this chapter:

(1) "Accrediting organizations" means the Joint Commission on Accreditation of Healthcare Organizations, the American Osteopathic Association, the Commission on Accreditation of Rehabilitation Facilities, and the Accreditation Association for Ambulatory Health Care, Inc.

~~(2) "Adverse or untoward incident," for purposes of reporting to the agency, means an event over which health care personnel could exercise control, which is probably associated in whole or in part with medical intervention rather than the condition for which such intervention occurred, and which causes injury to a patient, and which:~~

~~(a) Is not consistent with or expected to be a consequence of such medical intervention;~~

~~(b) Occurs as a result of medical intervention to which the patient has not given his or her informed consent;~~

~~(c) Occurs as the result of any other action or lack of any other action on the part of the hospital or personnel of the hospital;~~

~~(d) Results in a surgical procedure being performed on the wrong patient; or~~

~~(e) Results in a surgical procedure being performed that is unrelated to the patient's diagnosis or medical needs.~~

(2)~~(3)~~ "Agency" means the Agency for Health Care Administration.

(3)~~(4)~~ "Ambulatory surgical center" means a facility the primary purpose of which is to provide elective surgical care, in which the patient is admitted to and discharged from such facility within the same working day and is not permitted to stay overnight, and which is not part of a hospital. However, a facility existing for the primary purpose of performing terminations of pregnancy, an office maintained by a physician for the practice of medicine, or an office maintained for the practice of dentistry shall not be construed to be an ambulatory surgical center, provided that any facility or office which is certified or seeks certification as a Medicare ambulatory surgical center shall be licensed as an ambulatory surgical center pursuant to s. 395.003.

(4) "Applicant" means an individual applicant, or any officer, director, or agent, or any partner or shareholder having an ownership interest equal to a 5-percent or greater interest in the corporation, partnership, or other business entity.

(5) "Biomedical waste" means any solid or liquid waste as defined in s. 381.0098(2)(a).

(6) "Clinical privileges" means the privileges granted to a physician or other licensed health care practitioner to render patient care services in a hospital, but does not include the privilege of admitting patients.

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

(8) "Director" means any member of the official board of directors as reported in the organization's annual corporate report to the Florida Department of State, or, if no such report is made, any member of the operating board of directors. The term excludes members of separate, restricted boards that serve only in an advisory capacity to the operating board.

(9)~~(8)~~ "Emergency medical condition" means:

(a) A medical condition manifesting itself by acute symptoms of sufficient severity, which may include severe pain, such that the absence of immediate medical attention could reasonably be expected to result in any of the following:

1. Serious jeopardy to patient health, including a pregnant woman or fetus.
2. Serious impairment to bodily functions.
3. Serious dysfunction of any bodily organ or part.

(b) With respect to a pregnant woman:

1. That there is inadequate time to effect safe transfer to another hospital prior to delivery;
2. That a transfer may pose a threat to the health and safety of the patient or fetus; or
3. That there is evidence of the onset and persistence of uterine contractions or rupture of the membranes.

(10)~~(9)~~ "Emergency services and care" means medical screening, examination, and evaluation by a physician, or, to the extent permitted by applicable law, by other appropriate personnel under the supervision of a physician, to determine if an emergency medical condition exists and, if it does, the care, treatment, or surgery by a physician necessary to relieve or eliminate the emergency medical condition, within the service capability of the facility.

(11)~~(10)~~ "General hospital" means any facility which meets the provisions of subsection *(13)*~~(12)~~ and which regularly makes its facilities and services available to the general population.

(12)~~(11)~~ "Governmental unit" means the state or any county, municipality, or other political subdivision, or any department, division, board, or other agency of any of the foregoing.

(13)~~(12)~~ "Hospital" means any establishment that:

(a) Offers services more intensive than those required for room, board, personal services, and general nursing care, and offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and

(b) Regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent.

However, the provisions of this chapter do not apply to any institution conducted by or for the adherents of any well-recognized church or religious denomination that depends exclusively upon prayer or spiritual means to heal, care for, or treat any person. For purposes of local zoning matters, the term "hospital" includes a medical office building located on the same premises as a hospital facility, provided the land on which the medical office building is constructed is zoned for use as a hospital; provided the premises were zoned for hospital purposes on January 1, 1992.

(14)~~(13)~~ "Hospital bed" means a hospital accommodation which is ready for immediate occupancy, or is capable of being made ready for occupancy within 48 hours, excluding provision of staffing, and which conforms to minimum space, equipment, and furnishings standards as specified by rule of the department for the provision of services specified in this section to a single patient.

(15)~~(14)~~ "Initial denial determination" means a determination by a private review agent that the health care services furnished or proposed to be furnished to a patient are inappropriate, not medically necessary, or not reasonable.

~~(15) "Injury," for purposes of reporting to the agency, means any of the following outcomes if caused by an adverse or untoward incident:~~

~~(a) Death;~~
~~(b) Brain damage;~~
~~(c) Spinal damage;~~
~~(d) Permanent disfigurement;~~
~~(e) Fracture or dislocation of bones or joints;~~
~~(f) Any condition requiring definitive or specialized medical attention which is not consistent with the routine management of the patient's case or patient's preexisting physical condition;~~
~~(g) Any condition requiring surgical intervention to correct or control;~~
~~(h) Any condition resulting in transfer of the patient, within or outside the facility, to a unit providing a more acute level of care;~~
~~(i) Any condition that extends the patient's length of stay; or~~
~~(j) Any condition that results in a limitation of neurological, physical, or sensory function which continues after discharge from the facility.~~

(16) "Intensive residential treatment programs for children and adolescents" means a specialty hospital accredited by the Joint Commission on Accreditation of Healthcare Organizations which provides 24-hour care and which has the primary functions of diagnosis and treatment of patients under the age of 18 having psychiatric disorders in order to restore such patients to an optimal level of functioning.

(17) "Licensed facility" means a hospital or ambulatory surgical center licensed in accordance with this chapter.

(18) "Lifesafety" means the control and prevention of fire and other life-threatening conditions on a premises for the purpose of preserving human life.

(19) "Managing employee" means the administrator or other similarly titled individual who is responsible for the daily operation of the facility.

(20)~~(19)~~ "Medical staff" means physicians licensed under chapter 458 or chapter 459 with privileges in a licensed facility, as well as other licensed health care practitioners with clinical privileges as approved by a licensed facility's governing board.

(21)~~(20)~~ "Medically necessary transfer" means a transfer made necessary because the patient is in immediate need of treatment for an emergency medical condition for which the facility lacks service capability or is at service capacity.

(22)~~(21)~~ "Person" means any individual, partnership, corporation, association, or governmental unit.

(23)~~(22)~~ "Premises" means those buildings, beds, and equipment located at the address of the licensed facility and all other buildings, beds, and equipment for the provision of hospital or ambulatory surgical care located in such reasonable proximity to the address of the licensed facility as to appear to the public to be under the dominion and control of the licensee.

(24)~~(23)~~ "Private review agent" means any person or entity which performs utilization review services for third-party payors on a contractual basis for outpatient or inpatient services. However, the term shall not include full-time employees, personnel, or staff of health insurers, health maintenance organizations, or hospitals, or wholly owned subsidiaries thereof or affiliates under common ownership, when performing utilization review for their respective hospitals, health maintenance organizations, or insureds of the same insurance group. For this purpose, health insurers, health maintenance organizations, and hospitals, or wholly owned subsidiaries thereof or affiliates under common ownership, include such entities engaged as administrators of self-insurance as defined in s. 624.031.

(25)~~(24)~~ "Service capability" means all services offered by the facility where identification of services offered is evidenced by the appearance of the service in a patient's medical record or itemized bill.

(26)~~(25)~~ "At service capacity" means the temporary inability of a hospital to provide a service which is within the service capability of the hospital, due to maximum use of the service at the time of the request for the service.

(27)~~(26)~~ "Specialty bed" means a bed, other than a general bed, designated on the face of the hospital license for a dedicated use.

(28)~~(27)~~ "Specialty hospital" means any facility which meets the provisions of subsection *(13)*~~(12)~~, and which regularly makes available either:

(a) The range of medical services offered by general hospitals, but restricted to a defined age or gender group of the population;

(b) A restricted range of services appropriate to the diagnosis, care, and treatment of patients with specific categories of medical or psychiatric illnesses or disorders; or

(c) Intensive residential treatment programs for children and adolescents as defined in subsection (16).

(29)~~(28)~~ "Stabilized" means, with respect to an emergency medical condition, that no material deterioration of the condition is likely, within reasonable medical probability, to result from the transfer of the patient from a hospital.

(30)~~(29)~~ "Utilization review" means a system for reviewing the medical necessity or appropriateness in the allocation of health care resources of hospital services given or proposed to be given to a patient or group of patients.

(31)~~(30)~~ "Utilization review plan" means a description of the policies and procedures governing utilization review activities performed by a private review agent.

(32)~~(31)~~ "Validation inspection" means an inspection of the premises of a licensed facility by the agency to assess whether a review by an accrediting organization has adequately evaluated the licensed facility according to minimum state standards.

Section 7. Section 395.0193, Florida Statutes, 1996 Supplement, is amended to read:

395.0193 Licensed facilities; peer review; disciplinary powers; agency or partnership with physicians.—

(1) It is the intent of the Legislature that good faith participants in the process of investigating and disciplining physicians pursuant to the state-mandated peer review process shall, in addition to receiving immunity from retaliatory tort suits pursuant to s. 455.225(12), be protected from federal antitrust suits filed under the Sherman Anti-Trust Act, 15 U.S.C.A. ss. 1 et seq. Such intent is within the public policy of the state to secure the provision of quality medical services to the public.

(2) Each licensed facility, as a condition of licensure, shall provide for peer review of physicians who deliver health care services at the facility.

Each licensed facility shall develop written, binding procedures by which such peer review shall be conducted. Such procedures *must* ~~shall~~ include:

(a) *A* mechanism for choosing the membership of the body or bodies that conduct peer review.

(b) Adoption of rules of order for the peer review process.

(c) Fair review of the case with the physician involved.

(d) *A* mechanism to identify and avoid *any* conflict of interest on the part of the peer review panel members.

(e) Recording of agendas and minutes *that* ~~which~~ do not contain confidential material, for review by the Division of Health Quality Assurance of the agency.

(f) Review, at least annually, of the peer review procedures by the governing board of the licensed facility.

(g) Focus of the peer review process on review of professional practices at the facility to reduce morbidity and mortality and to improve patient care.

(3) If reasonable belief exists that conduct by a staff member or physician who delivers health care services at the licensed facility may constitute one or more grounds for discipline as provided in this subsection, a peer review panel shall investigate and determine whether grounds for discipline exist with respect to such staff member or physician. The governing board of any licensed facility, after considering the recommendations of its peer review panel, shall suspend, deny, revoke, or curtail the privileges, or reprimand, counsel, or require education, of any such staff member or physician after a final determination has been made that one or more of the following grounds exist:

(a) Incompetence.

(b) Being found to be a habitual user of intoxicants or drugs to the extent that he or she is ~~deemed~~ dangerous to himself, herself, or others.

(c) Mental or physical impairment *that could* ~~which may~~ adversely affect patient care.

(d) Being found liable by a court of competent jurisdiction for medical negligence or malpractice involving negligent conduct.

(e) One or more settlements exceeding $10,000 for medical negligence or malpractice involving negligent conduct by the staff member.

(f) Medical negligence other than as specified in paragraph (d) or paragraph (e).

(g) Failure to comply with the policies, procedures, or directives of the risk management program or any quality assurance committees of any licensed facility.

However, the *grounds specified in paragraphs (a)-(g) are not the only grounds for discipline of a practitioner.* ~~procedures for such actions shall comply with the standards outlined by the Joint Commission on Accreditation of Healthcare Organizations, the American Osteopathic Association, the Commission on Accreditation of Rehabilitation Facilities, the Accreditation Association for Ambulatory Health Care, Inc., and the "Medicare/Medicaid Conditions of Participation," and rules of the agency and the department. The procedures shall be adopted pursuant to hospital bylaws.~~

(4) *Pursuant to ss. 458.337 and 459.016, any disciplinary actions taken under subsection (3) shall be reported in writing to the Division of Health Quality Assurance of the agency within 30 working days after its initial occurrence, regardless of the pendency of appeals. The notification shall identify the disciplined practitioner, the action taken, and the reason for such action.* All final disciplinary actions taken under subsection (3)*, if different from those which were reported to the agency within 30 days after the initial occurrence, must* ~~shall~~ be reported within 10 working days to the Division of Health Quality Assurance of the agency in writing and *must* ~~shall~~ specify the disciplinary action taken and the specific grounds therefor. The division shall review each report and determine whether it potentially involved conduct by the licensee that is subject to disciplinary action, in which case s. 455.225 shall apply. *These reports are* ~~The report shall~~ not ~~be~~ subject to inspection under s. 119.07(1) even if the division's investigation results in a finding of probable cause.

(5) There *is* ~~shall be~~ no monetary liability on the part of, and no cause of action for damages against, any licensed facility, its governing board or governing board members, peer review panel, medical staff, or disciplinary body, or its agents, investigators, witnesses, *or* employees*; a committee of a hospital, a physician-hospital organization, or an integrated delivery system;*~~,~~ or any other person, for any action taken without intentional fraud in carrying out the provisions of this section.

(6) For a single incident or series of isolated incidents that are nonwillful violations of the reporting requirements of this section, the agency shall first seek to obtain corrective action by the facility. If correction is not demonstrated within the timeframe established by the agency or if there is a pattern of nonwillful violations of this section, the agency may impose an administrative fine, not to exceed $5,000 for any violation of the reporting requirements of this section. The administrative fine for repeated nonwillful violations shall not exceed $10,000 for any violation. The administrative fine for each intentional and willful violation shall not exceed $25,000 per day. In no event shall a fine for an intentional and willful violation of this section exceed $250,000. In determining the amount of fine to be levied, the agency shall be guided by s. 395.1065(2)(b).

(7)~~(6)~~ The proceedings and records of peer review panels, committees, and governing boards or agent thereof which relate solely to actions taken in carrying out this section are not subject to inspection under s. 119.07(1); and meetings held pursuant to achieving the objectives of such panels, committees, and governing boards are not open to the public under the provisions of chapter 286.

(8)~~(7)~~ The investigations, proceedings, and records of the peer review panel, a committee *of a hospital, a physician-hospital organization, an integrated delivery system*, a disciplinary board, or a governing board, or agent thereof with whom there is a specific written contract for that purpose, as described in this section *are* ~~shall~~ not ~~be~~ subject to discovery or introduction into evidence in any civil or administrative action against a provider of professional health services arising out of the matters *that* ~~which~~ are the subject of evaluation and review by such *a* group or its agent, and a person who was in attendance at a meeting of such group or its agent may not be permitted or required to testify in any such civil or administrative action as to any evidence or other matters produced or presented during the proceedings of such *a* group or its agent or as to any findings, recommendations, evaluations, opinions, or other actions of such *a* group or its agent or any members thereof. However, information, documents, or records otherwise available from original sources are not ~~to be construed as~~ immune from discovery or use in any such civil or administrative action merely because they were presented during proceedings of such group, and any person who testifies before such group or who is a member of such group may not be prevented from testifying as to matters within his or her knowledge, but such *a* witness may not be asked about his or her testimony before such a group or *about* opinions *that he or she* formed ~~by him or her~~ as a result of *those* ~~such~~ group hearings.

(9)~~(8)~~(a) If the defendant prevails in an action brought by a staff member or physician who delivers health care services at the licensed facility against any person or entity that initiated, participated in, was a witness in, or conducted any review as authorized by this section, the court *must* ~~shall~~ award reasonable attorney's fees and costs to the defendant.

(b) As a condition of any staff member or physician bringing any action against any person or entity that initiated, participated in, was a witness in, or conducted any review as authorized by this section and before any responsive pleading is due, the staff member or physician *must* ~~shall~~ post a bond or other security, as set by the court having jurisdiction of the action, in an amount sufficient to pay the costs and attorney's fees.

(10)~~(9)~~(a) A hospital's compliance with the requirements of this chapter or s. 766.110(1) may not be the sole basis to establish an agency or partnership relationship between the hospital and physicians who provide services within the hospital.

(b) A hospital may create an agency relationship with a physician by written contract signed by the hospital and:

1. The physician;
2. A health care professional association; or
3. A corporate medical group and its employees.

A written contract is not the exclusive means to establish an agency or partnership relationship between a hospital and any other person described in this paragraph.

Section 8. Section 395.0197, Florida Statutes, 1996 Supplement, is amended to read:

395.0197 Internal risk management program.—

(1) Every licensed facility shall, as a part of its administrative functions, establish an internal risk management program that includes all of the following components:

(a) The investigation and analysis of the frequency and causes of general categories and specific types of adverse incidents ~~causing injury~~ to patients.

(b) The development of appropriate measures to minimize the risk of ~~injuries and~~ adverse incidents to patients, including, but not limited to:

1. Risk management and risk prevention education and training of all nonphysician personnel as follows:

a. Such education and training of all nonphysician personnel as part of their initial orientation; and

b. At least 1 hour of such education and training annually for all nonphysician personnel of the licensed facility working in clinical areas and providing patient care.

2. A prohibition, except when emergency circumstances require otherwise, against a staff member of the licensed facility attending a patient in the recovery room, unless the staff member is authorized to attend the patient in the recovery room and is in the company of at least one other person. However, a hospital is exempt from the two-person requirement if it has:

a. Live visual observation;

b. Electronic observation; or

c. Any other reasonable measure taken to ensure patient protection and privacy.

(c) The analysis of patient grievances that relate to patient care and the quality of medical services.

(d) The development and implementation of an incident reporting system based upon the affirmative duty of all health care providers and all agents and employees of the licensed health care facility to report *an* adverse *incident* ~~incidents~~ to the risk manager*, or to his or her designee, within 3 business days after its occurrence.*

(2) The internal risk management program is the responsibility of the governing board of the health care facility. Each licensed facility shall hire a risk manager, licensed under part IX of chapter 626, who is responsible for implementation and oversight of such facility's internal risk management program as required by this section. A risk manager must not be made responsible for more than four internal risk management programs in separate licensed facilities, unless the facilities are under one corporate ownership or the risk management programs are in rural hospitals.

(3) In addition to the programs mandated by this section, other innovative approaches intended to reduce the frequency and severity of medical malpractice and patient injury claims *must* ~~shall~~ be encouraged and their implementation and operation facilitated. Such additional approaches may include extending internal risk management programs to health care providers' offices and the assuming of provider liability by a licensed health care facility for acts or omissions occurring within the licensed facility.

(4) The agency shall, after consulting with the Department of Insurance, adopt rules governing the establishment of internal risk management programs to meet the needs of individual licensed facilities. Each internal risk management program *must* ~~shall~~ include the use of incident reports to be filed with an individual of responsibility who is competent in risk management techniques in the employ of each licensed facility, such as an insurance coordinator, or who is retained by the licensed facility as a consultant. The individual responsible for the risk management program shall have free access to all medical records of the licensed facility. The incident reports are part of the workpapers of the attorney defending the licensed facility in litigation relating to the licensed facility and are subject to discovery, but are not admissible as evidence in court. A person filing an incident report is not subject to civil suit by virtue of such incident report. As a part of each internal risk management program, the incident reports *must* ~~shall~~ be used to develop categories of incidents which identify problem areas. Once *problem areas are* identified, procedures *must* ~~shall~~ be adjusted to correct the problem areas.

(5) For purposes of reporting to the agency pursuant to subsections (6), (7), and (8), the term "adverse incident" means an event over which health care personnel could exercise control and which is associated in whole or in part with medical intervention, rather than the condition for which such intervention occurred, and which:

(a) Results in one of the following injuries:

1. Death;

2. Brain or spinal damage;

3. Permanent disfigurement;

4. Fracture or dislocation of bones or joints;

5. A resulting limitation of neurological, physical, or sensory function which exists upon discharge from the facility;

6. Any condition that required specialized medical attention or surgical intervention resulting from medical intervention to which the patient has not given his or her informed consent; or

7. Any condition that required the transfer of the patient, within or outside the facility, to a unit providing a more acute level of care due to the adverse incident, rather than the patient's condition prior to the adverse incident;

(b) Was the performance of a surgical procedure on the wrong patient; a wrong surgical procedure; a wrong-site surgical procedure; or a surgical procedure otherwise unrelated to the patient's diagnosis or medical condition;

(c) Required the surgical repair of damage resulting to a patient from a planned surgical procedure, where the damage was not a recognized specific risk as disclosed to the patient on the informed consent form; or

(d) Was a procedure to remove unplanned foreign objects remaining from a surgical procedure.

(6)~~(5)~~(a) Each licensed facility subject to this section shall submit an annual report to the agency summarizing the incident reports that have been filed in the facility for that year. The report shall include:

1. The total number of adverse incidents ~~causing injury to patients~~.

2. A listing, by category, of the types of operations, diagnostic or treatment procedures, or other actions causing the injuries, and the number of incidents occurring within each category.

3. A listing, by category, of the types of injuries caused and the number of incidents occurring within each category.

4. A code number using the health care professional's licensure number and a separate code number identifying all other individuals directly involved in adverse incidents ~~causing injury~~ to patients, the relationship of the individual to the licensed facility, and the number of incidents in which each individual has been directly involved. Each licensed facility shall maintain names of the health care professionals and individuals identified by code numbers for purposes of this section.

5. A description of all malpractice claims filed against the licensed facility, including the total number of pending and closed claims and the nature of the incident *that* ~~which~~ led to, the persons involved in, and the

status and disposition of each claim. Each report *must* ~~shall~~ update status and disposition for all prior reports.

~~6. A report of all disciplinary actions pertaining to patient care taken against any medical staff member, including the nature and cause of the action.~~

(b) The information reported to the agency pursuant to paragraph (a) which relates to persons licensed under chapter 458, chapter 459, chapter 461, or chapter 466 *must* ~~shall~~ be reviewed by the agency. The agency shall determine whether any of the incidents potentially involved conduct by a health care professional who is subject to disciplinary action, in which case ~~the provisions of~~ s. 455.225 *applies* ~~shall apply~~.

(c) The report submitted to the agency *must* ~~shall~~ also contain the name and license number of the risk manager of the licensed facility, a copy of its policy and procedures which govern the measures taken by the facility and its risk manager to reduce the risk of injuries and adverse ~~or untoward~~ incidents, and the results of such measures. The annual report is confidential and is not available to the public pursuant to s. 119.07(1) or any other law providing access to public records. The annual report is not discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board. The annual report is not available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the agency or the appropriate regulatory board. However, the agency or the appropriate regulatory board shall make available, upon written request by a health care professional against whom probable cause has been found, any such records which form the basis of the determination of probable cause.

(7) The licensed facility shall notify the agency no later than 1 business day after the risk manager or his or her designee has received a report pursuant to paragraph (1)(d) and is able to determine within 1 business day that any of the following adverse incidents has occurred, whether occurring in the licensed facility or arising from health care prior to admission in the licensed facility:

(a) The death of a patient;
(b) Brain or spinal damage to a patient;
(c) The performance of a surgical procedure on the wrong patient;
(d) The performance of a wrong-site surgical procedure; or
(e) The performance of a wrong surgical procedure.

The notification must be made in writing and be provided by facsimile device or overnight mail delivery. The notification must include information regarding the identity of the affected patient, the type of adverse incident, the initiation of an investigation by the facility, and whether the events causing or resulting in the adverse incident represent a potential risk to other patients.

(8)~~(6)~~ *Any of the following adverse incidents, whether occurring in the licensed facility or arising from health care prior to admission in the licensed facility, shall be reported by the facility to the agency within 15 calendar days after its occurrence* ~~If an adverse or untoward incident, whether occurring in the licensed facility or arising from health care prior to admission in the licensed facility, results in~~:

(a) The death of a patient;
(b) Brain or spinal damage to a patient;
(c) The performance of a surgical procedure on the wrong patient; ~~or~~
(d) The performance of a wrong-site surgical procedure;
(e) The performance of a wrong surgical procedure;
(f) The performance of a surgical procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition;
(g) The surgical repair of damage resulting to a patient from a planned surgical procedure, where the damage is not a recognized specific risk as disclosed to the patient on the informed consent form; or
(h) The performance of procedures to remove unplanned foreign objects remaining from a surgical procedure.

~~(d) A surgical procedure unrelated to the patient's diagnosis or medical needs being performed on any patient, including the surgical repair of injuries or damage resulting from the planned surgical procedure, wrong site or wrong procedure surgeries, and procedures to remove foreign objects remaining from surgical procedures,~~

The agency may grant extensions to this reporting requirement for more than 15 days upon justification submitted in writing by the facility administrator to the agency. ~~the licensed facility shall report this incident to the agency within 15 calendar days after its occurrence.~~ The agency may require an additional, final report. These reports shall not be available to the public pursuant to s. 119.07(1) or any other law providing access to public records, nor be discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board, nor shall they be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the agency or the appropriate regulatory board. However, the agency or the appropriate regulatory board shall make available, upon written request by a health care professional against whom probable cause has been found, any such records which form the basis of the determination of probable cause. The agency may investigate, as it deems appropriate, any such incident and prescribe measures that must or may be taken in response to the incident. The agency shall review each incident and determine whether it potentially involved conduct by the health care professional who is subject to disciplinary action, in which case the provisions of s. 455.225 shall apply.

(9)~~(7)~~ The internal risk manager of each licensed facility shall:

~~(a) Notify the family or guardian of the victim, if a minor, that an allegation of sexual misconduct has been made and that an investigation is being conducted;~~

(a)~~(b)~~ Investigate every allegation of sexual misconduct which is made against a member of the facility's personnel who has direct patient contact, when the allegation is that the sexual misconduct occurred at the facility or on the grounds of the facility; ~~and~~

(b)~~(c)~~ Report every allegation of sexual misconduct to the administrator of the licensed facility*; and*~~.~~

(c) Notify the family or guardian of the victim, if a minor, that an allegation of sexual misconduct has been made and that an investigation is being conducted.

(10)~~(8)~~ Any witness who witnessed or who possesses actual knowledge of the act that is the basis of an allegation of sexual abuse shall:

(a) Notify the local police; and

(b) Notify the hospital risk manager and the administrator.

For purposes of this subsection, *the term* "sexual abuse" means acts of a sexual nature committed for the sexual gratification of anyone upon, or in the presence of, a vulnerable adult, without the vulnerable adult's informed consent, *or a minor*. "Sexual abuse" includes, but is not limited to, the acts defined in s. 794.011(1)(h), fondling, exposure of a vulnerable adult's *or minor's* sexual organs, or the use of the vulnerable adult *or minor* to solicit for or engage in prostitution or sexual performance. "Sexual abuse" does not include any act intended for a valid medical purpose or any act which may reasonably be construed to be a normal caregiving action.

(11)~~(9)~~ A person who, with malice or with intent to discredit or harm a licensed facility or any person, makes a false allegation of sexual misconduct against a member of a licensed facility's personnel is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(12)~~(10)~~ In addition to any penalty imposed pursuant to this section, the agency *shall require a written plan of correction from the facility* ~~may impose an administrative fine, not to exceed $5,000, for any violation of the reporting requirements of this section~~. *For a single incident or series of isolated incidents that are nonwillful violations of the reporting requirements of this section, the agency shall first seek to obtain corrective action by the facility. If the correction is not demonstrated within the timeframe established by the agency or if there is a pattern of nonwillful violations of this section, the agency may impose an administrative fine, not to exceed $5,000 for any violation of the reporting requirements of this section. The administrative fine for repeated nonwillful violations shall not exceed $10,000 for any violation. The administrative fine for each intentional and willful violation shall not exceed $25,000 per day. In no event shall a fine for an intentional and willful violation of this section exceed $250,000. In determining the amount of fine to be levied, the agency shall be guided by s. 395.1065(2)(b).*

(13)~~(11)~~ The agency shall have access to all licensed facility records necessary to carry out the provisions of this section. The records obtained are not available to the public under s. 119.07(1), nor shall they be discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board, nor shall records obtained pursuant to s. 455.223 be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the agency or the appropriate regulatory board. However, the agency or the appropriate regulatory board shall make available, upon written request by a health care professional against whom probable cause has been found, any such records which form the basis of the determination of probable cause, except that, with respect to medical review committee records, s. 766.101 controls.

(14)~~(12)~~ The meetings of the committees and governing board of a licensed facility held solely for the purpose of achieving the objectives of risk management as provided by this section shall not be open to the public under the provisions of chapter 286. The records of such meetings are confidential and exempt from s. 119.07(1), except as provided in subsection *(13)*~~(11)~~.

(15)~~(13)~~ The agency shall review, as part of its licensure inspection process, the internal risk management program at each licensed facility regulated by this section to determine whether the program meets standards established in statutes and rules, whether the program is being conducted in a manner designed to reduce adverse incidents, and whether the program is appropriately reporting incidents under subsections (5), ~~and~~ (6), *(7), and (8)*.

(16)~~(14)~~ There shall be no monetary liability on the part of, and no cause of action for damages shall arise against, any risk manager, licensed under part IX of chapter 626, for the implementation and oversight of the internal risk management program in a facility licensed under this chapter or chapter 390 as required by this section, for any act or proceeding undertaken or performed within the scope of the functions of such internal risk management program if the risk manager acts without intentional fraud.

(17)~~(15)~~ If the agency, through its receipt of the annual reports prescribed in subsection *(6)* ~~(5)~~ or through any investigation, has a reasonable belief that conduct by a staff member or employee of a licensed facility is grounds for disciplinary action by the appropriate regulatory board, the agency shall report this fact to such regulatory board.

(18)~~(16)~~ The agency shall annually publish a report summarizing the information contained in the annual incident reports submitted by licensed facilities *under subsection (6),* ~~and~~ any serious incident reports submitted by licensed facilities *under subsection (7), and disciplinary actions reported to the agency under s. 395.0193*. The report must, at a minimum, summarize:

(a) Adverse and serious incidents, ~~by service district of the department as defined in s. 20.19,~~ by category of reported incident~~,~~ and by type of professional involved.

(b) Types of malpractice claims filed, ~~by service district of the department as defined in s. 20.19, and~~ by type of professional involved.

(c) Disciplinary actions taken against professionals, ~~by service district of the department as defined in s. 20.19, and~~ by type of professional involved.

Section 9. Effective January 1, 1998, section 626.941, Florida Statutes, is transferred, renumbered as section 395.10971, Florida Statutes, and amended to read:

395.10971 ~~626.941~~ Purpose.—The Legislature finds that control and prevention of medical accidents and injuries is a significant public health and safety concern. An essential method of controlling medical injuries is a comprehensive program of risk management, as required by s. 395.0197. The key to such a program is a competent and qualified health care risk manager. It is the intent of the Legislature to establish certain minimum standards for health care risk managers to ensure the public welfare.

Section 10. Effective January 1, 1998, section 626.942, Florida Statutes, is transferred, renumbered as section 395.10972, Florida Statutes, and amended to read:

395.10972 ~~626.942~~ Health Care Risk Manager Advisory Council.—The *Director of Health Care Administration* ~~Insurance Commissioner~~ may appoint a five-member advisory council to advise the *agency* ~~department~~ on matters pertaining to health care risk managers. The members of the council shall serve at the pleasure of the *director* ~~Insurance Commissioner~~. The council shall designate a chairman. The council shall meet at the call of the *director* ~~Insurance Commissioner~~ or at those times *that are* ~~as may be~~ required by rule of the *agency* ~~department~~. The members of the advisory council shall receive no compensation for their services, but shall be reimbursed for travel expenses as provided in s. 112.061. The council *must* ~~shall~~ consist of individuals *who represent* ~~representing~~ the following areas:

(1) Two *members must* ~~shall~~ be active health care risk managers.

(2) One *member must* ~~shall~~ be an active hospital administrator.

(3) One *member must* ~~shall~~ be an employee of an insurer or self-insurer of medical malpractice coverage.

(4) One *member must* ~~shall~~ be a representative of the health-care-consuming public.

Section 11. Effective January 1, 1998, section 626.943, Florida Statutes, is transferred, renumbered as section 395.10973, Florida Statutes, and amended to read:

395.10973 ~~626.943~~ Powers and duties of the *agency* ~~department~~.—It is the function of the *agency* ~~department~~ to:

(1) *Adopt* ~~Promulgate~~ rules necessary to carry out the duties conferred upon it under this part to protect the public health, safety, and welfare.

(2) Develop, impose, and enforce specific standards within the scope of the general qualifications established by this part which must be met by individuals in order to receive licenses as health care risk managers. These standards shall be designed to ensure that health care risk managers are individuals of good character and otherwise suitable and, by training or experience in the field of health care risk management, qualified in accordance with the provisions of this part to serve as health care risk managers, within statutory requirements.

(3) Develop a method for determining whether an individual meets the standards set forth in *s. 395.10974* ~~s. 626.944~~.

(4) Issue licenses~~, beginning on June 1, 1986,~~ to qualified individuals *who meet* ~~meeting~~ the standards set forth in *s. 395.10974* ~~s. 626.944~~.

(5) Receive, investigate, and take appropriate action with respect to any charge or complaint filed with the *agency* ~~department~~ to the effect that a certified health care risk manager has failed to comply with the requirements or standards adopted by rule by the *agency* ~~department~~ or to comply with ~~the provisions of~~ this part.

(6) Establish procedures for providing ~~the Department of Health and Rehabilitative Services with~~ periodic reports on persons certified or disciplined by the *agency* ~~department~~ under this part.

(7) Develop a model risk management program for health care facilities which will satisfy the requirements of s. 395.0197.

Section 12. Effective January 1, 1998, section 626.944, Florida Statutes, is transferred, renumbered as section 395.10974, Florida Statutes, and amended to read:

395.10974 ~~626.944~~ Qualifications for health care risk managers.—

(1) Any person desiring to be licensed as a health care risk manager shall submit an application on a form provided by the *agency* ~~department~~. In order to qualify, the applicant *must* ~~shall~~ submit evidence satisfactory to the *agency* ~~department~~ which demonstrates the applicant's competence, by education or experience, in the following areas:

(a) Applicable standards of health care risk management.
(b) Applicable federal, state, and local health and safety laws and rules.
(c) General risk management administration.
(d) Patient care.

(e) Medical care.
(f) Personal and social care.
(g) Accident prevention.
(h) Departmental organization and management.
(i) Community interrelationships.
(j) Medical terminology.

The *agency* ~~department~~ may require such additional information, from the applicant or any other person, as *is* ~~may be~~ reasonably required to verify the information contained in the application.

(2) The *agency may* ~~department shall~~ not grant or issue a license as a health care risk manager to any individual unless from the application it affirmatively appears that the applicant:

(a) Is 18 years of age or over;

(b) Is a high school graduate or equivalent; and

(c)1. Has fulfilled the requirements of a 1-year program or its equivalent in health care risk management training which may be developed or approved by the *agency* ~~department~~;

2. Has completed 2 years of college-level studies which would prepare the applicant for health care risk management, to be further defined by rule; or

3. Has obtained 1 year of practical experience in health care risk management.

(3) The *agency* ~~department~~ shall issue a license~~, beginning on June 1, 1986,~~ to practice health care risk management to any applicant who qualifies under this section and submits *an application fee of not more than $75, a fingerprinting fee of not more than $75, and a license fee of not more than $100. The agency shall by rule establish fees and procedures for the issuance and cancellation of licenses* ~~the license fee as set forth in s. 624.501. Licenses shall be issued and canceled in the same manner as provided in part I of this chapter.~~

(4) The *agency* ~~department~~ shall renew a health care risk manager license *upon receipt of a biennial renewal application and fees* ~~in accordance with procedures prescribed in s. 626.381 for agents in general~~. *The agency shall, by rule, establish a procedure for the biennial renewal of licenses.*

Section 13. Effective January 1, 1998, section 626.945, Florida Statutes, is transferred, renumbered as section 395.10975, Florida Statutes, and amended to read:

395.10975 ~~626.945~~ Grounds for denial, suspension, or revocation of a health care risk manager's license; administrative fine.—

(1) The *agency* ~~department~~ may, in its discretion, deny, suspend, revoke, or refuse to renew or continue the license of any health care risk manager or applicant, if it finds that as to such applicant or licensee any one or more of the following grounds exist:

(a) Any cause for which issuance of the license could have been refused had it then existed and been known to the *agency* ~~department~~.

(b) Giving false or forged evidence to the *agency* ~~department~~ for the purpose of obtaining a license.

(c) Having been found guilty of, or having pleaded guilty or nolo contendere to, a crime in this state or any other state relating to the practice of risk management or the ability to practice risk management, whether or not a judgment or conviction has been entered.

(d) Having been found guilty of, or having pleaded guilty or nolo contendere to, a felony, or a crime involving moral turpitude punishable by imprisonment of 1 year or more under the law of the United States, under the law of any state, or under the law of any other country, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

(e) Making or filing a report or record which the licensee knows to be false; or intentionally failing to file a report or record required by state or federal law; or willfully impeding or obstructing, or inducing another person to impede or obstruct, the filing of a report or record required by state or federal law. Such reports or records shall include only those which are signed in the capacity of a licensed health care risk manager.

(f) Fraud or deceit, negligence, incompetence, or misconduct in the practice of health care risk management.

(g) Violation of any provision of this part or any other law applicable to the business of health care risk management.

(h) Violation of any lawful order or rule of the *agency* ~~department~~ or failure to comply with a lawful subpoena issued by the *agency* ~~department~~.

(i) Practicing with a revoked or suspended health care risk manager license.

(j) Repeatedly acting in a manner inconsistent with the health and safety of the patients of the licensed facility in which the licensee is the health care risk manager.

(k) Being unable to practice health care risk management with reasonable skill and safety to patients by reason of illness; drunkenness; or use of drugs, narcotics, chemicals, or any other material or substance or as a result of any mental or physical condition. Any person affected under this paragraph shall have the opportunity, at reasonable intervals, to demonstrate that he can resume the competent practices of health care risk manager with reasonable skill and safety to patients.

(l) Willfully permitting unauthorized disclosure of information relating to a patient or his records.

(m) Discriminating in respect to patients, employees, or staff on account of race, religion, color, sex, or national origin.

(2) If the *agency* ~~department~~ finds that one or more of the grounds set forth in subsection (1) exist, it may, in lieu of or in addition to suspension or revocation, enter an order imposing one or more of the following penalties:

(a) Imposition of an administrative fine not to exceed $2,500 for each count or separate offense.
(b) Issuance of a reprimand.
(c) Placement of the licensee on probation for a period of time and subject to such conditions as the *agency specifies* ~~department may specify~~, including requiring the licensee to attend continuing education courses or to work under the supervision of another licensee.

(3) The *agency* ~~department~~ may reissue the license of a disciplined licensee in accordance with ~~the provisions of~~ this part.

Section 14. Paragraph (c) of subsection (2) of section 395.602, Florida Statutes, is amended to read:

395.602 Rural hospitals.—

(2) DEFINITIONS.—As used in this part:

(c) "Inactive rural hospital bed" means a licensed acute care hospital bed, as defined in *s. 395.002(14)* ~~s. 395.002(13)~~, that is inactive in that it cannot be occupied by acute care inpatients.

Section 15. Paragraph (c) of subsection (1) of section 395.701, Florida Statutes, is amended to read:

395.701 Annual assessments on net operating revenues to fund public medical assistance; administrative fines for failure to pay assessments when due.—

(1) For the purposes of this section, the term:

(c) "Hospital" means a health care institution as defined in *s. 395.002(13)* ~~s. 395.002(12)~~, but does not include any hospital operated by the agency or the Department of Corrections.

Section 16. Paragraph (b) of subsection (1) of section 400.051, Florida Statutes, is amended to read:

400.051 Homes or institutions exempt from the provisions of this part.—

(1) The following shall be exempt from the provisions of this part:

(b) Any hospital, as defined in *s. 395.002(11)* ~~s. 395.002(10)~~, that is licensed under chapter 395.

Section 17. Paragraph (a) of subsection (11) of section 408.072, Florida Statutes, 1996 Supplement, is amended to read:

408.072 Review of hospital budgets.—

(11) Notwithstanding any other provisions of this chapter:

(a) Any hospital operated by the Department of Health, *the Department of Children and Family Services,* ~~and Rehabilitative Services~~ or the Department of Corrections; any rural hospital as defined in s. 408.07; and any intensive residential treatment program for children and adolescents as defined in *s. 395.002(17)* ~~s. 395.002(16)~~ which received a certificate of need on or before January 1, 1991, and is licensed under chapter 395 for less than 33 beds, which is not part of a multifacility organization and which is part of a community mental health system, shall be exempt from filing a budget, and shall be exempt from budget review and approval for exceeding the maximum allowable rate of increase and from any penalties arising therefrom. However, each such hospital shall be required to submit to the board its audited actual experience, as required by s. 408.061(4)(a).

Section 18. Subsection (8) of section 409.905, Florida Statutes, 1996 Supplement, is amended to read:

409.905 Mandatory Medicaid services.—The agency may make payments for the following services, which are required of the state by Title XIX of the Social Security Act, furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any service under this section shall be provided only when medically necessary and in accordance with state and federal law. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, number of services, or any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216.

(8) NURSING FACILITY SERVICES.—The agency shall pay for 24-hour-a-day nursing and rehabilitative services for a recipient in a nursing facility licensed under part II of chapter 400 or in a rural hospital, as defined in s. 395.602, or in a Medicare certified skilled nursing facility operated by a hospital, as defined by *s. 395.002(13)* ~~s. 395.002(10)~~, that is licensed under part I of chapter 395, and in accordance with provisions set forth in s. 409.908(2)(a), which services are ordered by and provided under the direction of a licensed physician. However, if a nursing facility has been destroyed or otherwise made uninhabitable by natural disaster or other emergency and another nursing facility is not available, the agency must pay for similar services temporarily in a hospital licensed under part I of chapter 395 provided federal funding is approved and available.

Section 19. Paragraph (g) of subsection (1) of section 440.13, Florida Statutes, 1996 Supplement, is amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(1) DEFINITIONS.—As used in this section, the term:

(g) "Emergency services and care" means *emergency* services and care as defined in *s. 395.002(10)* ~~s. 395.002(9)~~.

Section 20. Subsection (9) of section 458.331, Florida Statutes, 1996 Supplement is amended to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(9) When an investigation of a physician is undertaken, the department shall promptly furnish to the physician or his attorney a copy of the complaint or document which resulted in the initiation of the investigation. For purposes of this subsection, such documents include, but are not limited to: the pertinent portions of an annual report submitted to the department pursuant to *s. 395.0197(6)* ~~s. 395.0197(5)(b)~~; a report of an adverse ~~or untoward~~ incident which is provided to the department pursuant to the provisions of *s. 395.0197(8)* ~~s. 395.0197(6)~~; a report of peer review disciplinary action submitted to the department pursuant to the provisions of s. 395.0193(4) or s. 458.337, providing that the investigations, proceedings, and records relating to such peer review disciplinary action shall continue to retain their privileged status even as to the licensee who is the subject of the investigation, as provided by *ss. 395.0193(8)* ~~ss. 395.0193(7)~~ and 458.337(3); a report of a closed claim submitted pursuant to s. 627.912; a presuit notice submitted pursuant to s. 766.106(2); and a petition brought under the Florida Birth-Related Neurological Injury Compensation Plan, pursuant to s. 766.305(2). The physician may submit a written response to the information contained in the complaint or document which resulted in the initiation of the investigation within 45 days after service to the physician of the complaint or document. The physician's written response shall be considered by the probable cause panel.

Section 21. Subsection (9) of section 459.015, Florida Statutes, 1996 Supplement, is amended to read:

459.015 Grounds for disciplinary action by the board.—

(9) When an investigation of an osteopathic physician is undertaken, the department shall promptly furnish to the osteopathic physician or his attorney a copy of the complaint or document which resulted in the initiation of the investigation. For purposes of this subsection, such documents include, but are not limited to: the pertinent portions of an annual report submitted to the department pursuant to *s. 395.0197(6)* ~~s. 395.0197(5)(b)~~; a report of an adverse ~~or untoward~~ incident which is provided to the department pursuant to the provisions of *s. 395.0197(8)* ~~s. 395.0197(6)~~; a report of peer review disciplinary action submitted to the department pursuant to the provisions of s. 395.0193(4) or s. 459.016, provided that the investigations, proceedings, and records relating to such peer review disciplinary action shall continue to retain their privileged status even as to the licensee who is the subject of the investigation, as provided by *ss. 395.0193(8)* ~~ss. 395.0193(7)~~ and 459.016(3); a report of a closed claim submitted pursuant to s. 627.912; a presuit notice submitted pursuant to s. 766.106(2); and a petition brought under the Florida Birth-Related Neurological Injury Compensation Plan, pursuant to s. 766.305(2). The osteopathic physician may submit a written response to the information contained in the complaint or document which resulted in the initiation of the investigation within 45 days after service to the osteopathic physician of the complaint or document. The osteopathic physician's written response shall be considered by the probable cause panel.

Section 22. Subsection (1) of section 468.505, Florida Statutes, 1996 Supplement, is amended to read:

468.505 Exemptions; exceptions.—

(1) Nothing in this part may be construed as prohibiting or restricting the practice, services, or activities of:

(a) A person licensed in this state under chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 465, chapter 466, chapter 480, chapter 490, or chapter 491, when engaging in the profession or occupation for which he or she is licensed, or of any person employed by and under the supervision of the licensee when rendering services within the scope of the profession or occupation of the licensee;

(b) A person employed as a dietitian by the government of the United States, if the person engages in dietetics solely under direction or control of the organization by which the person is employed;

(c) A person employed as a cooperative extension home economist;

(d) A person pursuing a course of study leading to a degree in dietetics and nutrition from a program or school accredited pursuant to s. 468.509(2), if the activities and services constitute a part of a supervised course of study and if the person is designated by a title that clearly indicates the person's status as a student or trainee;

(e) A person fulfilling the supervised experience component of s. 468.509, if the activities and services constitute a part of the experience necessary to meet the requirements of s. 468.509;

(f) Any dietitian or nutritionist from another state practicing dietetics or nutrition incidental to a course of study when taking or giving a

postgraduate course or other course of study in this state, provided such dietitian or nutritionist is licensed in another jurisdiction or is a registered dietitian or holds an appointment on the faculty of a school accredited pursuant to s. 468.509(2);

(g) A person who markets or distributes food, food materials, or dietary supplements, or any person who engages in the explanation of the use and benefits of those products or the preparation of those products, if that person does not engage for a fee in dietetics and nutrition practice or nutrition counseling;

(h) A person who markets or distributes food, food materials, or dietary supplements, or any person who engages in the explanation of the use of those products or the preparation of those products, as an employee of an establishment permitted pursuant to chapter 465;

(i) An educator who is in the employ of a nonprofit organization approved by the council; a federal, state, county, or municipal agency, or other political subdivision; an elementary or secondary school; or an accredited institution of higher education the definition of which, as provided in s. 468.509(2), applies to other sections of this part, insofar as the activities and services of the educator are part of such employment;

(j) Any person who provides weight control services or related weight control products, provided the program has been reviewed by, consultation is available from, and no program change can be initiated without prior approval by a licensed dietitian/nutritionist, a dietitian or nutritionist licensed in another state that has licensure requirements considered by the council to be at least as stringent as the requirements for licensure under this part, or a registered dietitian;

(k) A person employed by a hospital licensed under chapter 395, or by a nursing home or assisted living facility licensed under part II or part III of chapter 400, or by a continuing care facility certified under chapter 651, if the person is employed in compliance with the laws and rules adopted thereunder regarding the operation of its dietetic department;

(l) A person employed by a nursing facility exempt from licensing under *s. 395.002(13)* ~~s. 395.002(12)~~, or a person exempt from licensing under s. 464.022; or

(m) A person employed as a dietetic technician.

Section 23. Effective January 1, 1998, subsection (2) of section 641.55, Florida Statutes, 1996 Supplement, is amended to read:

641.55 Internal risk management program.—

(2) The risk management program shall be the responsibility of the governing authority or board of the organization. Every organization which has an annual premium volume of $10 million or more and which directly provides health care in a building owned or leased by the organization shall hire a risk manager, certified under *ss. 395.10971-395.10975* ~~ss. 626.941-626.945~~, who shall be responsible for implementation of the organization's risk management program required by this section. A part-time risk manager shall not be responsible for risk management programs in more than four organizations or facilities. Every organization which does not directly provide health care in a building owned or leased by the organization and every organization with an annual premium volume of less than $10 million shall designate an officer or employee of the organization to serve as the risk manager.

The gross data compiled under this section or s. 395.0197 shall be furnished by the agency upon request to organizations to be utilized for risk management purposes. The agency shall adopt rules necessary to carry out the provisions of this section.

Section 24. Paragraph (c) of subsection (4) of section 766.1115, Florida Statutes, 1996 Supplement, is amended to read:

766.1115 Health care providers; creation of agency relationship with governmental contractors.—

(4) CONTRACT REQUIREMENTS.—A health care provider that executes a contract with a governmental contractor to deliver health care services on or after April 17, 1992, as an agent of the governmental contractor is an agent for purposes of s. 768.28(9), while acting within the scope of duties pursuant to the contract, if the contract complies with the requirements of this section. A health care provider under contract with the state may not be named as a defendant in any action arising out of the medical care or treatment provided on or after April 17, 1992, pursuant to contracts entered into under this section. The contract must provide that:

(c) Adverse incidents and information on treatment outcomes must be reported by any health care provider to the governmental contractor if such incidents and information pertain to a patient treated pursuant to the contract. The health care provider shall annually submit an adverse incident report that includes all information required by *s. 395.0197(6)* ~~s. 395.0197(5)(a)~~, unless the adverse incident involves a result described by *s. 395.0197(8)* ~~s. 395.0197(6)~~, in which case it shall be reported within 15 days of the occurrence of such incident. If an incident involves a professional licensed by the Department of *Health* ~~Business and Professional Regulation~~ or a facility licensed by the *Agency for Health Care Administration* ~~Department of Health and Rehabilitative Services~~, the governmental contractor shall submit such incident reports to the appropriate department *or agency*, which shall review each incident and determine whether it involves conduct by the licensee that is subject to disciplinary action. All patient medical records and any identifying information contained in adverse incident reports and treatment outcomes which are obtained by governmental entities pursuant to this paragraph are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

A governmental contractor that is also a health care provider is not required to enter into a contract under this section with respect to the health care services delivered by its employees.

Section 25. *Effective January 1, 1998, all powers, duties and functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Department of Insurance related to the health care risk manager licensure program, as established in part IX of chapter 626, Florida Statutes, are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Insurance to the Agency for Health Care Administration.*

Section 26. *There is hereby appropriated $143,510 from the Health Care Trust Fund to the Agency for Health Care Administration two full-time positions to administer the health care risk manager licensure program.*

Section 27. Except as otherwise provided in this act, this act shall take effect July 1, 1997.

And the title is amended as follows:

On page 1, line 13, delete "providing an effective date." and insert: amending ss. 381.026, 381.0261, 395.002, 395.0193, 395.0197, transferring, renumbering, and amending ss. 626.941, 626.942, 626.943, 626.944, 626.945, F.S.; allowing limited reporting of certain confidential information relating to the internal risk management programs of hospitals and ambulatory surgical centers; transferring duties pertaining to health care risk management from the Insurance Commissioner to the Director for Health Care Administration; amending fees and procedures relating to qualifications for health care risk managers; amending the Florida patient's Bill of Rights and Responsibilities; providing information about filing complaints with licensing agencies; limiting applicability of the Patient's Bill of Rights to health care facilities licensed under ch. 395, F.S., that provide emergency care and outpatient care; imposing a fine on facilities for willful and nonwillful violations of the obligation to inform patients of their rights; amending s. 394.4787, F.S.; relating to certain specialty psychiatric hospitals; conforming a cross-reference; deleting the definition of the terms "adverse or untoward incident" and "injury"; revising provisions relating to licensed facility peer review disciplinary actions against practitioners; requiring reports to the Agency for Health Care Administration; providing penalties; revising provisions relating to internal risk management; defining the term "adverse incident"; requiring licensed facilities to make certain reports to the agency; providing an exemption from the Public Records Law; including minors in provisions relating to notification of sexual misconduct or abuse; requiring facility corrective-action plans; amending ss. 395.602, 395.701, 400.051, F.S., relating to rural hospitals, the Public Medical Assistance Trust Fund, and nursing homes; conforming cross-references; amending ss. 408.072, 409.905, 440.13, F.S., relating to hospital budget review, Medicaid services, and a worker's compensation definition, respectively; conforming cross-references and terms; amend-

ing ss. 458.331, 459.015, 468.505, F.S., relating to grounds for disciplinary action against allopathic physicians and osteopathic physicians and relating to restrictions on practice, service, or activities of allopathic physicians, osteopathic physicians, and other specified professionals; conforming provisions; amending ss. 641.55, 766.1115, F.S., relating to internal risk-management programs of health maintenance organizations and contract requirements for certain health care governmental contractors, respectively; conforming cross-references; transferring the health care risk manager licensure program from the Department of Insurance to the Agency for Health Care Administration; allocating positions to the Agency for Health Care Administration for specified purposes; providing appropriations from the Health Care Trust Fund; providing effective dates.

Senator Sullivan moved the following amendment to **Amendment 3** which was adopted:

Amendment 3A—On page 5, line 3, delete "*inform patients of*" and insert: *make available to patients*

On motion by Senator Bronson, further consideration of **SB 1270** with pending **Amendment 3** as amended was deferred.

COMMUNICATION REGARDING SB 2400 AND SB 2402

The Honorable Toni Jennings, President April 28, 1997
The Florida Senate

Dear Madam President:

In compliance with Article III, Section 19(d) of the Constitution and Joint Rule 2, copies of the Appropriations Conference Committee Reports on **SB 2400** and **SB 2402** have been furnished to each member of the Legislature, the Governor, the Chief Justice of the Supreme Court, and each member of the Cabinet.

Delivery was completed April 28, 1997 at 6:20 p.m., EDT.

Respectfully submitted,
Faye W. Blanton, Secretary

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2400

The Honorable Toni Jennings April 29, 1997
President of the Senate

The Honorable Daniel Webster
Speaker, House of Representatives

Dear President Jennings and Speaker Webster:

Your Conference Committee on the disagreeing votes of the two houses on House amendments to SB 2400, same being:

An act making appropriations; providing moneys for the annual period beginning July 1, 1997, and ending June 30, 1998, and supplemental appropriations for the period ending June 30, 1997, to pay salaries, and other expenses, and for other specified purposes of the various agencies of State government; providing an effective date.

having met, and after full and free conference, has agreed to recommend and do recommend to their respective Houses as follows:

1. That the House recede from its Amendments 1, 2, 3, 4 and 5.

2. That the Senate and the House of Representatives adopt the Conference Committee amendment attached hereto, and by reference made a part of this report.

s/Donald C. Sullivan
Chairman
s/W. G. Bankhead
s/Charlie Bronson
s/Ginny Brown-Waite
s/Walter Campbell
s/Roberto Casas
s/Katherine Harris
s/Betty S. Holzendorf
s/Jim Horne
s/Kenneth C. Jenne II
s/Daryl L. Jones
s/George Kirkpatrick
s/Ron Klein
s/W. D. Childers
s/Charlie Clary
s/Anna Cowin
s/Rick Dantzler
s/Mario Diaz-Balart
s/Fred R. Dudley
s/John H. (Buddy) Dyer
s/Howard C. Forman
s/John Grant
s/Alberto Gutman
s/James Hargrett
s/Patsy Kurth
s/Jack Latvala
s/Tom Lee
s/John McKay
s/Matthew J. Meadows
s/William G. Myers, M.D.
s/Tom Rossin
s/James A. Scott
s/Ronald A. Silver
s/Pat Thomas

Managers on the part of the of the Senate

s/Rodolfo Garcia, Jr.
Chairman
s/George Albright
s/Stan Bainter
s/Rudolph Bradley
s/Irlo Bronson
s/Cynthia Moore Chestnut
s/D. Lee Constantine
s/George A. Crady
s/Faye B. Culp
s/Willye F. Dennis
s/Lori Edwards
s/Tom Feeney
s/Mark G. Flanagan
s/Greg Gay
s/Lars A. Hafner
s/Deborah James Horan
s/Dennis L. Jones
s/Alfred J. Lawson
s/Carl Littlefield
s/Willie F. Logan
s/Evelyn J. Lynn
s/Anne Mackenzie
s/Joseph R. Mackey
s/Sharon J. Merchant
s/Kendrick B. Meek
s/O. R. Minton, Jr.
s/Luis C. Morse
s/Bill Posey
s/Kenneth Pruitt
s/Alzo J. Reddick, Sr.
s/Debby P. Sanderson
s/Charles W. Sembler
s/Kelley R. Smith
s/Jeff Stabins
s/Robert J. Starks
s/Bill Sublette
s/John Thrasher
s/Carlos Valdes
s/J. Alex Villalobos
s/Debbie Wasserman Schultz
s/Stephen R. Wise

Managers on the part of the of the House of Representatives

Conference Committee Amendment 1 (with title amendment)—On page 1, line 1, delete everything and insert:

A bill to be entitled

An act making appropriations; providing moneys for the annual period beginning July 1, 1997, and ending June 30, 1998, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

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

The moneys contained herein are appropriated from the named funds for the 1997-98 Fiscal Year to the state agency indicated, as the amounts to be used to pay the salaries and other operational expenditures of the named agencies, and are in lieu of all moneys appropriated for these purposes in other sections of the Florida Statutes.

SECTION 1. EDUCATION ENHANCEMENT "LOTTERY" TRUST FUND

The moneys contained herein are appropriated from the Education Enhancement "Lottery" Trust Fund to the state agencies indicated.

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION

OFFICE OF STUDENT FINANCIAL ASSISTANCE

0A SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA'S BRIGHT FUTURES SCHOLARSHIP PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 75,000,000

0B SPECIAL CATEGORIES
PREPAID TUITION SCHOLARSHIPS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 2,000,000

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0C SPECIAL CATEGORIES
GRANTS AND AIDS - MINORITY TEACHER
SCHOLARSHIP PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 3,000,000

PUBLIC SCHOOLS, DIVISION OF

2 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - DISTRICT DISCRETIONARY
LOTTERY FUNDS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 412,070,289

Funds appropriated in Specific Appropriation 2 are provided as enhancement funds for school districts and shall be allocated by prorating each district's K-12 base funding entitlement to the amount of the appropriation.

Districts shall use a unique fund source code for accounting for the receipt and expenditure of all Educational Enhancement Trust Funds.

Prior to the expenditure of funds appropriated in Specific Appropriation 2, each school district shall establish policies and procedures that define enhancement and the types of expenditures that will be considered consistent with that definition. Districts shall provide to the Department of Education a copy of all policies and procedures that relate to the use of enhancement funds and shall annually, within a sixty day period following the end of each fiscal year, submit a report to the Department of Education showing the actual expenditure of all enhancement funds.

From the funds provided in Specific Appropriation 2, school boards must allocate at least $10 per unweighted FTE student to be used at the discretion of the School Advisory Committee or, in the absence of such a committee, at the discretion of the staff and parents of the school. A portion of the money should be used for implementing the school improvement plan. The improvement plan shall be based on the needs of the statewide and district-wide school improvement plan.

From the funds in Specific Appropriation 2, which are allocated to Duval County, $375,000 shall be used for the Woods Program.

3 SPECIAL CATEGORIES
GRANTS AND AIDS - PRE-SCHOOL PROJECTS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 107,000,000

Funds provided in Specific Appropriation 3 shall be used to provide an appropriate pre-school program as authorized in s. 230.2305, Florida Statutes.

From the funds appropriated in Specific Appropriation 3, $3,000,000 shall be used as incentives for collaborative partnerships between school district operated preschool programs and those contracted through Central Agencies, Head Start grantees, and non-public programs serving eligible children for the purpose of supporting communities and schools in meeting their obligations under Goal 1 of Education Reform and Accountability.

From the funds provided in Specific Appropriation 3, $427,000 is provided to assist the coordination and delivery of early childhood services.

From funds provided in Specific Appropriation 3, $77,500 shall be used for the operation of a State Coordinating Council on Early Childhood Services.

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Funds in Specific Appropriation 3 shall be allocated to each eligible school district on the basis of full-time equivalent (FTE) students served consistent with the provisions of s. 230.2305, Florida Statutes. For the purpose of this appropriation, an FTE is defined as six hours per day of quality contact time in a developmentally appropriate program for 180 days. The calculation of a district's entitlement shall be based on $3,200 per FTE. For 1997-98, the minimum amount for each school district shall be $65,000.

From the funds in Specific Appropriation 3, $3,295,172 is provided to continue the Migrant Education 3 and 4 Year Old(s) Program.

From the funds provided in Specific Appropriation 3, $3,000,000 shall be used for the Florida First Start Program. The Commissioner shall allocate these funds to the existing 24 Florida First Start programs in amounts equal to, or proportional to, the amounts those programs received in 1996-97.

From the funds provided in Specific Appropriation 3, $125,000 shall be used for continuing the third party evaluation in s. 411.205, Florida Statutes.

From funds provided in Specific Appropriation 3, $75,000 shall, contingent upon HB 683 or similar legislation becoming law, be transferred to the Early Education and Child Care Trust Fund to support the Early Education and Child Care Program.

COMMUNITY COLLEGES, DIVISION OF

4 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY COLLEGE
LOTTERY FUNDS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 109,229,348

Funds provided in Specific Appropriation 4 shall be allocated as follows:

Brevard	4,256,045
Broward	7,029,296
Central Florida	2,186,171
Chipola	753,532
Daytona Beach	6,589,265
Edison	2,593,771
Florida CC at Jacksonville	10,665,833
Florida Keys	491,497
Gulf Coast	1,866,352
Hillsborough	5,497,857
Indian River	4,812,931
Lake City	1,162,556
Lake-Sumter	679,335
Manatee	2,226,409
Miami-Dade	17,711,343
North Florida	512,157
Okaloosa-Walton	2,025,638
Palm Beach	4,755,010
Pasco-Hernando	1,629,125
Pensacola	4,094,240
Polk	1,686,315
St. Johns	1,174,158
St. Petersburg	5,625,193
Santa Fe	4,292,388
Seminole	3,788,059
South Florida	1,431,355
Tallahassee	2,793,939
Valencia	6,899,579

The State Board of Community Colleges shall submit a report to the Executive Office of the Governor, the

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Speaker of the House of Representatives, the President of the Senate and the minority leaders of the House of Representatives and Senate reflecting how these funds were expended.

6 SPECIAL CATEGORIES
PERFORMANCE BASED INCENTIVE PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 2,000,000

7A SPECIAL CATEGORIES
TRANSFER TO FIRN
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 150,000

UNIVERSITIES, DIVISION OF

EDUCATIONAL AND GENERAL ACTIVITIES

From the funds in Specific Appropriations 8 through 11 for university enhancements, the Board of Regents shall allocate to each university its proportional share to be used for enhanced programs to be determined by each respective university. The Board of Regents may allocate up to $500,000 of these funds (off-the-top) for implementing systemwide or statewide priorities. Funds appropriated herein may be transferred to one or more appropriation categories for expenditure; however, the Board of Regents shall establish a mechanism for tracking such transferred funds back to the original appropriation. The Board of Regents shall submit an annual report reflecting how these funds were expended.

8 LUMP SUM
EDUCATIONAL AND GENERAL ACTIVITIES
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 88,167,837

9 LUMP SUM
INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES OPERATIONS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 9,718,244

10 LUMP SUM
UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER OPERATIONS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 4,578,866

11 LUMP SUM
UNIVERSITY OF FLORIDA HEALTH CENTER OPERATIONS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 8,764,401

TOTAL OF SECTION 1

FROM TRUST FUNDS 821,678,985

TOTAL ALL FUNDS 821,678,985

SECTION 2 - EDUCATION (ALL OTHER FUNDS)

The moneys contained herein are appropriated from the named funds to the Department of Education as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay.

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION

Funds in Specific Appropriations 27 through 165B as Grants and Aids-Special Categories or as Grants and Aids-Aid to Local Governments may be advanced quarterly throughout the fiscal year based on projects, grants, contracts and allocation conference documents.

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When a public educational institution has been fully funded by an external agency for direct instructional costs of any course or program, the FTE generated shall not be reported for state funding.

OFFICE OF THE COMMISSIONER

12 SALARIES AND BENEFITS POSITIONS 43
FROM GENERAL REVENUE FUND 2,412,916
FROM EDUCATIONAL AIDS TRUST FUND 78,939

13 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 32,423

14 EXPENSES
FROM GENERAL REVENUE FUND 652,821
FROM EDUCATIONAL AIDS TRUST FUND 3,165

15 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 31,823

16 SPECIAL CATEGORIES
GRANTS AND AIDS - EDUCATION/BUSINESS COOPERATION
FROM GENERAL REVENUE FUND 1,914,244

17 SPECIAL CATEGORIES
LITIGATION EXPENSES
FROM GENERAL REVENUE FUND 28,897

18 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 19,556

19A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 45,459
FROM EDUCATIONAL AIDS TRUST FUND 1,776

OFFICE OF DEPUTY COMMISSIONER FOR PLANNING, BUDGETING AND MANAGEMENT

20 SALARIES AND BENEFITS POSITIONS 224
FROM GENERAL REVENUE FUND 7,112,021
FROM EDUCATIONAL AIDS TRUST FUND 326,842
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 1,527,367
FROM FOOD AND NUTRITION SERVICES TRUST FUND 612,083

21 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 145,277
FROM EDUCATIONAL AIDS TRUST FUND 43,294
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 23,425
FROM FOOD AND NUTRITION SERVICES TRUST FUND 104,555

22 EXPENSES
FROM GENERAL REVENUE FUND 2,841,479
FROM EDUCATIONAL AIDS TRUST FUND 200,940
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 510,140
FROM FOOD AND NUTRITION SERVICES TRUST FUND 519,957

23 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 137,313
FROM EDUCATIONAL AIDS TRUST FUND 283,780
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 15,000

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25 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 289,805

26 SPECIAL CATEGORIES
COST-OF-LIVING PRICE SURVEY
FROM GENERAL REVENUE FUND 277,965
FROM EDUCATIONAL AIDS TRUST FUND 54,493

Specific Appropriation 26 provides $60,000 to be used for the following purpose: The Department of Education shall make all necessary arrangements to ensure that funding is provided to Dr. David Denslow to conduct additional research required to implement the recommendations from the Study of the Florida Price Level Index conducted as required by Chapter 96-424, Laws of Florida. In planning and carrying out the additional study, priority shall be given to completing the work in time to implement additional recommendations in the 1997 FPLI. A report containing the results from the additional study, implementation of recommendations, and the status of all additional study undertaken and planned shall be submitted to the Legislature on or before December 1, 1997.

27 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA DIAGNOSTIC AND LEARNING RESOURCES CENTERS
FROM GENERAL REVENUE FUND 2,264,494

Funds in Specific Appropriation 27 shall be allocated to the Multidisciplinary Educational Services Centers as follows: University of Florida, $488,344; University of Miami, $431,381; Florida State University, $437,558; University of South Florida, $476,637; and University of Florida Health Science Center at Jacksonville, $430,574. Each center shall provide a report to the Department of Education by September 1, 1997, for the 1996-97 year that shall include the following: 1) the number of children served, 2) the number of parents served, 3) the number of persons participating in inservice education activities, 4) the number of districts served, and 5) specific services provided.

28 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA INFORMATION RESOURCE NETWORK
FROM GENERAL REVENUE FUND 6,166,473
FROM EDUCATIONAL AIDS TRUST FUND 150,000

The funds provided in Specific Appropriation 28 shall be used to continue the Florida Information Resource Network (FIRN). The goals of the network are the implementation of a statewide interactive network and the reduction of the data burden on teachers and other personnel. A principal emphasis shall continue to be the automation of student, staff and financial information systems, and distance learning activities.

$150,000 is provided in Specific Appropriation 28 to pay for the close-out of the community college integrated database development and implementation. Full implementation shall be completed by June 30, 1998 and FIRN shall conduct the necessary certification test to determine that the integrated database has been developed.

The Database Implementation Task Force for the community college integrated database shall submit reports to the Governor and the Legislature detailing all progress towards completion of the goals of this proviso on July 15, 1997, January 15, 1998 and a final report on July 15, 1998.

29 SPECIAL CATEGORIES
GRANTS AND AIDS - NEW WORLD SCHOOL OF THE ARTS
FROM GENERAL REVENUE FUND 864,618

29A SPECIAL CATEGORIES
TRANSFER TO EXECUTIVE OFFICE OF GOVERNOR - OFFICE OF PLANNING AND BUDGETING FOR DISTANCE LEARNING INFRASTRUCTURE
FROM GENERAL REVENUE FUND 758,678

30 SPECIAL CATEGORIES
EDUCATIONAL FACILITIES RESEARCH AND DEVELOPMENT PROJECTS
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 200,000

31 SPECIAL CATEGORIES
RETIREMENT ESCROW
FROM EDUCATIONAL AIDS TRUST FUND 291,000

32 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 131,459
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 19,942
FROM FOOD AND NUTRITION SERVICES TRUST FUND 10,738

33 SPECIAL CATEGORIES
GRANTS AND AIDS - AUTISM PROGRAM
FROM GENERAL REVENUE FUND 3,875,000

Funds in Specific Appropriation 33 shall be distributed to the five autism centers as follows: University of South Florida (Florida Mental Health Institute) $422,386; University of Florida (College of Medicine) $280,827; University of Miami (Department of Pediatrics) $344,495; University of Florida (Jacksonville) $296,465; and Florida State University (Multidisciplinary Evaluation Center) $280,827. Summaries of achievements for the prior fiscal year shall be submitted to the Department of Education by September 1, 1997. In addition, $250,000 is to be allocated to the Quest Center for Autistic Children in Orange County. $2,000,000 is to be distributed to the Therapeutic Intervention Program in Broward County.

34 DATA PROCESSING SERVICES
KNOTT DATA CENTER - DEPARTMENT OF EDUCATION
FROM GENERAL REVENUE FUND 1,942,090
FROM EDUCATIONAL AIDS TRUST FUND 771,215

35 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM GENERAL REVENUE FUND 638,186
FROM EDUCATIONAL AIDS TRUST FUND 285,670

35A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 13,531
FROM EDUCATIONAL AIDS TRUST FUND 99
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 7,306

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The Legislature hereby finds and determines that the items and sums designated in Specific Appropriations 36 through 46 shall constitute authorized capital outlay projects within the meaning and as required by s. 9(a)(2), Article XII of the State Constitution, as amended, and any other law. In accordance therewith, the moneys in the following items are authorized to be expended for the enumerated authorized capital outlay projects.

The sum designated for each specific allocation for a project is the maximum sum to be expended for each specified phase from funds accruing under s. 9(a)(2), Article XII of the State Constitution, as amended. The scope of each project shall be planned in such a way as to provide that the amounts specified shall not be exceeded, or any excess in costs shall be funded by funds other than those appropriated herein and each project shall be constructed on the site specified. If existing facilities and acquisition of new sites are a part of these projects, each such building and site must be certified to be free of contamination, asbestos, and other hazardous materials before the facility or site may be acquired. The provisions of s. 216.301(3)(a), Florida Statutes, shall apply to capital outlay funds appropriated to the Public Education Capital Outlay and Debt Service Trust Fund for the Fiscal Year 1997-98 appropriation. For the state educational agencies to receive these monies from the Department of Education, the Executive Office of the Governor may establish additional fixed capital outlay appropriations within trust funds of state educational agencies for the purpose of making fixed capital outlay project expenditures appropriated herein.

36 FIXED CAPITAL OUTLAY
MAINTENANCE, REPAIR, RENOVATION, AND REMODELING
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 113,500,000

Funds provided in Specific Appropriation 36 shall be allocated in accordance with s. 235.435(1), Florida Statutes, as follows:

Public Schools..... $ 90,141,700
Community Colleges..... 8,830,300
State University System..... 14,528,000

37 FIXED CAPITAL OUTLAY
SURVEY RECOMMENDED NEEDS - PUBLIC SCHOOLS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 206,389,194

Funds provided in Specific Appropriation 37 shall be allocated in accordance with s. 235.435(3), and s. 228.053(9)(e), Florida Statutes.

From the funds provided in Specific Appropriation 37 allocated to Sarasota County and Charlotte County School Boards, the boards shall complete a feasibility analysis on constructing and operating a joint Sarasota/Charlotte County High School facility serving the North Port community.

38 FIXED CAPITAL OUTLAY
COMMUNITY COLLEGE PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 133,390,826

The following community college projects are included in the funds provided in Specific Appropriation 38:

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Brevard-Gen ren/rem, extr walls, Stu Ctr & Criminal Just Bldg - Mel..... 1,150,000
Rem/ren Classroom & Library - stu svcs ctr - Cocoa partial..... 2,755,000
Broward - Student Ctr Second Floor Addition/Rem-Central partial (c, e).. 3,373,327
Gen ren/rem, Chiller, HVAC, energy mgt, comm sys, ADA, site improv..... 1,750,000
Student Svcs Ctr - North partial (c)... 6,500,029
Rem/ren Bldg 47 / Computer & Reading Labs - North partial..... 1,839,421
Central Florida-Gen ren/rem, critical mech/elec, ADA, roofing, site improvements..... 891,600
Rem/ren Bldg 2, 7, 9 & 19 - Main partial 350,000
Chipola-Public Service Tech Bldg.(c,e).. 624,406
English/Clsrms Building complete (c,e)..... 2,808,749
Gen ren/rem, ADA, PE fields, site improvements..... 485,000
Daytona Beach-Allied Health/Science Bldg Addition & Parking-Main partial (p,c). 700,000
Gen ren/rem, undergrd utilities, Bldgs 8, 25, 27, LRC plg, fields..... 2,409,479
Edison-Clsrms/Dis Lng/Video Fac Handicap req & parking impv (P,C,E)..... 1,260,000
Gen ren/rem, energy proj 13 Bldgs, Fire safety, HVAC, site imprv..... 544,234
Florida @ Jacksonville-Clsrms/Labs/Lib/ Stu Svcs Ph II - Nassau partial (s,p,c) 545,900
Gen ren/rem, ADA, HVAC, remove fuel tanks, lights, util, roof..... 1,175,474
Rem/ren Deerwood Center partial..... 2,842,419
Land & Facilities Acquisition - Deerwood Center Partial (s,p,c).... 487,433
Florida Keys-Gen ren/rem, roofs, sew plt, telecomm, HVAC, ADA, site imprv..... 572,000
Gulf-Gen ren/rem, HVAC, energy mgt sys Soc Sci & LRC..... 576,050
Rem/ren Fine Arts Bldg partial..... 1,338,000
Crim Just Labs/Econ Dev mtch-Gulf complete (c,e)..... 500,000
Hillsborough-Clsrms/Science Labs/Office Bldg - Dale Mabry complete (e)..... 908,510
Gen ren/rem, HVAC, energy mgt, parking ADA, utilities, hazrds mat..... 1,075,000
Rem/ren Library, Science, Hum Bldg - DM partial..... 719,434
Indian River-Allied Health Inst Fac complete (c,e)..... 1,682,000
Indian River Com College/FAU Jt. Use Classrooms/Lab (p)..... 506,404
Land & Fac acquis - Meuller Ctr IR County/Chastain Ctr - Martin County (s,p,c)..... 2,000,000
Gen ren/rem, roofs, ADA, utilities, parking, site improv, HVAC..... 900,000
Lake City-Gen ren/rem, lockers, HVAC, Tech Bldg..... 500,000
Lake Sumter-South Lake County Ctr partial (c,e)..... 2,278,695
Gen ren/rem, roofs, comm sys, site imp, ADA, lighting, HVAC..... 350,000
Library/Student Svcs Ctr/w County & School Bd match Sumter partial(p,c).. 385,000
Manatee-Comprehensive Student Center Fac - Main complete (c, e)..... 300,000
Gen ren/rem, utilities, fire main, HVAC, ducts, roofs, ADA, soffits - south... 450,000
Neel House Auditorium remodeling..... 600,000
Miami-Dade-Gen ren/rem collegewide..... 7,206,753
Rem/ren clrms/labs/sup fac-Wolfson partial..... 1,748,120
Land & Fac acq - Interamerican Ctr

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partial (s,p,c)..... 4,844,555
Land & Fac acq - Hialeah complete (s,p,c,e)..... 9,850,000
Land Acq Phase III - Wolfson (s,p,c)... 5,000,000
North Florida-Gen ren/rem, site imp, roofing, handicap access, ADA, fields 729,455
Okaloosa-Walton-Gen ren/rem, utilities, parking, site imps, safety, elec, cooling towers..... 520,000
Palm Beach-Gen ren/rem, flood cntr, safety, roofs, parkg, utilities, lights, rds..... 1,615,000
Pasco-Gen ren/rem, roofs, HVAC, elec/light sys, ADA..... 583,351
Rem/ren Bus DP Labs Bldgs 4 & 5 - West. 884,802
Rem/ren 1 Classrooms, Labs - North partial..... 868,585
Pensacola-Gen ren/rem, roofs, HVAC, engy mgt, lights - Districtwide..... 809,634
Adj Land Acq - Main..... 750,000
Polk-Gen ren/rem, HVAC, elec alarm sys, ADA, lights, parking, comm sys..... 632,868
Student Center Addition (50/50 match) complete (p, c, e)..... 774,445
St. Johns River-Student Svcs Ctr - Orange Park complete (c, e)..... 190,000
Gen ren/rem, HVAC, Sci, Tech & LRC, ADC req elev, auto drs..... 592,000
JT/Clay Co Schs-Clsrms/Auditorium w/ County mtch partial (p)..... 168,750
St. Petersburg-Clsrms, Labs, Offices Ph II - w/city match Seminole partial (p)..... 400,000
Gen ren/rem, Bldgs, roofs, HVAC, ADA, site improvements..... 2,353,800
Rem/ren Food Svcs, Admin Bldgs & Gym - SP/G..... 2,002,930
Rem/ren TA, LA, FA, FH w/addition- CL partial..... 2,402,166
Rem/ren Med Tech, Vet Tech & Funrl Srvcs const-HEC, Stu Svcs, Off - AC.. 547,386
Classrooms/labs/offices Phase II w/city match Seminole Partial(p,c)..... 4,000,000
Santa Fe-Science Lab Bldg complete (e).. 337,313
Gen ren/rem, HVAC, ADA, utilities sys.. 839,244
Rem/ren Bldg G Bookstore to Dev Lab/ clsrms partial..... 357,126
Seminole-Science Laboratory Bldg Addition complete (e)..... 727,442
Clsrms/Sci Labs/Office Bldgs - East Ctr. Ph IA partial (c,e)..... 7,350,234
Ren/rem energy mgt sys, road, comm sys, site dev..... 750,000
Rem/ren Science Bldg floors 2 & 3 partial..... 224,877
South Florida-Public Service Tech Bldg partial (s, c)..... 750,000
Gen ren/rem, roofing, asbestos removal. 693,730
Tallahassee-Gen Classrooms/Laboratory Building partial (p,c)..... 4,000,000
Gen ren/rem, extended studies safety, ed fac const, utilities..... 2,036,687
Adj Land Acq (s,p,c)..... 1,000,000
Valencia-Lib Arts/Health Ph I Bldg II-Osceola partial (c, e)..... 11,206,009
Gen ren/rem & site improvements-collegewide..... 1,200,000
Rem/ren Modules 1,2,4 & 6/Clasrms, Labs, Stu Svcs-West partial..... 310,000
Land Acq - Winter Park..... 4,000,000

39 FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 134,188,142

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The following projects in the State University System are included in the funds appropriated in Specific Appropriation 39:

SUS - Fire Safety/ADA/Capital Renewal (P,C).....$ 151,620
FAMU Science Research Facility (E)..... 1,950,000
Architecture Renovation/Remodeling/ Expansion (P,C)..... 3,500,000
Expansion of Ware Rhaney Bldg (P).... 500,000
Utilities/Infrastructure Improv (P,C).. 6,028,318
FAU - Broward Southeast Campus/Davie Classroom Building (E)..... 1,750,000
Sea Tech Building - Remodeling/ Renovation (C)..... 4,000,000
Joint Use Clasrm/Lab Facility w/Indian River Com College (P)..... 506,404
North Palm Beach Campus (C,E) 9,269,470
FGCU - Phase I Completion and Campus Support Facility (P,C,E)..... 6,979,607
Classroom/Office Bldg (P)..... 600,000
FIU - Education Building Completion (Reimbursement) (C,E)..... 1,900,000
Primera Casa Elevators (P,C,E)..... 1,200,000
Library Addition (C,E)..... 2,300,000
Utilities/Infrastructure Site Development (P,C)..... 6,734,412
FSU
Public Safety Facility (E)..... 750,000
Building Envelope Improvements- Phase I (C)..... 2,350,000
Williams Building Remodeling (C)..... 8,994,540
Campus Stormwater Improvements - Phase II (P,C)..... 1,809,819
Utilities/Infrastructure Improv (P,C).. 4,977,850
UCF - Health & Public Affairs Building (E)..... 2,150,000
Classroom Building - Phase I (C)..... 11,000,000
UF - Rhines Hall Renovation & Expansion (C,E)..... 4,107,000
Agricultural & Biological Engineering Building (P)..... 1,187,000
IFAS North FL REC Combined Facility (P,C,E)..... 2,000,000
IFAS Central FL REC Combined Facility (P,C,E)..... 5,775.000
Utilities/Infrastructure Improv (P,C).. 5,967,359
UNF - Multi-Purpose Educational Complex (C,E)..... 829,000
Remodeling/Renovation Buildings 1,2,3,5 & 10 (P,C)..... 900,000
Fine Arts Complex (P)..... 571,000
Road Improvements (P,C)..... 500,000
USF - Psychology/CSD/Lab Building (C).. 11,000,000
Utilities/Infrastructure Improv (P,C).. 8,158,143
UWF - Science Lecture/Laboratory Demonstration Classrooms (C)..... 3,100,000
Commons - Phase III & Academic Conference Facilities reimburse (C).. 2,500,000
Utilities/Infrastructure Improv/ roof system replacement (P,C)..... 2,191,600
Land Acquisition..... 6,000,000

40 FIXED CAPITAL OUTLAY
SPECIAL FACILITY CONSTRUCTION ACCOUNT
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 40,709,896

Funds provided in Specific Appropriation 40 shall be allocated pursuant to s. 235.435(2), Florida Statutes, as follows:

Bradford County
Elementary School (p, c, e)..... $ 785,395

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Gilchrist County
Bell Elementary/Bell High School
(p, c, e,)..... 12,416,061
Hendry County
Middle School (p, c, e,)..... 6,548,622
Lafayette County
Gymnasium (p, c, e)..... 223,450
Union County
Union High School (p, c, e)..... 5,209,346
Holmes County Bethlehem School (p,c,e).. 15,527,022

42 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 498,020,000
FROM SCHOOL DISTRICT AND COMMUNITY COLLEGE DISTRICT CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 50,000,000

43 FIXED CAPITAL OUTLAY
GRANTS AND AIDS - SCHOOL DISTRICT AND COMMUNITY COLLEGE
FROM SCHOOL DISTRICT AND COMMUNITY COLLEGE DISTRICT CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 54,902,500

44 FIXED CAPITAL OUTLAY
FLORIDA SCHOOL FOR THE DEAF AND BLIND - CAPITAL PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 5,696,212

Funds provided in Specific Appropriation 44 are for the following projects:

Campus Safety Related Projects..... $ 416,745
Renovations..... 2,590,000
Capital Asset Management Projects..... 2,684,467
Master Plan Update..... 5,000

45 FIXED CAPITAL OUTLAY
JOINT-USE FACILITIES PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 450,103

Funds provided in Specific Appropriation 45 are for the following project:

Indian River Community College/FL
Atlantic Univ Jt Use Classroom/Labs Facility (P)..... $ 337,603
St. Johns River Community College/Clay County District School Board Joint Use Classroom Facility (P,C,E)..... 112,500

46 FIXED CAPITAL OUTLAY
PUBLIC BROADCASTING PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 600,000

Funds provided in Specific Appropriation 46 shall be used as follows:

WUSF-TV - Tampa (p,c)..... 600,000

46A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
AID TO LOCAL GOVERNMENT - PUBLIC SCHOOL CONSTRUCTION MATCHING GRANTS
FROM GENERAL REVENUE FUND 50,000,000

Funds provided in Specific Appropriation 46A are to implement the School Infrastructure Thrift Program.

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HUMAN RESOURCE DEVELOPMENT, DIVISION OF

From the funds provided in Specific Appropriations 47, 48, 49, and 51, the Teacher Referral and Recruitment Center is authorized to collect a registration fee for the Great Florida Teach-In, not to exceed $15 per person, and/or a booth fee, not to exceed $200 per school district or other interested participating organization. The revenue from the fees shall be used to promote and hold the Great Florida Teach-In. Funds may be used to purchase promotional items (i.e. mementos, awards, plaques, etc.).

47 SALARIES AND BENEFITS POSITIONS 69
FROM GENERAL REVENUE FUND 1,053,103
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND 1,666,744

48 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 493,061
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND 189,279

49 EXPENSES
FROM GENERAL REVENUE FUND 727,228
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND 668,440
FROM EDUCATIONAL AIDS TRUST FUND 64,918

50 AID TO LOCAL GOVERNMENTS
PROFESSIONAL PRACTICES - SUBSTITUTES
FROM GENERAL REVENUE FUND 8,740

51 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 75,119
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND 648,609

51A SPECIAL CATEGORIES
FLORIDA ENDOWMENT FOR THE HUMANITIES
FROM GENERAL REVENUE FUND 150,000

52 SPECIAL CATEGORIES
CENTER FOR SPACE EDUCATION
FROM CHALLENGER ASTRONAUTS MEMORIAL SCHOLARSHIP TRUST FUND 750,000

52A SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA STATE TEACHERS ASSOCIATION
FROM GENERAL REVENUE FUND 50,000

53 SPECIAL CATEGORIES
MINORITY TEACHER INCENTIVE
FROM GENERAL REVENUE FUND 200,000

54 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 3,640
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND 6,580

55 SPECIAL CATEGORIES
TEACHER PROFESSIONAL DEVELOPMENT
FROM GENERAL REVENUE FUND 4,659,323

Funds in Specific Appropriation 55 shall be used for a coordinated in-service training effort. This shall include training required to successfully implement a student-centered outcome-based accountability system in every school and shall include the training needs of personnel in schools

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and districts, school boards, and members of the School Advisory Councils. The primary objective shall be to enhance the capacity of personnel in each district and each school to effectively perform their responsibilities in implementing Florida's Education Reform and Accountability Act.

Specific Appropriation 55 provides $334,800 to the Florida School Boards Association for school board member in-service training; $363,000 to the Florida Association of School Superintendents for district superintendents and district leader in-service training; $600,000 to the Technological Research and Developmental Authority for in-service training, which includes $250,000 provided to the joint TRDA/FGCU Science Mentor Program: $200,000 to be administered by FGCU and $50,000 to be administered by TRDA.

56 SPECIAL CATEGORIES
TEACHER OF THE YEAR
FROM GENERAL REVENUE FUND 45,772

Funds in Specific Appropriation 56 may be used for the Teacher of the Year banquet, as well as awards to the honored teachers as established by the Commissioner of Education.

57 SPECIAL CATEGORIES
SCHOOL RELATED PERSONNEL OF THE YEAR
FROM GENERAL REVENUE FUND 15,100

57A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 5,066
FROM EDUCATIONAL CERTIFICATION AND
SERVICE TRUST FUND 6,997

PRIVATE COLLEGES AND UNIVERSITIES

Budget entities administering contracts which have not been reviewed and recommended by the Postsecondary Education Planning Commission shall require annual reports which include quantified fiscal and programmatic data for all such contracts at the independent institutions. Contracts which fail to meet minimum standards of quality should be visited and corrective actions identified.

58 SPECIAL CATEGORIES
BARRY UNIVERSITY - BACHELOR OF SCIENCE/
NURSING
FROM GENERAL REVENUE FUND 189,989

Funds provided in Specific Appropriation 58 are for not more than 1047 credit hours or 19.04 FTE students.

58A SPECIAL CATEGORIES
GRANTS AND AIDS - UNIVERSITY OF MIAMI -
BIMINI BIOLOGICAL FIELD STATION
FROM GENERAL REVENUE FUND 200,000

Funds provided in Specific Appropriation 58A shall be used to establish an integrated teaching and research program.

59 SPECIAL CATEGORIES
GRANTS AND AIDS - BETHUNE COOKMAN COLLEGE
CHALLENGER PROGRAM
FROM GENERAL REVENUE FUND 284,333

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Funds in Specific Appropriation 59 for the Challenger Institute are contingent upon the development of clearly measurable outcomes and outputs including the development of longitudinal and comparative data, for the Challenger Institute whose stated mission is for the recruitment and retention of students. The specific reporting procedures, outcomes, and the details regarding the expenditures of funds shall be developed and approved by the Department of Education. The Department of Education shall work in conjunction with the Postsecondary Education Planning Commission and Bethune-Cookman College.

60 SPECIAL CATEGORIES
GRANTS AND AIDS - BETHUNE COOKMAN COLLEGE
OF EDUCATION
FROM GENERAL REVENUE FUND 284,333

Funds in Specific Appropriation 60 for the Teacher Education Institute are contingent upon the development of clearly measurable outcomes and outputs, including the development of longitudinal and comparative data, for the Teacher Education Institute whose stated mission is for the recruitment and retention of students in the College of Education. The specific reporting procedures, outcomes, and the details regarding the expenditures of funds shall be developed and approved by the Department of Education. The Department of Education shall work in conjunction with the Postsecondary Education Planning Commission and Bethune-Cookman College.

61 SPECIAL CATEGORIES
FLORIDA SOUTHERN - BACHELOR OF SCIENCE IN
ACCOUNTING
FROM GENERAL REVENUE FUND 52,832

Funds provided in Specific Appropriation 61 are for not more than 569 credit hours or 19 FTE students.

62 SPECIAL CATEGORIES
HISTORICALLY BLACK PRIVATE COLLEGES
FROM GENERAL REVENUE FUND 3,277,281

Funds provided in Specific Appropriation 62 include $250,000 to implement Phase II of gerontological development at Edward Waters College.

From the funds in Specific Appropriation 62, $1,268,666 is provided to Florida Memorial College, $1,058,615 is provided to Edward Waters College, and $700,000 is provided for Bethune Cookman College for student recruitment and retention. Funding is contingent upon the development of clearly measurable outcomes and outputs, including the development of longitudinal and comparative data. The specific reporting procedures, outcomes, and the details regarding the expenditures of funds shall be developed and approved by the Department of Education. The Department of Education shall work in conjunction with the Postsecondary Education Planning Commission and each of these institutions.

63 SPECIAL CATEGORIES
LIMITED ACCESS GRANTS
FROM GENERAL REVENUE FUND 500,000

Funds in Specific Appropriation 63 are contingent upon passage of legislation amending the Limited Access Grant Program. Should such legislation not

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become law, the Executive Office of the Governor shall transfer these funds to the Private Tuition Assistance Program in Specific Appropriation 80.

64 SPECIAL CATEGORIES
FLORIDA INSTITUTE OF TECHNOLOGY - SCIENCE EDUCATION
FROM GENERAL REVENUE FUND 86,787

Funds provided in Specific Appropriation 64 are for not more than 886 credit hours or 18.14 FTE students.

65 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - INDUSTRIAL ENGINEERING
FROM GENERAL REVENUE FUND 182,082

Funds provided in Specific Appropriation 65 are for not more than 639 credit hours or 21.3 FTE students.

66 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - BACHELOR OF SCIENCE/ ARCHITECTURAL ENGINEERING
FROM GENERAL REVENUE FUND 74,222

Funds provided in Specific Appropriation 66 are for not more than 259 credit hours or 8.67 FTE students.

67 SPECIAL CATEGORIES
FLORIDA INSTITUTE OF TECHNOLOGY - ENGINEERING CONTRACT
FROM GENERAL REVENUE FUND 401,346

Funds provided in Specific Appropriation 67 are for not more than 4,086 credit hours or 85.1 FTE students.

68 SPECIAL CATEGORIES
FLORIDA SOUTHERN COLLEGE - BACHELOR OF SCIENCE/ARTS- ELEMENTARY/EARLY CHILDHOOD EDUCATION
FROM GENERAL REVENUE FUND 69,823

Funds provided in Specific Appropriation 68 are for not more than 1,020 credit hours or 34 FTE students.

69 SPECIAL CATEGORIES
GRANTS AND AIDS - EDWARD WATERS UPGRADE
FROM GENERAL REVENUE FUND 210,051

Funds in Specific Appropriation 69 for the Upgrading Test-Taking Skills and Proficiency of Students Program are contingent upon the development of clearly measurable outcomes and outputs, including the development of longitudinal and comparative data, for this program whose stated mission is the improvement of standardized test taking scores of students. The specific reporting procedures, outcomes, and the details regarding the expenditures of funds shall be developed and approved by the Department of Education. The Department of Education shall work in conjunction with the Postsecondary Education Planning Commission and Edward Waters College.

70 SPECIAL CATEGORIES
LIBRARY RESOURCES
FROM GENERAL REVENUE FUND 168,041

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Funds provided in Specific Appropriation 70 shall be used for the purchase of books and other related library materials such as audio and media resources. Funds shall not be expended on promotional materials or on staff development.

71 SPECIAL CATEGORIES
NURSING CONTRACT - UNIVERSITY OF MIAMI
FROM GENERAL REVENUE FUND 331,091

Funds provided in Specific Appropriation 71 are for not more than 1,147 credit hours or 38.3 FTE students.

71A SPECIAL CATEGORIES
GRANTS AND AIDS - ST. THOMAS UNIVERSITY - INSTITUTE FOR WORKFORCE ENHANCEMENT
FROM GENERAL REVENUE FUND 250,000

72 SPECIAL CATEGORIES
SOCIAL WORK CONTRACT - BARRY UNIVERSITY
FROM GENERAL REVENUE FUND 193,734

Funds provided in Specific Appropriation 72 are for not more than 992 credit hours or 33.1 FTE students.

73 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - BS/MOTION PICTURES CONTRACT
FROM GENERAL REVENUE FUND 544,657

Funds provided in Specific Appropriation 73 are for not more than 450 credit hours.

Funds in Specific Appropriation 73 include $254,000 for the purchase of equipment.

74 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - BIOMEDICAL ENGINEERING CONTRACT
FROM GENERAL REVENUE FUND 89,802

Funds provided in Specific Appropriation 74 are for not more than 266 credit hours or 8.9 FTE students.

75 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - BIOMEDICAL SCIENCE DOCTORAL PROGRAMS CONTRACT
FROM GENERAL REVENUE FUND 362,228

Funds provided in Specific Appropriation 75 are for not more than 331 credit hours or 13.8 FTE students.

76 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - ROSENSTIEL PHD MARINE AND ATMOSPHERIC SCIENCE
FROM GENERAL REVENUE FUND 289,430

Funds provided in Specific Appropriation 76 are for not more than 156 credit hours or 6.5 FTE students.

77 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - MASTER OF SCIENCE IN NURSING CONTRACT
FROM GENERAL REVENUE FUND 299,559

Funds provided in Specific Appropriation 77 are for not more than 880 credit hours or 29.40 FTE students.

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78 SPECIAL CATEGORIES
GRANTS AND AIDS - NOVA UNIVERSITY
FROM GENERAL REVENUE FUND 615,788

Funds provided in Specific Appropriation 78 are for not more than 150 FTE Florida students. Eligibility shall be based on the residency requirements stipulated in s. 240.1201, Florida Statutes.

Per student funding shall not exceed the difference between the average cost of state university fees and equivalent fees for students enrolled at Nova. No student funded through Specific Appropriation 78 shall receive a resident access grant pursuant to s. 240.605, Florida Statutes.

79 SPECIAL CATEGORIES
GRANTS AND AIDS - NOVA UNIVERSITY/MASTERS OF SCIENCE OF SPEECH PATHOLOGY
FROM GENERAL REVENUE FUND 215,280

Funds provided in Specific Appropriation 79 are for not more than 1200 credit hours or 30 FTE students.

80 FINANCIAL ASSISTANCE PAYMENTS
PRIVATE TUITION ASSISTANCE
FROM GENERAL REVENUE FUND 28,852,200

Funds provided in Specific Appropriation 80 shall be used to provide tuition assistance to students. The maximum amount of the access grant for 1997-98 shall be $1,800. If the amount in Specific Appropriation 80 is not sufficient to provide $1,800 to each eligible student, the Department shall prorate the amount among all eligible students. Students enrolled in state contracted programs at private institutions whose tuition is equivalent to tuition in the State University System shall not be eligible to receive funds under the Resident Access Grant Fund. The Commissioner shall establish a cut-off date for the submission of vouchers for each registration period. No funds provided in Specific Appropriation 80 for 1997-98 shall be used to pay any voucher submitted for 1996-97 enrollment. Handicapped students who complete a total of 24 semester hours of instruction during a twelve month period that begins at the start of the school year shall be eligible to receive a tuition voucher. No student shall receive voucher funds in excess of the difference between the average cost of state university fees and equivalent fees paid by students enrolled in the eligible independent institution.

OFFICE OF STUDENT FINANCIAL ASSISTANCE

81 SALARIES AND BENEFITS POSITIONS 96
FROM GENERAL REVENUE FUND 981,358
FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND 2,431,069

82 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 13,796
FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND 28,540

83 EXPENSES
FROM GENERAL REVENUE FUND 238,699
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 234,172
FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND 901,234

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84 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 6,665

85 SPECIAL CATEGORIES
CLAIM PAYMENTS FOR GUARANTEED STUDENT LOAN PROGRAM
FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND 66,240,000

86 SPECIAL CATEGORIES
FINANCIAL AID CONTRACTUAL SERVICES
FROM GENERAL REVENUE FUND 38,924
FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND 7,925,473

87 SPECIAL CATEGORIES
GRANTS AND AIDS - AFRICAN AND AFRO-CARIBBEAN SCHOLARSHIP PROGRAM
FROM GENERAL REVENUE FUND 75,785

It is the intent of the Legislature to phase out this program. No new awards may be made for the 1997-98 academic year.

88 SPECIAL CATEGORIES
PREPAID TUITION SCHOLARSHIPS
FROM GENERAL REVENUE FUND 1,000,000

89 SPECIAL CATEGORIES
TRANSFER TO STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND
FROM GENERAL REVENUE FUND 40,917,980

90 SPECIAL CATEGORIES
GRANTS AND AIDS - LATIN AMERICAN/CARIBBEAN BASIN PROGRAM
FROM GENERAL REVENUE FUND 36,058
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 156,000

It is the intent of the Legislature to phase out this program. No new awards may be made for the 1997-98 academic year.

91 SPECIAL CATEGORIES
TRANSFER TO GENERAL REVENUE FUND
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 3,500,000

92 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 3,328
FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND 10,117

93 FINANCIAL ASSISTANCE PAYMENTS
MARY MCCLEOD BETHUNE SCHOLARSHIP
FROM GENERAL REVENUE FUND 235,328
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 444,000

94 FINANCIAL ASSISTANCE PAYMENTS
STUDENT FINANCIAL AID
FROM CHALLENGER ASTRONAUTS MEMORIAL SCHOLARSHIP TRUST FUND 1,153,000
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 40,917,980

The funds in Specific Appropriation 94 are provided in the amounts specified for each scholarship and grant program listed below.

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Challenger Astronaut Memorial Scholarship Trust Fund:
Teacher/Quest Partner Program..... 700,000
Challenger Memorial/Florida Academic Scholarship..... 453,000
State Student Financial Assistance Trust Fund:
Public Student Assistance Grant..... 27,153,354
Private Student Assistance Grant..... 6,567,477
Postsecondary Student Assistance Grant 1,621,813
Children of Deceased/Disabled Veterans. 130,298
Florida Work Experience Program..... 599,243
Critical Teacher Shortage Program.....2,646,795
Florida Scholarship/Forgivable Loan Program.....1,814,800
Exceptional Child Scholarship.....109,212
Student Regent Scholarship.....4,589
State Board of Community Colleges Student Member Scholarship.....4,589
PEPC Student Member Scholarship.....4,589
Nicaraguan/Haitian Scholarships.....8,681
Seminole/Miccosukee Indian Scholarships...61,040
Occupational/Physical Therapy Shortage Program.....91,500
Rosewood Family Scholarships.....100,000

From the funds provided in Specific Appropriation 94, the maximum grant to any student from the Florida Public, Private, and Postsecondary Assistance Grant Programs shall be for $1,300.

95 FINANCIAL ASSISTANCE PAYMENTS
ROBERT C. BYRD HONORS SCHOLARSHIP
FROM EDUCATIONAL AIDS TRUST FUND 1,987,000

96 FINANCIAL ASSISTANCE PAYMENTS
JOSE MARTI SCHOLARSHIP CHALLENGE GRANT
FROM GENERAL REVENUE FUND 100,000
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 196,000

97 FINANCIAL ASSISTANCE PAYMENTS
TRANSFER TO THE FLORIDA EDUCATION FUND
FROM GENERAL REVENUE FUND 500,000

97A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 4,094
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 1,389
FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND 12,163

PUBLIC SCHOOLS, DIVISION OF

98 SALARIES AND BENEFITS POSITIONS 124
FROM GENERAL REVENUE FUND 4,183,504
FROM EDUCATIONAL AIDS TRUST FUND 1,908,266
FROM INSTITUTIONAL ASSESSMENT TRUST FUND . 243,992

99 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 98,887
FROM EDUCATIONAL AIDS TRUST FUND 218,837
FROM INSTITUTIONAL ASSESSMENT TRUST FUND . 21,935

100 EXPENSES
FROM GENERAL REVENUE FUND 1,845,794
FROM EDUCATIONAL AIDS TRUST FUND 942,740
FROM INSTITUTIONAL ASSESSMENT TRUST FUND . 97,474

From the funds in Specific Appropriation 100, $100,000 may be used for the Coordinating Committee for completion of the common course numbering and designation systems pursuant to Chapter 95-243, Laws of Florida.

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101 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - GRADES K-8 SUMMER SCHOOL
FROM GENERAL REVENUE FUND 83,000,000

Funds provided in Specific Appropriation 101 are for summer term instruction for students in grades K-8 and may be expended for students in Grades K-8 receiving basic supplemental instruction during the 180-day term.

Funds provided in Specific Appropriation 101 for grades K-8 summer school, Specific Appropriation 107 for class size reduction, Specific Appropriation 123 for full service schools and Specific Appropriation 109 for public school technology may be used for any of these four purposes in amounts school district boards determine will best meet the needs of students. These funds may also be used to assist students to achieve the performance levels required in Senate Bill 1956.

102 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INNOVATIVE PRACTICES GRANTS
FROM GENERAL REVENUE FUND 2,000,000

The Commissioner of Education shall develop general guidelines by which grant applications will be received from local education agencies or non-profit corporations. Such guidelines shall be approved by the State Board of Education. Approved applications shall include evaluation criteria.

Special consideration shall be given to grant applications which target funds for low performing schools and applications which contain private matching contributions.

103A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCHOOL HEALTH SCREENINGS
FROM GENERAL REVENUE FUND 1,100,000

From the funds in Specific Appropriation 103A, $1,000,000 is provided for an eye examination and screening program for students in grades kindergarten through three. The method of screening shall be color photorefraction as developed and patented by the National Aeronautics and Space Administration.

From the funds in Specific Appropriation 103A, $100,000 is provided for Recording for the Blind and Dyslexic, Florida Unit.

103B AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - HUMAN IMMUNODEFICIENCY VIRUS/ACQUIRED IMMUNE DEFICIENCY SYNDROME (HIV/AIDS) AWARENESS EDUCATION
FROM GENERAL REVENUE FUND 200,000

104 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FEDERAL GRANTS AND AIDS
FROM EDUCATIONAL AIDS TRUST FUND 514,100,702

105 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLORIDA EDUCATIONAL FINANCE PROGRAM
FROM GENERAL REVENUE FUND 5193,422,099
FROM PRINCIPAL STATE SCHOOL TRUST FUND . . 62,395,785

The department's bimonthly distribution of funds provided in Specific Appropriation 105 shall be made in equal payments on or about the 10th and 26th of each month.

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Funds provided in Specific Appropriation 105 shall be allocated using a base student allocation of $3,034.96 for the K-12 FEFP.

Pursuant to s. 236.081(11), Florida Statutes, a minimum guaranteed level of funding shall be calculated to provide each school district a 1.0 percent increase per weighted full-time equivalent K-12 student over the amount per weighted full-time equivalent K-12 student funded in the 1996-97 FEFP. The calculation of this minimum funding shall compare total state formula funds for K-12 programs and categorical increase funds and actual discretionary taxes for 1996-97 with total state formula for K-12 programs and categorical increase funds and maximum potential discretionary taxes for 1997-98. Pre-Kindergarten Early Intervention and FEFP Adult Program funds shall not be included in the calculation of the minimum guarantee.

The district cost differential (DCD) for each district shall be calculated pursuant to the provisions of s. 236.081(2), Florida Statutes.

From the funds in Specific Appropriation 105, $20,000,000 is provided for a Sparsity Supplement as defined in s. 236.081(6), Florida Statutes, for school districts of 20,000 and fewer K-12 FTE in 1997-98.

Total unadjusted required local effort taxes for 1997-98 shall be $3,675,044,057. The maximum nonvoted discretionary millage which may be levied pursuant to the provisions of s. 236.25(1), Florida Statutes, by district school boards in 1997-98 shall be:

1) 0.510 mills, and
2) An additional levy, not to exceed 0.250 mills, that will raise an amount not to exceed $50 per full-time equivalent student (FTE).
3) In addition, any district that provides from its required local effort 90 percent of its total FEFP calculation, and its percent increase per K-12 Weighted FTE is less than the state average percent increase per K-12 Weighted FTE, may levy additional millage that will raise an amount not to exceed the difference between the district's percent increase and the state average percent increase.

District school boards that levy the entire additional 0.250 mills and raise less than $50 per K-12 FTE shall receive, from the funds provided in Specific Appropriation 105, an amount that, combined with funds raised by the 0.250 mills, will provide $50 per K-12 FTE. To be eligible for state funds provided in this paragraph, a district must levy the full 0.250 mills and the full 0.510 mills.

Funds provided in Specific Appropriation 105 are based upon program cost factors for 1997-98 as follows:

1. Basic Programs	
A. K-3 Basic	1.054
B. 4-8 Basic	1.000
C. 9-12 Basic	1.169
2. Programs for Exceptional Students	
A. Support Level 1	1.341
B. Support Level 2	2.072
C. Support Level 3	3.287
D. Support Level 4	4.101
E. Support Level 5	6.860
3. Programs for At-Risk Students	
A. Dropout Prevention and Teenage Parent	1.438
B. Educational Alternatives Grades 9-12	1.169
C. English for Speakers of other Languages	1.245
4. Programs for grades 7-12 Vocational Education	1.272

From the funds provided in Specific Appropriation 105, the value of 267.98 Weighted FTE students is provided to implement the revised funding model for Exceptional Student Education. The WFTE value shall be used to supplement the funding of students served in ESE programs 254 and 255 when a school district has less than 10,000 FTE student enrollment and less than 3 FTE eligible students per program. The Commissioner of Education shall allocate the value of the supplemental FTE based on documented evidence of the difference in the cost of the service and the amount of funds received in the districts FEFP allocation for the students being served. The supplemental value shall not exceed 3 FTE for each program, 254 and 255.

Funds in Specific Appropriation 105 provide a maximum of 805,236.35 Weighted FTE for students enrolled in K-12 FEFP programs 251, 252, 253, 254, and 255 for exceptional student education. For the 1997-98 fiscal year only, the first year implementation of the revised funding program for exceptional student education, the Consensus Education Estimating Conference as provided in Section 216.133 and 216.134, Florida Statutes, shall review all district enrollment in programs 251 through 255. Based on this review, each district's 1997-98 appropriated ESE Unweighted FTE shall be adjusted as necessary to match its 1997-98 actual ESE enrollment. The maximum Weighted ESE FTE for 1997-98 for all districts shall not exceed 805,236.35.

A student in cooperative education or other types of programs incorporating on-the-job training shall not be counted for more than twenty-five (25) hours per week of membership in all programs when calculating full-time student membership, as provided in s. 236.013, Florida Statutes, for funding under s. 236.081, Florida Statutes.

Funds in Specific Appropriation 105 for grades 9-12 summer school enrollment in basic programs are provided only for academic courses approved in the state Course Code Directory for graduation credit.

Districts may charge a fee for grades K-12 voluntary, non-credit summer school enrollment in basic program courses. The amount of any student's fee shall be based on the student's ability to pay and the student's financial need as determined by district school board policy.

None of the funds provided in the 1997-98 General Appropriations Act for developmental research schools shall be used to pay overhead or indirect costs described in s. 216.346, Florida Statutes.

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From the funds provided in Specific Appropriation 105, $50,350,000 is provided for Safe Schools activities and shall be allocated as follows: two-thirds shall be based on the latest official Florida Crime Index provided by the Department of Law Enforcement and one-third shall be based on each district's share of the state's total weighted student enrollment. Safe Schools activities include (1) after school programs for middle school students, (2) other improvements to enhance the learning environment, including implementation of conflict resolution strategies, and (3) alternative school programs for adjudicated youth. Each district shall determine, based on a review of its existing programs and priorities, how much of its total allocation to use for each authorized Safe Schools activity.

From the funds appropriated in Specific Appropriation 105 $30,000,000 is provided for remediation reduction incentives, which shall be allocated in two parts. The allocation in Part 1 is based on Placement Test Scores. (Step 1) Using the most recent placement test results available, the number of students for the state as a whole and in each district who passed the math subtest of the college entry placement test shall be added to the number of students who passed the writing subtest and to the number of students who passed the reading subtest; (Step 2) the sum calculated in Step 1 above shall be divided by the number of students who took the placement test multiplied by 3; (Step 3) $20,000,000 shall be divided by the factor for the state as a whole calculated in Step 2; (Step 4) the result of the calculation in Step 3 shall be multiplied by the factor calculated in Step 2 to prorate $20,000,000 provided for this purpose among all districts.

The allocation in Part 2 is based on enrollment in higher level mathematics and English courses. $10,000,000 is provided as an incentive for increased student enrollment in higher level mathematics and English courses. These funds shall be used to enhance the quality of each district's math and English curricula. Each district's allocation of math/English enrollment incentive funds shall be calculated as follows: (1) Each district's total Level 1 math enrollment shall be divided by the state total Level 1 math enrollment and that quotient shall be multiplied by $2,500,000 and by -1; (2) the sum of each district's Level 2 and Level 3 math enrollment shall be divided by the state total sum of Level 2 and Level 3 math enrollment and that quotient shall be multiplied by $7,500,000; (3) each district's total math enrollment incentive allocation shall be the sum of the amounts obtained in (1) and (2) above; (4) each district's total English enrollment incentive allocation shall be calculated using the same procedure defined in (1), (2), and (3) above; each district's total math/English enrollment incentive allocation shall be the sum, either a positive or a negative number, of the math and the English allocations. The definition of Levels 1, 2, and 3 math and English courses shall be the same as the Department of Education's course code directory.

The 1997-98 prior year adjustment based on each district's 1996-97 expenditure for "Adjusted General Support Services" as provided in Specific Appropriation 140 of Chapter 96-424 shall not be made to the 1997-98 FEFP.

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From the funds appropriated in Specific Appropriation 105, a Compression Adjustment shall be calculated as follows:

Step 1: $32,995,707 is provided to reduce the disparity in total potential funds per unweighted full-time equivalent K-12 student.

(a) Determine the total potential funds per K-12 FTE for each district. Identify the districts with funds per K-12 FTE that are below the state average. Calculate the amount that is one standard deviation from the mean. If the funds per K-12 FTE for any district are less than the amount equal to one standard deviation below the mean, the funds shall be increased by an amount necessary to achieve one standard deviation from the mean.

(b) All districts with total potential funds per K-12 FTE below the mean shall be increased toward the mean by multiplying the difference below the mean by an equal percentage.

(c) The amount of the increase per student shall be the adjustment to one standard deviation or the equal percentage, whichever is greater.

(d) No district shall receive a disparity adjustment that would change the rank order of the district.

Step 2: Funds are provided to reduce the disparity in total potential funds per weighted full-time equivalent K-12 student.

(a) Determine the total potential funds per weighted K-12 full-time equivalent for each district.

(b) Calculate the weighted state average funds per weighted K-12 full-time equivalent.

(c) Calculate 97% of the weighted state average.

(d) For districts funded at less than 97% of the state average per weighted full-time-equivalent student, determine the district difference from 97% of the average and multiply the difference by the district's weighted full-time equivalent students.

Step 3: Compare funds calculated for each school district in Steps 1 and 2 and choose the higher value.

Pre-Kindergarten and Adult Program funds and FTE shall not be included in the calculation of the Disparity Compression Adjustment.

From the funds in Specific Appropriation 105, the amount provided for a dropout prevention/educational alternatives performance incentive shall be calculated as follows: Obtain the difference of the number of full-time equivalent students in grades 9-12 educational alternatives programs for 1997-98 multiplied by the 1997-98 dropout prevention weight and the same full-time equivalent students multiplied by the 1997-98 basic education grades 9-12 weight. This difference shall be multiplied by the 1997-98 base student allocation. The sum of the resulting calculation shall be the amount provided for the dropout prevention/educational alternatives performance incentive.

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The performance measure for each district shall be calculated as follows: the student data base records of students in grade 8, grade 9, grade 10, and grade 11 enrolled in educational alternative programs in 1993-94 shall be matched with the end of year records for 1993-94, 1994-95, and 1995-96 and fall records for 1996-97. The district's pool of students shall be adjusted to remove students, consistent with the Department of Education guidelines, prior to computing the performance measures. Six performance measures shall be calculated for each district as follows: (1) the number of students enrolled in educational alternatives programs in 1993-94 who are still in school in 1996-97; (2) the number of students in educational alternatives programs in 1993-94 who have graduated by the end of 1995-96; (3) the number of students in educational alternatives programs in 1993-94 who scored 3 or above on Florida Writes; (4) the number of students in educational alternatives programs in 1993-94 who passed the math portion of the high school competency test (HSCT); (5) the number of students in educational alternatives programs in 1993-94 who passed the communication portion of the high school competency test (HSCT), and (6) the number of students in educational alternatives programs in 1993-94 who dropped out. The weighting factors for the six measures defined above shall be +4.0, +6.0, +1.0, +1.0, +1.0 and -4.0, respectively. An overall performance measure shall be calculated for each district by summing the six weighted measures defined above and dividing by the number of students in the district's adjusted pool of students and adding the amount necessary to raise the lowest overall performance measure to zero. Each district's performance measure shall be multiplied by its full-time equivalent enrollment in grades 9-12 educational alternatives programs for 1997-98 and that product shall be used to prorate the amount appropriated for dropout prevention/educational alternatives performance incentive funding.

107 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - CLASS SIZE REDUCTION
FROM GENERAL REVENUE FUND 100,000,000

Funds in Specific Appropriation 107 are allocated by prorating to each school district the funds provided to reduce class size based on each district's October, 1996 student membership for Kindergarten and grade one.

Funds in Specific Appropriation 107 shall be used to achieve the goal, that for each elementary school the class size for Kindergarten and grades one, two, and three shall not exceed 20 students, with a ratio of one full-time equivalent teacher per 20 students. For the purpose of this provision, class sizes that exceed 20 students meet the goal if, for every ten students above a base of 20 students, there is at least one full-time equivalent teacher aide in the classroom for the same number of hours as the students. First priority for the use of these funds shall be the reduction of class size for Kindergarten and grade level one, second priority shall be for grade level two, and third priority shall be for grade level three.

When a school district has achieved the class size goal for Kindergarten and grades one, two, and three, and funds allocated for class size reduction remain, then the school board, at its discretion, may transfer the unused funds to the Districts' FEFP Program.

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By January 1, 1998, the Commissioner of Education shall report to the Legislature the progress made by each district toward the class size reduction goal for Kindergarten, and grades one, two, and three.

Funds provided in Specific Appropriation 101 for grades K-8 summer school, Specific Appropriation 107 for class size reduction, Specific Appropriation 123 for full service schools and Specific Appropriation 109 for public school technology may be used for any of these four purposes in amounts school district boards determine will best meet the needs of students. These funds may also be used to assist students to achieve the performance levels required in Senate Bill 1956.

107A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCHOOL CHOICE
FROM GENERAL REVENUE FUND 3,000,000

The funds in Specific Appropriation 107A shall be used for the public school choice incentive grant program. The Department must develop a competitive process to support school districts that choose to implement a controlled open enrollment plan.

108 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INSTRUCTIONAL MATERIALS
FROM GENERAL REVENUE FUND 158,639,475

From the funds provided in Specific Appropriation 108, school districts shall pay for instructional materials used for the instruction of public high school students who are earning credit toward high school graduation under the dual enrollment program as provided in s. 236.081(1)(j), Florida Statutes.

The growth allocation per FTE student is $130.97 in 1997-98. If the funds provided in Specific Appropriation 108 are insufficient to pay in full the allocation for growth and maintenance, as provided in s. 236.122, Florida Statutes, the growth allocation shall be paid in full and the allocation for the maintenance allocation shall be prorated among all eligible FTE. These funds shall be distributed to school districts as follows: 50% on or about July 10, 1997; 35% on or about October 10, 1997; 10% on or about January 10, 1998 and the balance on or about June 10, 1998.

From the funds provided in Specific Appropriation 108, the Commissioner is authorized to purchase, upon the requisition by the districts, not more than 12,000 copies of the Florida Handbook for distribution to the public schools using an equitable formula based on the number of students in the respective districts.

From the funds provided in Specific Appropriation 108, $100,000 shall be used to provide instructional materials for partially sighted pupils as provided in s. 233.49, Florida Statutes.

From the funds appropriated in Specific Appropriation 108, $12,000,000 is provided for Library Media Materials, and $3,200,000 is provided for purchase of science lab materials and supplies.

From the funds provided in Specific Appropriation 108, $500,000 shall be used for competitive incentive grants for Extended Access to School Library Media Centers.

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From the funds in Specific Appropriation 108, $1,000,000 shall be used for the Sunlink Uniform Library Database.

108A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PROJECT ORANGE
FROM GENERAL REVENUE FUND 1,300,000

108B AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - MARINE INSTITUTES
FROM GENERAL REVENUE FUND 124,000

Funds in Specific Appropriation 108B are provided for the Newfound Harbor Marine Institute environmental education program in Monroe County.

109 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PUBLIC SCHOOL TECHNOLOGY
FROM GENERAL REVENUE FUND 80,000,000

Funds provided for public school technology in Specific Appropriation 109 shall be allocated by prorating the total on each district's share of the state total K-12 FTE.

From the funds provided in Specific Appropriation 109, $1,000,000 shall be used for Library Equipment Automation Grants.

Funds provided in Specific Appropriation 101 for grades K-8 summer school, Specific Appropriation 107 for class size reduction, Specific Appropriation 123 for full service schools and Specific Appropriation 109 for public school technology may be used for any of these four purposes in amounts school district boards determine will best meet the needs of students. These funds may also be used to assist students to achieve the performance levels required in Senate Bill 1956.

110 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCHOOL LUNCH PROGRAM
FROM GENERAL REVENUE FUND 20,161,046
FROM FOOD AND NUTRITION SERVICES TRUST FUND 370,361,238

111 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - STUDENT TRANSPORTATION
FROM GENERAL REVENUE FUND 375,110,777

Funds provided in Specific Appropriation 111 shall be used to transport students as authorized in Chapter 234, Florida Statutes. Any funds not required to transport students may, at the discretion of the district school board, be transferred to the district's FEFP program.

113 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 217,062
FROM EDUCATIONAL AIDS TRUST FUND 95,384

113A SPECIAL CATEGORIES
GRANTS AND AIDS - CITIES IN SCHOOLS
FROM GENERAL REVENUE FUND 1,500,000

114 SPECIAL CATEGORIES
ASSESSMENT AND EVALUATION
FROM GENERAL REVENUE FUND 15,056,405
FROM SOPHOMORE LEVEL TEST TRUST FUND . . . 520,950
FROM TEACHER CERTIFICATION EXAMINATION TRUST FUND 1,441,960

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Funds in Specific Appropriation 114 shall be used by the State Board of Education in 1997-98 upon the recommendation of the Commissioner of Education, to enter into contracts for the continued administration of the assessment, testing, and evaluation programs authorized and funded by the Legislature. Contracts may be initiated in one fiscal year and continue into the next, and may be paid from the appropriations of either or both fiscal years.

Funds in Specific Appropriation 114 may be used for research and analysis of existing data available through Florida's education, evaluation and assessment programs.

The Commissioner is authorized to negotiate for the sale or lease of tests, scoring protocols, test scoring services and related materials developed pursuant to state statutes.

114A SPECIAL CATEGORIES
GRANTS AND AIDS - HOME BASED INSTRUCTIONAL PROGRAMS
FROM GENERAL REVENUE FUND 750,000

114B SPECIAL CATEGORIES
GRANTS AND AIDS - ANTENNA RELOCATION/ MONROE COUNTY
FROM GENERAL REVENUE FUND 150,000

114C SPECIAL CATEGORIES
HOME-BASED READING INSTRUCTION PROGRAM
FROM GENERAL REVENUE FUND 3,250,000

Funds from Specific Appropriation 114C shall be made available for a new program to be called Parents to Kids (PTK). PTK is a competitive grant program to be developed by the Commissioner of Education that focuses on socially and economically disadvantaged families with children in Pre-K through grade 3. Funds shall be allotted for use by school districts for programs that meet the following minimum requirements: 1) are home based; 2) focus on the family reading together; 3) target the socially and economically disadvantaged families with children in Pre-K through grade 3; 4) when needed, teach parent(s), legal guardian(s), or grandparent(s) how to read to their children/grandchildren; 5) teach parent(s), legal guardian(s), or grandparent(s) how to identify potential reading problems and/or prepare their children to read; and 6) remain parent/guardian/grandparent-led with limited outside involvement in the home. The primary purpose and focus of the grants shall be to provide reading instruction.

114D SPECIAL CATEGORIES
GRANTS AND AIDS - YOUTH CRISIS CENTER
FROM GENERAL REVENUE FUND 50,000

115 SPECIAL CATEGORIES
CAPITOL TECHNICAL CENTER
FROM GENERAL REVENUE FUND 124,823

Funds in Specific Appropriation 115 may be used to purchase equipment for the Capitol Technical Center's radio and television facilities.

115A SPECIAL CATEGORIES
GRANTS AND AIDS - PROJECT READ
FROM GENERAL REVENUE FUND 300,000

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Funds in Specific Appropriation 115A are provided for a learn to read program in Hernando County.

115B SPECIAL CATEGORIES
GRANTS AND AIDS - PALM BEACH DEAF/BLIND SCHOOL
FROM GENERAL REVENUE FUND 125,000

116 SPECIAL CATEGORIES
GRANTS AND AIDS - COLLEGE REACH OUT PROGRAM
FROM GENERAL REVENUE FUND 2,400,000

From the funds in Specific Appropriation 116 $34,000 shall be allocated by the Department of Education to the Postsecondary Education Planning Commission to update the cohort analysis of college reach-out program participants.

118 SPECIAL CATEGORIES
GRANTS AND AIDS - INSTRUCTIONAL TECHNOLOGY
FROM GENERAL REVENUE FUND 500,000

118A SPECIAL CATEGORIES
GRANTS AND AIDS - ADULT VOCATIONAL-TECHNICAL - HERNANDO
FROM GENERAL REVENUE FUND 500,000

118B SPECIAL CATEGORIES
GRANTS AND AIDS - MIAMI MUSEUM
FROM GENERAL REVENUE FUND 360,000

121 SPECIAL CATEGORIES
FEDERAL EQUIPMENT MATCHING GRANT
FROM GENERAL REVENUE FUND 429,566

122 SPECIAL CATEGORIES
GRANTS AND AIDS - LATIN AMERICAN PUBLIC TELEVISION
FROM GENERAL REVENUE FUND 78,339

123 SPECIAL CATEGORIES
FULL SERVICE SCHOOLS - INTERAGENCY COOPERATION
FROM GENERAL REVENUE FUND 11,000,000

Funds provided in Specific Appropriation 123 shall be used for the continuation of Full Service Schools/Interagency cooperation projects. For 1997-98, the minimum amount for each school district shall be $40,000. After determination of the funds needed to provide the minimum amount, the remaining funds shall be allocated by prorating the total on each district's share of the state total K-12 unweighted FTE student enrollment.

Funds provided in Specific Appropriation 101 for grades K-8 summer school, Specific Appropriation 107 for class size reduction, Specific Appropriation 123 for full service schools and Specific Appropriation 109 for public school technology may be used for any of these four purposes in amounts school district boards determine will best meet the needs of students. These funds may also be used to assist students to achieve the performance levels required in Senate Bill 1956.

124 SPECIAL CATEGORIES
PERFORMANCE BASED INCENTIVE PROGRAM
FROM GENERAL REVENUE FUND 2,000,000

Funds in Specific Appropriation 124 may be used in conjunction with funding from other sources for the purposes of economic development and reduction of welfare rolls. The combined funds will be earned by the school districts under a performance based funding approach, structured as incentives to vocational programs for producing trained workers, and shall incorporate the Blueprint 2000 accountability goals.

125 SPECIAL CATEGORIES
GRANTS AND AIDS - PUBLIC BROADCASTING
FROM GENERAL REVENUE FUND 8,687,876

The funds in Specific Appropriation 125 shall be allocated as follows: $634,591 for statewide governmental and cultural affairs programming; $539,323 for public television stations recommended by the Commissioner of Education, and $103,826 for public radio stations recommended by the Commissioner of Education. Funds are not provided for radio station WMNF.

The Department of Education is authorized quarterly to advance the funds provided in Specific Appropriation 125 for the operation of the public radio and television stations, whether they are public entities or not-for-profit corporations.

From the funds in Specific Appropriation 125, "Governmental Affairs for Public Television" shall be produced by the same contractor selected by the Legislature to produce "Today in the Legislature."

126 SPECIAL CATEGORIES
GRANTS AND AIDS - RADIO READING SERVICES FOR THE BLIND
FROM GENERAL REVENUE FUND 407,914

127 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 486,635
FROM EDUCATIONAL AIDS TRUST FUND 14,098
FROM INSTITUTIONAL ASSESSMENT TRUST FUND . 2,130

127A SPECIAL CATEGORIES
SCHOOL DISTRICT OPERATIONAL PERFORMANCE AUDITS
FROM GENERAL REVENUE FUND 500,000

Funds in Specific Appropriation 127A shall be used to pay the cost of contracting for operational performance reviews of school districts. The Office of Program Policy Analysis and Governmental Accountability in the Office of the Auditor General shall select one or more firms using a formal "request for proposal" process. The scope of the performance review and the methodology shall be determined by the Office of Program Policy Analysis and Governmental Accountability. For 1997-98, performance reviews shall be conducted for Orange, Clay, and a small school district.

128 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL EDUCATION CONSORTIUM SERVICES
FROM GENERAL REVENUE FUND 750,000

129 SPECIAL CATEGORIES
EDUCATIONAL ENHANCEMENT PROGRAM
FROM GENERAL REVENUE FUND 200,000

130 SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL AND INSTRUCTIONAL ENHANCEMENTS
FROM GENERAL REVENUE FUND 4,420,718

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Funds in Specific Appropriation 130 may be used, but not limited to: (1) Jobs for Florida's Graduates, (2) School Safety Hotline, (3)Miccosukee Indian Education, (4) Seminole Indian Education, (5) Arts for a Complete Education, (6) Instructional Materials Management, (7) Youth Art Symposium, (8) Okeechobee/Dozier Supplement, (9) ESOL Teacher Training and Staff Development, (10) Academic Tourney, (11) State Science Fair, (12) Regional or Community-Based Dropout Prevention, (13) $50,000 shall be provided for Learning for Life, (14) $93,000 is provided for the Volusia County At-Risk Middle School Program, (15) $125,000 is provided for the Santa Rosa County Technology Project, and (16) $2,500,000 is provided for Reading Recovery.

Reading recovery funds are provided for the start-up cost associated with implementation of Reading Recovery programs. Funds shall be allocated to school districts in the form of competitive matching grants. Preference shall be given to districts which have consistently low reading scores and to districts willing to allocate existing resources to the program. Districts which have already implemented Reading Recovery programs shall not be penalized in the grant process and may be eligible to receive reimbursement for costs previously incurred. The Commissioner shall develop guidelines to implement this program; these guidelines shall be submitted to the State Board of Education for approval.

131 SPECIAL CATEGORIES
GRANTS AND AIDS - EXCEPTIONAL EDUCATION

FROM GENERAL REVENUE FUND	4,311,239	
FROM EDUCATIONAL AIDS TRUST FUND		1,358,354

Funds provided in Specific Appropriation 131 are for the following programs: (1) Pre-Kindergarten Handicapped Information System, (2) Network of Centers for Severely Emotionally Disturbed, (3) Florida Diagnostic and Learning Resource Centers, (4) Resource Materials for the Hearing Impaired, (5) Visually Handicapped Resources, (6) Governor's Summer Program for the Gifted, (7) Challenge Grant Program for the Gifted, (8) Exceptional Students who are limited English proficient, (9) $1,007,466 to implement the new funding model for Exceptional Student Education. The Department shall ensure that training, resources, and staff are provided to parents on the model, including follow-up to parent concerns. In addition, the Department shall monitor the district's implementation of the funding model and its effect on services to ESE students. A report on the effectiveness of the model implementation shall be provided to the Legislature by January 1, 1998.

132 SPECIAL CATEGORIES
FLORIDA SCHOOL FOR THE DEAF AND THE BLIND

FROM GENERAL REVENUE FUND	25,465,567	
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,131,952

The Board of Trustees and administration of the Florida School for the Deaf and Blind shall not authorize fee waivers for out-of-state students.

Funds in Specific Appropriation 132 for outreach services to school districts shall be released based on a written agreement with the Division of Public Schools designating the services as a component of the system of diagnostic and learning resource centers authorized in s. 229.832 - 229.8341, Florida Statutes.

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132A SPECIAL CATEGORIES
GRANTS AND AIDS - ODYSSEY SCIENCE CENTER

FROM GENERAL REVENUE FUND	500,000	

132B DATA PROCESSING SERVICES
SAMAS USER CHARGE

FROM GENERAL REVENUE FUND	43,458	
FROM EDUCATIONAL AIDS TRUST FUND		16,558
FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		3,963

WORKFORCE DEVELOPMENT, DIVISION OF

144A SALARIES AND BENEFITS POSITIONS 100

FROM GENERAL REVENUE FUND	2,042,534	
FROM EDUCATIONAL AIDS TRUST FUND		1,927,970
FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		509,624

144B OTHER PERSONAL SERVICES

FROM GENERAL REVENUE FUND	22,807	
FROM EDUCATIONAL AIDS TRUST FUND		190,916
FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		41,213

144C EXPENSES

FROM GENERAL REVENUE FUND	461,510	
FROM EDUCATIONAL AIDS TRUST FUND		1,712,011
FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		245,656

144D AID TO LOCAL GOVERNMENTS
CENTERS OF EXCELLENCE

FROM GENERAL REVENUE FUND	2,155,755	

From the funds in Specific Appropriation 144D, $400,000 is provided for the purchase of four human patient simulators which shall be used to provide recertification training for the allied health professions. The location of these simulators shall be competitively awarded by the Commissioner of Education. The first $100,000 collected in fee-for-use revenues by each college receiving a simulator shall be returned to the Division of Workforce Development and deposited into the Educational Media and Technology Trust Fund. These revenues shall be used to purchase additional human patient simulators to be used for allied health training programs at other state institutions.

144E AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ADULT BASIC EDUCATION
FEDERAL FLOW-THROUGH FUNDS

FROM EDUCATIONAL AIDS TRUST FUND		12,530,280

144F AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ADULT LITERACY CENTERS

FROM GENERAL REVENUE FUND	200,000	

144G AID TO LOCAL GOVERNMENTS
WORKFORCE DEVELOPMENT

FROM GENERAL REVENUE FUND	731,581,440	

Funds provided in Specific Appropriation 144G for Workforce Development Programs offered by school districts and community colleges are contingent upon CS for SB's 1688, 792, 1334 and 2254 or similar legislation becoming law.

Funds provided in Specific Appropriation 144G, $435,538,646 is provided for school district workforce development programs and shall be allocated as follows:

Alachua	1,354,169
Baker	329,953
Bay	3,457,949

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Bradford	767,444
Brevard	3,118,126
Broward	77,989,320
Calhoun	155,878
Charlotte	2,481,898
Citrus	2,380,859
Clay	443,385
Collier	7,616,980
Columbia	242,534
Dade	111,391,161
De Soto	1,088,488
Dixie	19,607
Duval	0
Escambia	5,494,525
Flagler	4,126,184
Franklin	46,885
Gadsden	1,236,850
Gilchrist	5,925
Glades	9,049
Gulf	212,612
Hamilton	55,342
Hardee	374,283
Hendry	350,341
Hernando	535,605
Highlands	0
Hillsborough	28,096,482
Holmes	0
Indian River	519,267
Jackson	2,265,719
Jefferson	293,392
Lafayette	31,466
Lake	4,185,022
Lee	10,483,402
Leon	8,303,083
Levy	0
Liberty	164,029
Madison	0
Manatee	5,676,047
Marion	2,513,594
Martin	3,852,507
Monroe	823,149
Nassau	480,090
Okaloosa	2,857,507
Okeechobee	86,030
Orange	36,187,245
Osceola	4,428,559
Palm Beach	31,238,211
Pasco	3,385,894
Pinellas	24,852,520
Polk	12,723,397
Putnam	0
St. Johns	7,759,316
St. Lucie	0
Santa Rosa	1,712,956
Sarasota	11,327,794
Seminole	0
Sumter	197,815
Suwannee	966,409
Taylor	1,163,059
Union	113,343
Volusia	0
Wakulla	312,453
Walton	87,103
Washington	3,155,353
Washington Special	11,081

If the 1997-98 appropriation for the K-12 FEFP is insufficient to pay the state required amount in full, the department shall prorate the available funds to each district pursuant to Section 236.081(12)(a), 1996 Florida Statutes. If proration is required, the funds provided in Specific Appropriation 144G for school districts shall be included in the total amount prorated.

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The sum of $296,042,794 is provided for community college workforce development programs and shall be allocated as follows:

Brevard CC	11,610,924
Broward CC	16,805,918
Central Florida	6,535,974
Chipola	2,833,865
Daytona Beach	20,449,987
Edison	4,318,364
Florida CC at Jacksonville	38,886,484
Florida Keys	2,355,321
Gulf Coast	6,041,285
Hillsborough CC	10,092,305
Indian River CC	17,813,535
Lake City	6,270,627
Lake-Sumter CC	1,587,379
Manatee CC	4,669,041
Miami-Dade CC	40,817,771
North Florida	2,139,814
Okaloosa-Walton CC	4,493,355
Palm Beach CC	10,067,628
Pasco-Hernando CC	5,400,386
Pensacola	13,909,020
Polk CC	4,323,844
St. Johns CC	2,001,434
St. Petersburg	13,829,280
Santa Fe	12,335,878
Seminole CC	14,889,116
South Florida	7,405,946
Tallahassee	2,908,401
Valencia	11,249,912

The funds provided in Specific Appropriation 144G may be used for citizenship training at the discretion of the district school board. This authorization does not change the program eligibility requirement for FTE funding.

The funds provided in Specific Appropriation 144G may be used for employment skills training for Nicaraguan men and women. This authorization does not change the program eligibility requirement for FTE funding.

144H	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - VOCATIONAL FORMULA FUNDS		
	FROM EDUCATIONAL AIDS TRUST FUND		41,700,640
144I	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	2,926	
	FROM EDUCATIONAL AIDS TRUST FUND		2,926
144J	SPECIAL CATEGORIES		
	BLUEPRINT FOR CAREER PREPARATION		
	FROM GENERAL REVENUE FUND	600,000	
144K	SPECIAL CATEGORIES		
	APPLIED SCIENCE AND TECHNOLOGY		
	FROM GENERAL REVENUE FUND	1,265,000	
144L	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	4,415	
	FROM EDUCATIONAL AIDS TRUST FUND		3,565
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		1,253
144M	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	14,222	
	FROM EDUCATIONAL AIDS TRUST FUND		14,296

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COMMUNITY COLLEGES, DIVISION OF

145	SALARIES AND BENEFITS POSITIONS 48		
	FROM GENERAL REVENUE FUND	2,746,528	
	FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		123,213
146	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	35,729	
147	EXPENSES		
	FROM GENERAL REVENUE FUND	689,776	
	FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		14,625
148	AID TO LOCAL GOVERNMENTS PERFORMANCE BASED INCENTIVES		
	FROM GENERAL REVENUE FUND	12,000,000	

Funds in Specific Appropriation 148 shall be distributed by the State Board of Community Colleges as follows:

A. The sum of $5,000,000 shall be distributed among the colleges based upon each college's pro-rata share of the total absolute number of Associate of Arts and Associate of Science Degree completers and one half of the total number of certificate completers for the 1996-97 academic year.

B. The sum of $5,000,000 shall be distributed among the colleges based upon each college's pro-rata share of the number of completers counted in A above who: required remediation based on the College Placement Test results (one point for each subject area requiring remediation); each completer who qualified as economically disadvantaged under federal qualifications; was reported as disabled in a federal classification of disabled; tested into ENS or ESL; has passed a state job licensure exam; and/or has been placed in a job as identified through using the state FETPIP data. Students may be counted in more than one category.

C. The sum of $2,000,000 is to be distributed among the colleges based upon each college's pro-rata share of the number of Associate of Arts completers who graduated with fewer than 72 total attempted hours. In calculating hours attempted, the following courses would be included:

1. Any course which a student enrolls in at a Florida public college or university and which is not a remedial level course, would count as attempted credit hours;

2. Any credit hours accepted by the college as transfer credit toward a degree from a Florida private college or university or an out-of-state college or university would be counted as an attempted credit;

3. Any Advanced Placement, dual enrollment, International Baccalaureate, CLEP, departmental credit, or life experience credit which is counted toward the AA degree;

4. All credit hours over 12 hours of "English for Non-Speakers (ENS)" or any ENS hours counted toward the degree.

It is the intent of the Legislature that these funds be transferred to the Community College Program Fund for Fiscal Year 1998-99, on the basis they are earned in 1997-98.

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149	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - COMMUNITY COLLEGES PROGRAM FUND	
	FROM GENERAL REVENUE FUND	319,835,526

The funds in Specific Appropriation 149 shall be used to serve the following assigned FTE enrollments:

	1997-98
Advanced and Professional	97,072
College Preparatory	15,146
Total	112,218

FTE enrollment counts for funding purposes will be based only on fee-paying students, except as provided by law. Furthermore, enrollment projections, the annual cost analysis, and CO&DS instructional unit determinations shall only include such students. Enrollments of non-fee paying students shall be reported and projected separately. Except for dually-enrolled students, students in advanced and professional programs or related college preparatory programs who have acquired a high school certificate of completion or attendance and do not have a high school diploma or general equivalency diploma shall not earn FTE's for funding purposes. All enrollment estimating conference FTE reports shall reflect by college all fee paying FTE for the following programs: advanced and professional, postsecondary vocational, postsecondary adult vocational, supplemental vocational, college and vocational preparatory, adult basic, high school, and lifelong learning. There shall be a direct correlation with the seven programs in reporting actual, assigned, estimated, and projected FTE. All state inmate education provided by community colleges in 1997-98 shall be reported by program, FTE expenditure and revenue source. These enrollments, revenues and expenditures shall be reported and projected separately. Except as provided by law, instruction of state inmates shall not be included in the full-time equivalent student enrollment for Community College Program Fund funding. No funds in Specific Appropriation 149 are provided for instruction of state or federal inmates; funds in this appropriation shall not be used to offer college level courses to inmates who do not pay their own fees.

Funds provided in Specific Appropriation 149 contemplate that, except for CO&DS instructional unit calculation, the enrollment projections, estimates, and actual FTE for advanced and professional, and postsecondary vocational programs will be a year-round average based on total student semester hours divided by 40 with the credit hour equivalent being 30. Except for CO&DS instructional unit calculation, a full-time equivalent enrollment in the developmental program, including students enrolled in both the college and vocational preparatory program, postsecondary adult and supplemental disciplines in the vocational program and the lifelong learning program shall be defined as 900 membership hours per year. Furthermore, the annual cost analysis and all data elements required for the allocation process and legislative analysis shall reflect these definitions and be reported in the following order: summer, fall, and spring terms.

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The average resident matriculation fees specified in Subsection 240.35(5), Florida Statutes, are hereby established for 1997-98 as follows:

Program	Amount Per Credit Hour
Advanced and Professional	$ 32.02
Postsecondary Vocational	32.02
Adult Vocational	13.23
Supplemental Vocational	28.93
College Preparatory	32.02

The average nonresident matriculation and tuition fees specified in Subsection 240.35(7), Florida Statutes, are hereby established for 1997-98 as follows:

Program	Amount Per Credit Hour
Advanced & Professional	$ 96.08
Postsecondary Vocational	96.08
Adult Vocational	52.91
Supplemental Vocational	102.57
College Preparatory	96.08

No community college shall be required to reduce matriculation and tuition fees in Adult Vocational, Vocational Preparatory, and Adult Education Programs in 1997-98 from the prior year.

The Division of Community Colleges shall maintain a policy regarding office hours that instructional personnel will be available to students. The Auditor General shall review the implementation of the policy by the local boards of trustees in each community college's regularly assigned audit and make appropriate comments.

Colleges which accept funds from Specific Appropriation 149 shall not act to limit the "open door" access policy for students in any program.

Funds provided in Specific Appropriation 149 shall be allocated as follows:

Brevard	14,814,128
Broward	22,693,693
Central Florida	4,631,050
Chipola	3,339,587
Daytona Beach	9,635,747
Edison	10,347,501
FICC @ Jacksonville	15,152,817
Florida Keys	2,274,637
Gulf Coast	4,921,034
Hillsborough	21,256,355
Indian River	7,528,820
Lake City	2,615,930
Lake-Sumter	3,344,693
Manatee	8,440,748
Miami-Dade	62,476,584
North Florida	2,103,769
Okaloosa-Walton	6,211,887
Palm Beach	15,049,954
Pasco-Hernando	4,730,342
Pensacola	12,544,175
Polk	5,679,534
St. Johns River	5,392,134
St. Petersburg	18,721,141
Santa Fe	10,822,017
Seminole	5,090,768
South Florida	1,204,039
Tallahassee	13,193,573
Valencia	25,618,868

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151 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 78,205

152 SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOLARSHIP MATCHING PROGRAM
FROM GENERAL REVENUE FUND 3,500,000

Funds provided in Specific Appropriation 152 are to be matched at the rate of one private dollar for each state dollar. Private funds matched in this specific appropriation may not be counted as match in any other state matching program. The use of these funds shall be limited to student scholarships. Each college shall have $35,000 reserved in its account until December 31, 1997, to raise matching funds. Any funds not matched by that date become available on January 1, 1998 to be matched by any other college.

152A SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD CARE PROJECTS
FROM GENERAL REVENUE FUND 1,179,074

Funds in Specific Appropriation 152A shall be allocated based on each college's pro-rata share of the Full Time Equivalent students served in the community college system during the prior fiscal year. These funds shall be used to provide financial aid, specifically for child care, based on needs analyses established by each college.

153A SPECIAL CATEGORIES
GRANTS AND AIDS - FACILITIES MATCHING PROGRAM
FROM GENERAL REVENUE FUND 2,000,000

The State Board of Community Colleges is authorized to release matching funds to Florida Community College at Jacksonville for the Criminal Justice Training Center project upon certification that the provisions of SB 824 or similar legislation have been met.

154 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY COLLEGE ENDOWMENT MATCHING FUND
FROM GENERAL REVENUE FUND 7,871,667

155 SPECIAL CATEGORIES
GRANTS AND AIDS - DISPLACED HOMEMAKERS
FROM GENERAL REVENUE FUND 23,676
FROM EDUCATIONAL AIDS TRUST FUND 1,760,024

156 SPECIAL CATEGORIES
GRANTS AND AIDS - INCENTIVE GRANTS FOR EXPANDING PROGRAMS
FROM GENERAL REVENUE FUND 6,000,000

Funds in Specific Appropriation 156 shall be used to fund start up costs associated with the initiation or expansion of program proposals which were submitted to the legislature to support the Division's 1997-98 Legislative Budget Request for Capitalization Incentive Grants. When developing criteria to award these grants, the division shall consider unmet employment workforce needs, particularly in high wage employment areas.

157 SPECIAL CATEGORIES
GRANTS AND AIDS - LIBRARY AUTOMATION
FROM GENERAL REVENUE FUND 4,480,307

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157A SPECIAL CATEGORIES
TRANSFER TO EXECUTIVE OFFICE OF GOVERNOR - OFFICE OF PLANNING AND BUDGETING FOR DISTANCE LEARNING INFRASTRUCTURE
FROM GENERAL REVENUE FUND 3,500,000

158 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 6,279

159 SPECIAL CATEGORIES
COMMISSION ON COMMUNITY SERVICE
FROM GENERAL REVENUE FUND 625,000

160 SPECIAL CATEGORIES
GRANTS AND AIDS - NURSING EDUCATION CHALLENGE GRANT FUND
FROM GENERAL REVENUE FUND 2,258,385

160A SPECIAL CATEGORIES
PROGRAM REVIEW AND SPECIAL STUDIES
FROM GENERAL REVENUE FUND 172,000

162 SPECIAL CATEGORIES
COMMUNITY COLLEGE MANAGEMENT INFORMATION SYSTEM
FROM GENERAL REVENUE FUND 160,000

162A SPECIAL CATEGORIES
GRANTS AND AIDS - PASCO-HERNANDO COMMUNITY COLLEGE
FROM GENERAL REVENUE FUND 100,000

163 SPECIAL CATEGORIES
GRANTS AND AIDS - MARTIN LUTHER KING CENTER FOR NON-VIOLENCE
FROM GENERAL REVENUE FUND 200,000

Funds in Specific Appropriation 163 are provided to support the Martin Luther King, Jr., Center for Nonviolence. These funds shall be held in appropriation reserve by the Executive Office of the Governor until the following conditions are met: 1) no funds shall be released prior to the expenditure of all funds provided to the Institute from FY 1996-97 Legislative Appropriations; 2) upon the receipt of a written letter by the Board of Directors of the Institute to the Governor, the Speaker of the House, the Minority Leader of the House, the President of the Senate, and the Minority Leader of the Senate verifying that the deficiencies identified by the Auditor General in his Operational Performance Audit which was released on October 31, 1996 have been addressed, along with a copy of the minutes from the Board meeting adopting and implementing corrective actions, 50% of the funds provided in this Specific Appropriation may be released; 3) upon verification by the Auditor General, in a follow up Operational Audit, that the Institute has corrected the deficiencies identified in the October 31, 1996 Audit, the balance of the funds provided in this appropriation may be released. The Auditor General is directed to complete this follow up audit prior to October 31, 1997. The release of funds from this appropriation shall be subject to the notice and review requirements of s. 216.177, Florida Statutes.

163A SPECIAL CATEGORIES
COMPACT FOR FACULTY DIVERSITY
FROM GENERAL REVENUE FUND 100,000

164 DATA PROCESSING SERVICES
KNOTT DATA CENTER - DEPARTMENT OF EDUCATION
FROM GENERAL REVENUE FUND 30,000

165 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM GENERAL REVENUE FUND 200,000

165A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 4,524
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 202

165B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - BLACK BEAM INTERFEROMETER/BREVARD COMMUNITY COLLEGE
FROM GENERAL REVENUE FUND 550,000

Funds provided in Specific Appropriation 165B shall be matched by private funds.

POSTSECONDARY EDUCATION PLANNING COMMISSION

From the funds in Specific Appropriations 166 through 171A, the Postsecondary Education Planning Commission shall examine the feasibility of expanding participation in common-course numbering to include postsecondary institutions in addition to those that are regionally accredited. The study should address standards for participating in the system, the statutorily-required acceptance of credit for transfer, the impact of the required acceptance of credit for transfer on the receiving institution's accreditation, and costs of participating in the common-course numbering system. A report and recommendations related to participation in the common-course numbering system by postsecondary institutions shall be submitted to the Legislature no later than January 1, 1998.

166 SALARIES AND BENEFITS POSITIONS 10
FROM GENERAL REVENUE FUND 634,577

167 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 32,760

168 EXPENSES
FROM GENERAL REVENUE FUND 110,002

169 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 33,180

170 SPECIAL CATEGORIES
SPECIAL STUDIES
FROM GENERAL REVENUE FUND 177,351

The funds in Specific Appropriations 166 through 170 shall support the Postsecondary Education Planning Commission in carrying out its statutory responsibilities, the following specific assignments and other activities designed to improve Florida postsecondary education.

The Postsecondary Education Planning Commission shall proceed with development of the five-year update of the Master Plan for Florida Postsecondary Education pursuant to S. 240.147(2) and which shall be completed for submission to the State Board of Education and the Legislature by January 1, 1998.

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Based on its review of the accountability and performance-based funding procedures in Florida postsecondary education, the Commission shall compile a profile of selected measures maintained by the community colleges, state universities and independent colleges and universities as well as a limited number of nationally comparable indicators. The profile shall document progress in the achievement of statewide priorities for postsecondary education and shall be submitted to the State Board of Education and the Legislature by December 1, 1997.

The Postsecondary Education Planning Commission, in conjunction with the Department of Education, State Board of Community Colleges, and Board of Regents shall continue its longitudinal cohort study of the progression of public high school graduates as they enroll in, progress through, and graduate from the state's postsecondary education delivery system and enter the workforce. A progress report shall be submitted to the Legislature and the State Board of Education by January 30, 1998.

From the funds in Specific Appropriation 166, the Postsecondary Education Planning Commission shall examine the feasibility of providing state funding to support the liberal arts program at Nova University in Specific Appropriation 78. Specifically, PEPC shall examine the consistency with the state master plan for postsecondary education, student demand in the program, capability of nearby state institutions to support students in the program, minority participation, and employer demand. The study shall be submitted to the Legislature no later than January 1, 1998.

171 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 798

171A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 1,048

UNIVERSITIES, DIVISION OF

Funds in Specific Appropriations 173 through 176, contemplate that the matriculation and tuition fees collected for Summer Term 1998 enrollments shall not be expended during the 1997-98 fiscal year.

From the funds in Specific Appropriations 8 through 11 and 173 through 176, the salary rate shall be consistent with legislative workpapers that support the General Appropriations Act. Each university shall establish positions consistent with the approved salary rate.

From the funds in Specific Appropriations 172A through 206, no appropriated funds shall be used to promote litigation, for all centers and institutes.

From the funds in Specific Appropriations 173 through 176, the Board of Regents may allocate any excess student fees collected in fiscal year 1996-97 for the purposes of assuring each university its allocated student fees for fiscal year 1997-98.

Funds in Specific Appropriations 173 through 176 provide for the following tuition increases: matriculation fees for lower and upper level - 7.8%, graduate level/law/medical - 12.8%, and all out-of-state fees - 12.8%. Each university shall be allocated its share of the amount produced by the increase in matriculation and out-of-state fees to be expended as follows: 45% for need-based aid, 45% for each university president's discretion pursuant to plans previously submitted, and 10% for technology.

From the funds in Specific Appropriations 173 through 176, the State University System is directed to adjust the methodology for the calculation of the 1998-99 enrollment plan. Specifically, the Board of Regents shall not consider lower level FTE enrollment above the funded plan for 1995-96, 1996-97, and 1997-98 in the calculation of the three-year average for the lower level.

From the funds in Specific Appropriations 173 through 176 the Board of Regents shall begin the implementation of the provisions of Degree Funding Performance Based Budgeting as follows:

1) Each university shall track and evaluate the progress of each individual student using the automated statewide student advising system or its equivalent.

2) Each university shall develop a plan and shall allocate the resources required for career counseling and other student advising activities in order to implement Degree Funding Performance Based Budgeting.

3) The per credit hour tuition charged to the student will be increased by 50% for any credit hours beyond 115% of the credit hours to be earned at the university as required for the degree exclusive of those credit hours and students exempted by Board policy. Other state funding will be decreased by a like amount. The students to which this policy shall apply are those covered by the 1996 Board of Regents policy on excess student credit hours.

From the funds in Specific Appropriations 173 through 176, the Board of Regents shall use the following criteria as program performance measures for the 1997-98 program review process, as defined in s. 240.209, Florida Statutes:

- graduation rates of first time in college students (FTIC) and AA transfer students
- retention rates of first time in college students (FTIC) and AA transfer students
- percent of graduates who successfully pass licensure/certification tests on the first attempt (where appropriate)
- cost of instruction per full-time equivalent student
- cost of degree per full-time equivalent student (including direct and indirect costs)
- average number of refereed journal articles per ranked faculty member
- ratio of state-funded research to externally funded contracts and grants
- percent of students employed full-time upon graduation
- percent of undergraduate students who are admitted to graduate school upon completion of baccalaureate degree
- percent of undergraduate classes with less than 25 in the class section
- ratio of ranked faculty to students
- percent of students with excess credit hours

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(baccalaureate degree requirements plus 15%, excluding credit hours earned at institutions other than Florida public universities)
- average number of university commercial versus noncommercial press books per ranked faculty member
- number of National Merit Scholars
- number of National Achievement Scholars
- number of National Hispanic Scholars

The Board of Regents shall develop uniform definitions of each of these program performance measures using data from the previous academic year or the most recent data if not available for the previous academic year. The measures shall apply to the five years or span of the program review.

In addition, the Board of Regents shall report to the Legislature the progress of each university in the improvement of graduation and retention rates for first-time-in-college, AA transfer, and minority students. This report shall include the one year and five year absolute and percentage change in these measures by institution and be submitted to the Legislature by December, 1997.

The funds in Specific Appropriations 173, 174, 175, and 176 include $34,938,334 for fee waivers.

From the funds in Specific Appropriations 173 through 176, $10,000 shall be allocated to the SUS Press for additional production costs.

Funds from Specific Appropriations 8 through 11 and 173 through 206 shall not be expended for the Center for Governmental Responsibility at the University of Florida.

For the purposes of implementing s. 240.271(5)(a)(b), Florida Statutes, the categories of enrollment shall be undergraduate and graduate. The Board of Regents shall continue to provide enrollment detail by level to support the Enrollment Estimating Conference process.

EDUCATIONAL AND GENERAL ACTIVITIES

172A LUMP SUM
PERFORMANCE BASED BUDGETING - INSTRUCTION
FROM GENERAL REVENUE FUND 3,300,000

Funds in Specific Appropriation 172A are provided to establish a performance recognition and incentive fund which measures the current effectiveness and improvements in baccalaureate degree production, graduation and retention. The Board of Regents shall develop procedures for measuring and allocating funding to recognize the following three indicators: (1) the ratio of baccalaureate degrees to FTE enrollment; (2) a combined graduation-retention index for first-time-in-college students; and (3) five year change in FTIC and A.A. transfer graduation rates. The methodology developed by the Board of Regents shall be submitted to the Office of Program Policy Analysis and Government Accountability (OPPAGA) for review. The Board of Regents shall incorporate OPPAGA's findings into the methodology used to allocate the performance incentive fund.

173 LUMP SUM
EDUCATIONAL AND GENERAL ACTIVITIES
FROM GENERAL REVENUE FUND 1052,793,588
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND 335,680,364
FROM PHOSPHATE RESEARCH TRUST FUND 5,520,461

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Funds in Specific Appropriation 173 are based upon the following total Full-Time-Equivalent(FTE) Enrollment:
Lower Level.....35,078
Upper Level.....72,934
Graduate Level..... 21,411
Total.....129,423

From the funds in Specific Appropriation 173, $236,937 from the General Revenue Fund and $115,429 from the Education and General Student and Other Fees Trust Fund is provided to Florida Agricultural and Mechanical University for 37 FTEs in occupational and physical therapy. In addition, $263,063 from the General Revenue Fund and $99,494 from the Education and General Student and Other Fees Trust Fund are provided to increase enrollment by 45 FTEs for limited access programs at the baccalaureate level, as determined by the Board of Regents.

Funds in Specific Appropriation 173 for the Washington Internship Program may be disbursed in advance to the contractor on a quarterly basis.

Funds provided in Specific Appropriation 173 include no more than that amount which the Board of Regents and the City of Gainesville agree represents the cost of service for water provided by the city to the University of Florida. The amount charged shall reflect a cost-based rate only and shall be determined through a cost of service study completed annually by the City and reviewed by the University. The costs of any General Fund transfer to the City of Gainesville from Gainesville Regional Utilities or any profit to the City or Utility shall be specifically excluded as costs allocable to the University. The cost-based rate shall include charges for only those water services actually provided by the City to the University and shall not include charges for services furnished by the University.

From the funds in Specific Appropriation 173, $500,000 from the General Revenue Fund is provided for the BOR (FAU) to obtain an equal partnership in the ownership, operation and management of the corporation operating Television Channel 42 (WXEL) and the associated Radio Facilities.

From the funds in Specific Appropriation 173, $5,900,000 from the General Revenue Fund is provided for public/private partnerships. Of this amount, $845,484 is allocated to the University of Florida for the Particle Science Center; $1,300,000 to Florida Atlantic University for SeaTech; $3,000,000 to the University of Central Florida/University of South Florida for SUS Consortium (I-4); and $754,516 to Florida State University for the Magnetic Lab.

From the funds in Specific Appropriation 173, $50,000 from the General Revenue Fund is provided for Project Oceanography at the University of South Florida for the purpose of the development and distribution of printed and other scientific curricular materials for middle school teachers throughout Florida and to offset the costs of interactive television production.

From the funds in Specific Appropriation 173, Florida Atlantic University shall develop and administer a separate budget for FAU Broward for the purpose of establishing a complete university presence in Broward County. The FAU Broward budget

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shall include all revenues generated locally by the Broward campuses, all positions associated with specially legislated Broward programs from current and previous years, and all additional faculty, staff, and other resources allocated to the university on the basis of Broward enrollments or facilities. In administering its budget, FAU Broward shall make all assignments of Broward faculty and staff, schedule all Broward classes, and evaluate Broward faculty and staff performance.

From the funds in Specific Appropriation 173, $20,547,106 from the General Revenue Fund is provided for equity. The distribution of $15,547,106 shall be based upon the Board of Regents Equity Plan developed by the State University System and $5,000,000 shall be distributed proportionately based upon the University of Central Florida/University of North Florida Equity Plan, as approved by the Board of Regents on March 14, 1997.

Specific Appropriation 173 includes general revenue funding for the following purposes:

1) $2,000,000 for the Wolfsonian Museum - FIU
2) $1,000,000 for the Appleton Museum - FSU
3) $300,000 for the Florida Museum of Natural History - UF
4) $150,000 for the Honors College - UNF
5) $5,879,095 for Library Resources
6) $4,500,000 for Comprehensive University Plan - FAU and FIU
7) $200,000 for the Florida Water Atlas - FSU
8) $200,000 for Local Government Study Commission
9) $300,000 for the Real-time Oceanography System - USF
10) $920,000 for the Free Enterprise and Entrepreneurship - USF
11) $150,000 for Forensic Science Program - USF
12) $103,826 for Entrepreneurship and Management of Technology Program - USF
13) $784,987 for the Honors College in Palm Beach - FAU
14) $50,000 for Political Campaigning Program - UF
15) $1,000,000 for Gender Equity
16) $250,000 for Chronic Disease Prevention - FSU
17) $300,000 for the Gadsden County Recording Studio - FSU
18) $250,000 for Hands in Action - FIU
19) $100,000 for the Dyslexia Program - FAMU
20) $100,000 for the Florida Israel Institute - FAU
21) $150,000 for the Institute for the Study of Children's Futures - Louis de la Parte Florida Mental Health Institute
22) $300,000 for Civic Education - FSU
23) $50,000 for Black Male Explorers - FAMU
24) $100,000 for Women for Human Rights
25) $50,000 for Stroke Education - FAMU
26) $6,700,474 for FGCU

From the funds in Specific Appropriation 173, $1.4 million from the allocation to Florida Agricultural and Mechanical University may be used to increase access, retention and graduation of minority students.

From the funds in Specific Appropriation 173, $85,000 from the current allocation to Florida Agricultural and Mechanical University and an additional $65,000 from the General Revenue fund is provided to address salary equity for the Mulrennan Lab Staff.

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Specific Appropriation 173 includes $1,000,000 for the Board of Regents to assist the Leon County Research and Development Authority in obtaining certain contract rights relating to the development of the Park. As a consideration for this assistance, the Authority shall grant to the Board of Regents an interest in approximately 10 acres of property within the Park that is suitable for development. In the event the Authority is unable to obtain the contract rights by an agreement by September 30, 1997, these funds shall be transferred to the SUS Challenge Grant Program.

A minimum of 71% of the $18,386,265 provided in Fiscal Year 1996-97 for student financial aid in Specific Appropriation 173 shall be allocated for need-based financial aid.

From the funds in Specific Appropriation 173, $125,000 shall be used for the expansion of the Urban Teacher Internship Program to all public universities.

174 LUMP SUM
INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES OPERATIONS

FROM GENERAL REVENUE FUND	103,421,575	
FROM EXPERIMENT STATION FEDERAL GRANT TRUST FUND		6,018,949
FROM EXPERIMENT STATION INCIDENTAL TRUST FUND		1,072,871
FROM EXTENSION SERVICE FEDERAL GRANT TRUST FUND		4,022,893
FROM EXTENSION SERVICE INCIDENTAL TRUST FUND		1,279,666
FROM INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES STUDENT FEE TRUST FUND		4,895,765

Specific Appropriation 174 includes general revenue funding for the following purpose:

1) $175,000 for the Tropical Fish/Demonstration Farm Projects
2) $125,000 for the National Weather Service Partnership
3) $ 50,000 for the Homestead Research and Education Center
4) $100,000 for Lakewatch
5) $868,000 for the Cooperative Degree Program between Florida Atlantic University, Indian River Community College, and the University of Florida

Funds in Specific Appropriation 174 include the June 30, 1997, unexpended cash balance of funds provided to the Institute of Food and Agricultural Sciences from the Water Quality Assurance Trust Fund for the purpose of Site Investigation and Cleanup activities which shall be transferred from the Experiment Station Incidental Trust Fund to the UF Experiment Station Grants Trust Fund. This transfer shall take place as soon as possible after a reconciliation of the appropriations from the Water Quality Assurance Trust Fund and expenditures from the Experiment Station Incidental Trust Fund for this activity has been provided to the Executive Office of the Governor and the Legislative Appropriations Committees. The Institute of Food and Agricultural Sciences shall provide an annual report to the Executive Office of the Governor and the Legislative Appropriations Committees of funds expended for site investigation and cleanup activities from the Experiment Station Grants Trust Fund until the cash balance transferred for this purpose has been expended.

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Funds in Specific Appropriation 174 are based upon the following total full-time equivalent (FTE) enrollment:

Lower Level.....262
Upper Level.....922
Graduate Level.....472
Total.....1656

175 LUMP SUM
UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER
OPERATIONS
FROM GENERAL REVENUE FUND 41,355,442
FROM UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER STUDENT FEE TRUST FUND 5,805,788

Specific Appropriation 175 includes $1,000,000 from the General Revenue Fund for Enrollment Growth/Managed Care.

Funds in Specific Appropriation 175 include $250,000 for Super Chairs and are provided to the University of South Florida College of Medicine as a supplement to the four eminent scholar chairs for pediatric research that are at or above the $3 million level in matched funds.

Funds in Specific Appropriation 175 are based upon the following total full-time equivalent (FTE) enrollment:
Lower.....46
Upper.....166
Grad/Class.....474
M.D.....385

176 LUMP SUM
UNIVERSITY OF FLORIDA HEALTH CENTER
OPERATIONS
FROM GENERAL REVENUE FUND 86,249,646
FROM INCIDENTAL TRUST FUND 18,935,112
FROM UNIVERSITY OF FLORIDA HEALTH SCIENCES CENTER STUDENT FEE TRUST FUND . 11,617,399
FROM UNIVERSITY OF FLORIDA HEALTH CENTER OPERATIONS AND MAINTENANCE TRUST FUND . . 5,386,533

Specific Appropriation 176 includes general revenue funding for the following purpose:

1) $110,000 for the UF-HC/Bethune Cookman College Nursing Program
2) $1,000,000 for Enrollment Growth/Managed Care
3) $690,590 for Health Related Synchronous and Asynchronous Learning
4) $278,000 for the Attention Deficit Hyperactivity Disorder Treatment Program

Funds in Specific Appropriation 176 are based upon the following total full-time equivalent (FTE) enrollment:
Lower.....3
Upper.....720
Grad/Class.....736
Dentistry.....330
Vet Medicine.....317
M.D.....430

177 SPECIAL CATEGORIES
GRANTS AND AIDS - CANCER CENTER OPERATION
FROM GENERAL REVENUE FUND 10,400,170

Funds in Specific Appropriation 177 may be disbursed in advance to the contractor on a quarterly basis.

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Specific Appropriation 177 includes funding for the following:

1) $500,000 for operations and maintenance
2) $250,000 for the pediatric tumor program
3) $ 15,000 for the Cancer Control and Research Advisory Board

179 SPECIAL CATEGORIES
GRANTS AND AIDS - SHANDS TEACHING HOSPITAL
FROM GENERAL REVENUE FUND 9,768,979

Funds in Specific Appropriation 179 may be disbursed in advance to the contractor on a quarterly basis.

180 SPECIAL CATEGORIES
LIBRARY RESOURCES
FROM GENERAL REVENUE FUND 35,057,288

180A SPECIAL CATEGORIES
TRANSFER TO EXECUTIVE OFFICE OF GOVERNOR - OFFICE OF PLANNING AND BUDGETING FOR DISTANCE LEARNING INFRASTRUCTURE
FROM GENERAL REVENUE FUND 3,500,000

183A SPECIAL CATEGORIES
TRANSFER TO PORT OF ST. PETERSBURG
FROM PHOSPHATE RESEARCH TRUST FUND 250,000

Funds provided in Specific Appropriation 183A shall not be released by the Executive Office of the Governor until documentation has been submitted by the Port of St. Petersburg that; (1) sufficient funds are available on a recurring basis to fully operate the Vessel Tracking Information System; (2) the Florida Seaport Transportation and Economic Council has contributed $250,000 to the Port of St. Petersburg as match; and (3) the Implementation Plan prepared by The Tampa Bay Area VTIS Consortium has been approved by the U.S. Coast Guard.

184 FINANCIAL ASSISTANCE PAYMENTS
SCHOLARSHIPS
FROM GENERAL REVENUE FUND 5,225,738

Specific Appropriation 184 includes funding for the following issues:

1) $4,725,738 for Minority Legal Education
2) $500,000 for Minority Scholarships

185 FINANCIAL ASSISTANCE PAYMENTS
VIRGIL HAWKINS FELLOWSHIP PROGRAM
FROM GENERAL REVENUE FUND 997,062

BOARD OF REGENTS GENERAL OFFICE

186 SALARIES AND BENEFITS POSITIONS 161
FROM GENERAL REVENUE FUND 6,786,547
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 999,399
FROM OPERATIONS AND MAINTENANCE TRUST FUND 661,456

From the funds in Specific Appropriations 186 through 206, the Board of Regents shall revise the Enrollment Funding Model to reflect the cost per full-time-equivalent student at the lower level; the upper level; the graduate level, to include a breakout of masters and Ph.D. programs and other appropriate divisions; and the medical professional level. In so doing, the annual expenditure

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analysis, as currently constructed or as modified, shall serve as a basis for the revision. The Board of Regents shall also develop recommendations regarding the appropriate share of the cost to be borne by the state and the student for various programs, or program classifications, as well as student classifications. A report with recommendations shall be submitted to the President of the Senate and the Speaker of the House of Representatives by October 1, 1997, for consideration during the 1998 legislative session.

187 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 340,162
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 36,907
FROM OPERATIONS AND MAINTENANCE TRUST FUND 70,500

188 EXPENSES
FROM GENERAL REVENUE FUND 1,663,261
FROM CAPITAL IMPROVEMENTS FEE TRUST FUND . 11,700
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 158,936
FROM OPERATIONS AND MAINTENANCE TRUST FUND 760,991

189 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 270,775

190 LUMP SUM
PERSONNEL DATABASE - STUDENT ACADEMIC SUPPORT SYSTEM
FROM GENERAL REVENUE FUND 133,062

191 SPECIAL CATEGORIES
CHALLENGE GRANTS
FROM GENERAL REVENUE FUND 33,386,689
FROM MAJOR GIFTS TRUST FUND 33,386,689

192 SPECIAL CATEGORIES
COMMUNITY HOSPITAL EDUCATION PROGRAM
FROM GENERAL REVENUE FUND 6,761,600

Funds for all specialties, excluding Family Practice, provided in Specific Appropriation 192 shall be expended to support clinical experiences in underserved urban or rural populations and/or settings. The Community Hospital Education Council shall develop a method of allocation for up to 10% of the funds in Specific Appropriation 192 which provides additional support to those programs which make a comparatively greater contribution than the average participating program to the number of primary care practitioners in Florida. Additional consideration shall be made for those programs whose graduates practice in underserved areas or provide care to underserved populations.

From the funds in Specific Appropriation 192, the Community Hospital Education Council shall allocate no less than 62.6% to support family practice residencies. In addition, the Community Hospital Education Council may contract with the Family Practice Recruitment and Retention Advisory Group in the Agency for Health Care Administration to fund family practice residencies.

193 SPECIAL CATEGORIES
GRANTS AND AIDS - MEDICAL TRAINING AND SIMULATION LABORATORY
FROM GENERAL REVENUE FUND 2,000,000

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Funds in Specific Appropriation 193 may be advance funded on a quarterly basis.

194 SPECIAL CATEGORIES
DISTRIBUTION TO UNIVERSITIES
FROM OPERATIONS AND MAINTENANCE TRUST FUND 75,000

195 SPECIAL CATEGORIES
GRANTS AND AIDS - FIRST ACCREDITED MEDICAL SCHOOL
FROM GENERAL REVENUE FUND 14,645,202

Funds provided in Specific Appropriation 195 provide $29,290.40 for 500 Florida residents attending the University of Miami Medical School. Students admitted during or after Fall 1991 shall meet the residency requirements of s. 240.1201, Florida Statutes. Students admitted prior to Fall 1991 shall be certified as Florida residents based on the criteria stipulated at the time of admission.

196 SPECIAL CATEGORIES
MEDICAL SCHOOLS - RECRUITMENT AND RETENTION OF MINORITY STUDENTS
FROM GENERAL REVENUE FUND 200,000

197 SPECIAL CATEGORIES
SOUTHEASTERN UNIVERSITY - OSTEOPATHY
FROM GENERAL REVENUE FUND 2,383,900

Funds in Specific Appropriation 197 are for 331 osteopathic students at $7,202.11 per Florida resident as defined in Section 240.1201, Florida Statutes, and may be released in the first and third quarters. To be considered for state funding of its osteopathic program in subsequent years, Southeastern University shall annually submit its budget request in accordance with the policies and procedures established by the State Board of Education for contracting with independent institutions.

198 SPECIAL CATEGORIES
SOUTHEASTERN UNIVERSITY - PHARMACY
FROM GENERAL REVENUE FUND 588,244

Funds in Specific Appropriation 198 are for 240 pharmacy students at $2,451.02 per Florida resident as defined in Section 240.1201, Florida Statutes, and may be released in the first and third quarters. To be considered for state funding of its pharmacy program in subsequent years, Southeastern University shall annually submit its budget request in accordance with the policies and procedures established by the State Board of Education for contracting with independent institutions.

199 SPECIAL CATEGORIES
SOUTHEASTERN UNIVERSITY - OPTOMETRY
FROM GENERAL REVENUE FUND 969,400

Funds in Specific Appropriation 199 are for 131 optometry students at $7,400 per Florida resident as defined in Section 240.1201, Florida Statutes, and may be released in the first and third quarters. To be considered for state funding of its optometry program in subsequent years, Southeastern University shall annually submit its budget request in accordance with the policies and procedures established by the State Board of Education for contracting with independent institutions.

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200 SPECIAL CATEGORIES
PUBLIC SECTOR URBAN, RURAL AND UNMET NEEDS
FROM GENERAL REVENUE FUND 125,000

Funds in Specific Appropriation 200 are provided to the Southeastern University of Health Sciences to continue the training program dealing with the public sector, rural and unmet medical needs.

201 SPECIAL CATEGORIES
REGIONAL DIABETES CENTERS
FROM GENERAL REVENUE FUND 344,276

202 SPECIAL CATEGORIES
REGIONAL EDUCATION
FROM GENERAL REVENUE FUND 145,350

Funds provided in Specific Appropriation 202 may be advance funded entirely in the first quarter.

203 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 24,018

204 SPECIAL CATEGORIES
GRANTS AND AIDS - SPINAL CORD RESEARCH/
UNIVERSITY OF MIAMI
FROM OPERATIONS AND MAINTENANCE TRUST
FUND 500,000

Funds provided in Specific Appropriation 204 support the existing contract for spinal cord research.

205 SPECIAL CATEGORIES
FLORIDA'S OFFICE FOR CAMPUS VOLUNTEERS
FROM GENERAL REVENUE FUND 135,889

206 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY
SYSTEM
FROM GENERAL REVENUE FUND 348,648
FROM FACILITIES CONSTRUCTION
ADMINISTRATION TRUST FUND 1,965
FROM OPERATIONS AND MAINTENANCE TRUST
FUND 3,276

206A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 12,020

206B FIXED CAPITAL OUTLAY
MIAMI PROJECT TO CURE PARALYSIS
FROM GENERAL REVENUE FUND 9,000,000

206C FIXED CAPITAL OUTLAY
VETERINARY TEACHING LAB
FROM GENERAL REVENUE FUND 1,000,000

206D FIXED CAPITAL OUTLAY
UNIVERSITY OF FLORIDA - WHITNEY LAB
FROM GENERAL REVENUE FUND 500,000

The operating cost for facilities acquired by Whitney Lab shall not be requested from General Revenue.

206E FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM CONCURRENCY
REQUIREMENTS
FROM STATE UNIVERSITY SYSTEM CONCURRENCY
TRUST FUND 15,200,000

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206F FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM FACILITY
ENHANCEMENT - CHALLENGE GRANT PROGRAM
FROM GENERAL REVENUE FUND 2,992,237

The following projects are included in Specific Appropriation 206F in accordance with the provisions of s. 240.2601, Florida Statutes:

FIU - Roz and Cal Kovens
Conference Center (e).....$ 182,500
- Hospitality Management
Expansion (p,c,e).....$ 200,000
UCF - School of Communications
Building (e).....$ 359,737
UF - Pharmacy Building (p,c,e).....$1,900,000
Dauer Hall Banquet Room Ren.....$ 250,000
Living Well Center Renovation...$ 100,000

206G FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM CAPITAL IMPROVEMENTS FEE TRUST FUND . 15,000,000

TOTAL OF SECTION 2 POSITIONS 875

FROM GENERAL REVENUE FUND 8825,522,537

FROM TRUST FUNDS 2857,035,655

TOTAL ALL FUNDS 11682,558,192

SECTION 3 - HUMAN SERVICES

The moneys contained herein are appropriated from the named funds to the Agency for Health Care Administration, Department of Children and Families, Department of Elder Affairs, Department of Health, and the Department of Veterans' Affairs as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

BUSINESS AND PROFESSIONAL REGULATION, DEPARTMENT
OF AGENCY FOR HEALTH CARE ADMINISTRATION

HEALTH CARE ADMINISTRATION AND REGULATION

207 SALARIES AND BENEFITS POSITIONS 300
FROM GENERAL REVENUE FUND 1,883,134
FROM HEALTH CARE TRUST FUND 10,406,036
FROM ADMINISTRATIVE TRUST FUND 478,744
FROM STATE EMPLOYEES HEALTH INSURANCE
TRUST FUND 569,285

208 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 247,707
FROM HEALTH CARE TRUST FUND 845,038

209 EXPENSES
FROM GENERAL REVENUE FUND 703,354
FROM HEALTH CARE TRUST FUND 3,726,066
FROM STATE EMPLOYEES HEALTH INSURANCE
TRUST FUND 92,408

From the funds in Specific Appropriation 209, up to $100,000 from the Health Care Trust Fund may be used to fund operational and administrative costs of the Community Health Purchasing Alliances in areas 1, 2, 3 and 4.

209A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LOCAL HEALTH COUNCILS
FROM HEALTH CARE TRUST FUND 1,294,147

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210 OPERATING CAPITAL OUTLAY
FROM HEALTH CARE TRUST FUND 172,447

211 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA HEALTHY KIDS CORPORATION
FROM GENERAL REVENUE FUND 16,018,852

211A SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 250,000

212A SPECIAL CATEGORIES
GRANTS AND AIDS - RURAL HEALTH NETWORK GRANTS
FROM GENERAL REVENUE FUND 300,000

213 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HEALTH CARE TRUST FUND 59,927

213A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM HEALTH CARE TRUST FUND 30,810

MEDICAID SERVICES

Funds from the Grants and Donations Trust Fund from Specific Appropriation 258 for the Regional Perinatal Intensive Care Center disproportionate share program; those portions of Specific Appropriation 235 to continue the adult outpatient hospital reimbursement yearly cap at $1,000 and to maintain the current county outpatient reimbursement ceiling; Specific Appropriation 233 for the regular hospital disproportionate share program; Specific Appropriation 228 for the Graduate Medical Education disproportionate share program; are dependent on state match being provided by participating counties in sufficient amounts to cover the amount budgeted. If sufficient funds are not provided by the counties, the department shall first reduce the regular hospital disproportionate share program to balance.

In the event the Health Care Financing Administration increases the disproportionate share allotment above the appropriated level, the Executive Office of the Governor, subject to Chapter 216, Florida Statutes, is authorized to increase budget authority in Specific Appropriation 233 to use the additional allotment. These funds are contingent upon the state share being provided through grants and donations from state, county, or other governmental funds or through the identification of additional state certified matching funds. If the state is able to identify any additional state match to meet the increased allotment or a portion thereof, the Governor shall submit a budget amendment pursuant to the provisions of Chapter 216, Florida Statutes. In the event the Health Care Financing Administration decreases the disproportionate share allotment, the Governor shall submit a budget amendment pursuant to the provisions of Chapter 216, Florida Statutes, which would reduce the disproportionate share programs to the maximum cap and shall first reduce the primary care hospital disproportionate share program.

The Agency for Health Care Administration shall pursue with the federal Health Care Financing Administration (HCFA) the feasibility and potential for a Medicaid waiver for services to persons with AIDS. Included in the options shall be the issues of waiving the requirement of prior SSI eligibility, of limiting medicaid coverage to selected services (i.e., prescribed medicines), and permitting a Medicaid "Buy-In" for services. The Agency shall pursue various options and report to the Chairmen of the Senate Ways and Means Committee and the House Committee on Fiscal Responsibility on those feasible options and associated costs by February 1, 1998.

214 SALARIES AND BENEFITS POSITIONS 870
FROM GENERAL REVENUE FUND 11,750,013
FROM ADMINISTRATIVE TRUST FUND 20,394,584
FROM GRANTS AND DONATIONS TRUST FUND . . . 172,249

215 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 350,329
FROM ADMINISTRATIVE TRUST FUND 12,842,621

216 EXPENSES
FROM GENERAL REVENUE FUND 10,828,519
FROM ADMINISTRATIVE TRUST FUND 19,422,848
FROM GRANTS AND DONATIONS TRUST FUND . . . 54,897

From the funds in Specific Appropriations 216, $7,650,000 from the General Revenue fund and $7,650,000 from the Administrative Trust Fund are provided to contract for Medicaid managed care choice counseling provided that the vendor(s) selected to provide choice counseling are independent from and have no financial relationship with any health maintenance or other managed care organization or any other health care provider.

217 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 250,000

217A LUMP SUM
THIRD PARTY LIABILITY FUNCTION
FROM GENERAL REVENUE FUND 250,000
FROM ADMINISTRATIVE TRUST FUND 250,000

217B LUMP SUM
ADULT HEART TRANSPLANTS
FROM GENERAL REVENUE FUND 711,452
FROM MEDICAL CARE TRUST FUND 893,083

Funds in Specific Appropriation 217B are provided for Medicaid coverage for heart transplants for Medicaid eligible adults.

219 SPECIAL CATEGORIES
ADULT DENTAL, VISUAL AND HEARING SERVICES
FROM GENERAL REVENUE FUND 11,035,705
FROM MEDICAL CARE TRUST FUND 13,853,118
FROM REFUGEE ASSISTANCE TRUST FUND 386,518

219A SPECIAL CATEGORIES
HEALTHY KIDS CORPORATION WAIVER
FROM MEDICAL CARE TRUST FUND 35,597,449

Funds in Specific Appropriation 219A are contingent upon federal approval of a Medicaid waiver to allow state, local and private funds to be used as state match for federal Medicaid funds or the receipt of other federal grant funds.

219B SPECIAL CATEGORIES
PRIMARY CARE CHALLENGE GRANT WAIVER
FROM MEDICAL CARE TRUST FUND 5,561,111

220 SPECIAL CATEGORIES
CASE MANAGEMENT

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FROM GENERAL REVENUE FUND	11,462,330	
FROM MEDICAL CARE TRUST FUND		23,805,322
FROM REFUGEE ASSISTANCE TRUST FUND		14,459

If the Adult Mental Health Targeted Case Management program funded in Specific Appropriation 220 results in state match requirements exceeding $6,930,899, the Department of Children and Families shall transfer general revenue to cover the increased state match requirements from Specific Appropriation 331A. The agency shall by rule provide that adult mental health targeted case management services are targeted solely to priority clients as specified in Administrative Code 10E-15.

221 SPECIAL CATEGORIES
THERAPEUTIC SERVICES FOR CHILDREN

FROM GENERAL REVENUE FUND	49,077,419	
FROM MEDICAL CARE TRUST FUND		70,995,104
FROM REFUGEE ASSISTANCE TRUST FUND		22,833

From the funds in Specific Appropriation 221, $14,983,526 from the Medical Care Trust Fund is provided to target Medicaid eligible children with significant mental health and substance abuse needs who are generally in the care and custody of the state.

222 SPECIAL CATEGORIES
COMMUNITY MENTAL HEALTH SERVICES

FROM GENERAL REVENUE FUND	17,656,615	
FROM MEDICAL CARE TRUST FUND		22,164,347
FROM REFUGEE ASSISTANCE TRUST FUND		105,765

Funds in Specific Appropriation 222 reflect a reduction of $5,000,000 from the projections of the February 25, 1997 Social Services Estimating Conference due to credentialing of community mental health providers.

223 SPECIAL CATEGORIES
CONTRACT NURSING HOME AUDIT PROGRAM

FROM GENERAL REVENUE FUND	656,779	
FROM ADMINISTRATIVE TRUST FUND		656,779

224 SPECIAL CATEGORIES
DEVELOPMENTAL EVALUATION AND INTERVENTION/
PART H

FROM MEDICAL CARE TRUST FUND		6,722,887
FROM REFUGEE ASSISTANCE TRUST FUND		137

Funds in Specific Appropriation 224 shall be contingent on the availability of state match being provided for in Specific Appropriation 507.

225 SPECIAL CATEGORIES
EARLY AND PERIODIC SCREENING OF CHILDREN

FROM GENERAL REVENUE FUND	31,017,447	
FROM MEDICAL CARE TRUST FUND		38,936,203
FROM REFUGEE ASSISTANCE TRUST FUND		284,797

226 SPECIAL CATEGORIES
GRANTS AND AIDS - RURAL HOSPITAL FINANCIAL
ASSISTANCE PROGRAM

FROM GENERAL REVENUE FUND	3,720,185	
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,279,815
FROM MEDICAL CARE TRUST FUND		5,545,320

Funds in Specific Appropriation 226, shall be used for a Rural Hospital Medicaid disproportionate share program, or a non-Medicaid Rural Hospital Financial Assistance Program for those hospitals not eligible for the disproportionate share program. Such funds shall be distributed pursuant to law and shall conform with federal requirements.

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227 SPECIAL CATEGORIES
FAMILY PLANNING

FROM GENERAL REVENUE FUND	1,243,223	
FROM MEDICAL CARE TRUST FUND		11,189,018
FROM REFUGEE ASSISTANCE TRUST FUND		24,703

228 SPECIAL CATEGORIES
GRADUATE MEDICAL EDUCATION

FROM GENERAL REVENUE FUND	5,888,862	
FROM GRANTS AND DONATIONS TRUST FUND . . .		2,711,139
FROM MEDICAL CARE TRUST FUND		10,791,207

From the funds in Specific Appropriation 228, $2,711,139 from the Grants and Donations Trust Fund and $3,401,914 from the Medical Care Trust Fund are contingent upon receipt of county contributions. Funds appropriated herein are for Medicaid disproportionate share payments to statutory teaching hospitals, as defined in s. 407.002(27), Florida Statutes., and shall be distributed in accordance with s. 409.9113, Florida Statutes.

229 SPECIAL CATEGORIES
HOME AND COMMUNITY BASED SERVICES

FROM GENERAL REVENUE FUND	14,377,161	
FROM MEDICAL CARE TRUST FUND		286,921,068

From the funds in Specific Appropriation 229, $117,079,515 from the Medical Care Trust Fund is provided to expand the waiver for the developmentally delayed clients living in facilities that were reimbursed through the Intermediate Care Facility for the Mentally Retarded optional Medicaid program as of June 30, 1996, and as further provided by law; and, to provide for emergency situations and unforeseen circumstances as the transition is made from funding institutional services for developmentally disabled individuals through the Intermediate Care Facility for the Mentally Retarded program to funding non-institutional services through home and community based funding mechanisms.

From the funds in Specific Appropriation 229, up to $2,286,733 from Medical Care Trust Fund is authorized for the agency to apply for an appropriate waiver to implement kidney dialysis treatment for adults at free-standing kidney dialysis treatment centers.

The agency, with the Department of Health, shall conduct ongoing data collection and analysis to facilitate a cost/benefit analysis of this waiver. A preliminary report shall be provided by March 1, 1998, to the Chairmen of the Senate Ways and Means and the House Fiscal Responsibility Council and Health and Human Services Appropriations Committee.

230 SPECIAL CATEGORIES
ADULT CONGREGATE LIVING FACILITY RESIDENT
WAIVER

FROM MEDICAL CARE TRUST FUND		5,599,390

231 SPECIAL CATEGORIES
HOME HEALTH SERVICES

FROM GENERAL REVENUE FUND	47,918,003	
FROM MEDICAL CARE TRUST FUND		60,152,135
FROM REFUGEE ASSISTANCE TRUST FUND		73,052

Funds in Specific Appropriation 231 reflect a reduction of $2,962,181 from the projections of the February 25, 1997 Social Services Estimating Conference due to implementation of competitive bidding for selected Medicaid services.

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232	SPECIAL CATEGORIES		
	HOSPICE SERVICES		
	FROM GENERAL REVENUE FUND	24,654,182	
	FROM MEDICAL CARE TRUST FUND		30,948,389
	FROM REFUGEE ASSISTANCE TRUST FUND		66,768
233	SPECIAL CATEGORIES		
	HOSPITAL INPATIENT SERVICES		
	FROM GENERAL REVENUE FUND	122,353,453	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		80,065,414
	FROM MEDICAL CARE TRUST FUND		702,129,293
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		356,900,000
	FROM REFUGEE ASSISTANCE TRUST FUND		1,530,956

Funds in Specific Appropriation 233 reflect a reduction of $2,050,323 from the projections of the February 25, 1997 Social Services Estimating Conference due to implementation of direct contracting with provider services networks.

Funds in Specific Appropriation 233 reflect a reduction of $4,167,060 from the projections of the February 25, 1997 Social Services Estimating Conference due to implementation of a disease management initiative for persons with acquired immune deficiency syndrome, hemophilia, diabetes, and asthma.

From the funds in Specific Appropriation 233, $66,703,921 from the Grants and Donations Trust Fund and $83,699,509 from the Medical Care Trust Fund are for a hospital disproportionate share program and are contingent upon receipt of county contributions. If the total amount earned by all hospitals under this section exceeds the amount appropriated, each hospital's share shall be reduced on a pro rata basis so that the total dollars distributed do not exceed the total amount appropriated. One fourth of the total amount shall be distributed at the end of each quarter of Fiscal Year 1997-98.

From the funds in Specific Appropriation 233, the agency is authorized to fund a federal waiver to provide inpatient care on a limited basis in a Specialty Psychiatric Hospital. The waiver will be limited to two Agency Areas. Either children only or adults only programs shall be operated at each site. No pilot shall serve both the adult and child populations. If the waiver is not approved for adults then both pilots shall serve children.

The Specialty Psychiatric Hospital must be selected through an RFP process. One provider will be selected to serve each area. The waiver must include a prior authorization component to insure medical necessity. The agency shall monitor and report to the Chairmen of the Senate Ways and Means Committee and the House Committee on Fiscal Responsibility regarding the cost-savings status of the implementation of this waiver by February 1, 1998. This program may be continued provided that a cost-savings to the total Medicaid budget is demonstrated by June 30, 1998.

234	SPECIAL CATEGORIES		
	HOSPITAL INSURANCE BENEFITS		
	FROM GENERAL REVENUE FUND	34,309,501	
	FROM MEDICAL CARE TRUST FUND		43,068,716
235	SPECIAL CATEGORIES		
	HOSPITAL OUTPATIENT SERVICES		
	FROM GENERAL REVENUE FUND	169,084,883	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		15,584,940
	FROM MEDICAL CARE TRUST FUND		231,816,117
	FROM REFUGEE ASSISTANCE TRUST FUND		864,046

Funds in Specific Appropriation 235 reflect a reduction of $408,838 from the projections of the February 25, 1997 Social Services Estimating Conference due to implementation of direct contracting with provider services networks.

236	SPECIAL CATEGORIES		
	INTERMEDIATE CARE FACILITIES/MENTALLY RETARDED - SUNLAND CENTER		
	FROM MEDICAL CARE TRUST FUND		94,142,944
237	SPECIAL CATEGORIES		
	RESPIRATORY THERAPY SERVICES		
	FROM GENERAL REVENUE FUND	306,352	
	FROM MEDICAL CARE TRUST FUND		384,563
238	SPECIAL CATEGORIES		
	MEDICAID FISCAL CONTRACT		
	FROM GENERAL REVENUE FUND	8,300,807	
	FROM ADMINISTRATIVE TRUST FUND		15,106,820
	FROM REFUGEE ASSISTANCE TRUST FUND		82,483
239	SPECIAL CATEGORIES		
	MEDICAID PEER REVIEW		
	FROM ADMINISTRATIVE TRUST FUND		433,268
240	SPECIAL CATEGORIES		
	NURSE PRACTITIONER SERVICES		
	FROM GENERAL REVENUE FUND	2,184,999	
	FROM MEDICAL CARE TRUST FUND		2,742,827
	FROM REFUGEE ASSISTANCE TRUST FUND		905
241	SPECIAL CATEGORIES		
	NURSING HOME CARE		
	FROM GENERAL REVENUE FUND	625,551,512	
	FROM MEDICAL CARE TRUST FUND		793,523,027

Funds in Specific Appropriation 241 reflect a reduction of $11,111,111 from the projections of the February 25, 1997 Social Services Estimating Conference due to a transfer to the Nursing Home Diversion Waiver and a reduction of $12,394,796 from the projections of the February Social Services Estimating Conference due to savings from expansion of the Nursing Home Diversion Waiver.

242	SPECIAL CATEGORIES		
	BIRTHING CENTER SERVICES		
	FROM GENERAL REVENUE FUND	497,851	
	FROM MEDICAL CARE TRUST FUND		624,950
243	SPECIAL CATEGORIES		
	OTHER LAB AND X-RAY SERVICES		
	FROM GENERAL REVENUE FUND	10,636,139	
	FROM MEDICAL CARE TRUST FUND		13,351,771
	FROM REFUGEE ASSISTANCE TRUST FUND		467,829

Funds in Specific Appropriation 243 reflect a reduction of $31,792 from the projections of the February 25, 1997 Social Services Estimating Conference due to implementation of direct contracting with provider services networks.

Funds in Specific Appropriation 243 reflect a reduction of $960,325 from the projections of the February 25, 1997 Social Services Estimating Conference due to implementation of competitive bidding for selected Medicaid services.

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244 SPECIAL CATEGORIES
PATIENT TRANSPORTATION

FROM GENERAL REVENUE FUND	37,933,806	
FROM MEDICAL CARE TRUST FUND		47,618,306
FROM REFUGEE ASSISTANCE TRUST FUND		208,193

Funds in Specific Appropriation 244 represent the maximum amount provided to fully fund all transportation services reimbursed by Medicaid except for those transportation services typically covered through other Medicaid categories.

245 SPECIAL CATEGORIES
PHYSICIAN ASSISTANT SERVICES

FROM GENERAL REVENUE FUND	75,458	
FROM MEDICAL CARE TRUST FUND		94,721
FROM REFUGEE ASSISTANCE TRUST FUND		749

246 SPECIAL CATEGORIES
PERSONAL CARE SERVICES

FROM GENERAL REVENUE FUND	4,587,947	
FROM MEDICAL CARE TRUST FUND		5,759,248

247 SPECIAL CATEGORIES
PHYSICAL REHABILITATION THERAPY

FROM GENERAL REVENUE FUND	2,004,356	
FROM MEDICAL CARE TRUST FUND		2,516,070
FROM REFUGEE ASSISTANCE TRUST FUND		157

248 SPECIAL CATEGORIES
PHYSICIAN SERVICES

FROM GENERAL REVENUE FUND	200,573,049	
FROM MEDICAL CARE TRUST FUND		251,779,470
FROM REFUGEE ASSISTANCE TRUST FUND		2,315,427

Funds in Specific Appropriation 248 reflect a reduction of $585,676 from the projections of the February 25, 1997 Social Services Estimating Conference due to implementation of direct contracting with provider services networks.

From funds in Specific Appropriation 248, the Agency for Health Care Administration may bundle physician fees for reimbursement of the various physician specialists involved in organ transplantation procedures provided, there is no increase over the total reimbursement for each transplant as currently provided through the Resource Based Relative Value Scale (RBRVS) methodology. These fees should be comparable to the median national comparative fees for services provided to Medicaid patients in other states.

Of the funds available in Specific Appropriation 248, $38,575,800 from the General Revenue Fund and $48,424,200 from the Medical Care Trust Fund are provided to pay the full Medicare Part B co-payment for clients who are dually eligible for Medicare and Medicaid.

249 SPECIAL CATEGORIES
PREPAID HEALTH PLANS/HEALTH MAINTENANCE ORGANIZATION

FROM GENERAL REVENUE FUND	320,537,810	
FROM MEDICAL CARE TRUST FUND		404,318,722
FROM REFUGEE ASSISTANCE TRUST FUND		2,218,805

Funds in Specific Appropriation 249 reflect a reduction of $1,791,340 from the projections of the February 25, 1997 Social Services Estimating Conference due to implementing a variable dispensing fee for prescribed drugs.

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Funds in Specific Appropriation 249 reflect a reduction from the estimates of the February, 1997, Social Services Estimating Conference of $7,650,000 from the General Revenue Fund and $7,650,000 from the Medical Care Trust Fund due to reductions to Health Maintenance Organization marketing expenses to fund the third party contract for managed care choice counseling activities.

250 SPECIAL CATEGORIES
PRESCRIBED MEDICINE/DRUGS

FROM GENERAL REVENUE FUND	290,499,885	
FROM GRANTS AND DONATIONS TRUST FUND		126,317,404
FROM MEDICAL CARE TRUST FUND		364,653,536
FROM REFUGEE ASSISTANCE TRUST FUND		1,662,290

Funds in Specific Appropriation 250 reflect a reduction of $256,704 from the February 25, 1997 Social Services Estimating Conference due to implementation of direct contracting with provider services networks.

Funds in Specific Appropriation 250 reflect a reduction of $4,382,726 from the projections of the February 25, 1997 Social Services Estimating Conference due to implementing a variable dispensing fee for prescribed drugs.

251 SPECIAL CATEGORIES
PRIVATE DUTY NURSING SERVICES

FROM GENERAL REVENUE FUND	17,071,984	
FROM MEDICAL CARE TRUST FUND		21,430,459

252 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

FROM GENERAL REVENUE FUND	87,618	
FROM ADMINISTRATIVE TRUST FUND		87,618

253 SPECIAL CATEGORIES
RURAL HEALTH SERVICES

FROM GENERAL REVENUE FUND	15,569,855	
FROM MEDICAL CARE TRUST FUND		19,544,839
FROM REFUGEE ASSISTANCE TRUST FUND		18,040

254 SPECIAL CATEGORIES
SPEECH THERAPY SERVICES

FROM GENERAL REVENUE FUND	2,711,981	
FROM MEDICAL CARE TRUST FUND		3,404,352
FROM REFUGEE ASSISTANCE TRUST FUND		71

255 SPECIAL CATEGORIES
STATE MENTAL HEALTH HOSPITAL PROGRAM

FROM MEDICAL CARE TRUST FUND		14,278,199

256 SPECIAL CATEGORIES
MEDIPASS SERVICES

FROM GENERAL REVENUE FUND	8,428,190	
FROM MEDICAL CARE TRUST FUND		10,579,906
FROM REFUGEE ASSISTANCE TRUST FUND		76,389

257 SPECIAL CATEGORIES
MENTAL HEALTH HOSPITAL DISPROPORTIONATE SHARE

FROM MEDICAL CARE TRUST FUND		105,907,042

257A SPECIAL CATEGORIES
T.B. HOSPITAL DISPROPORTIONATE SHARE

FROM MEDICAL CARE TRUST FUND		2,444,444

257B SPECIAL CATEGORIES
PRIMARY CARE DISPROPORTIONATE SHARE PROGRAM

FROM GRANTS AND DONATIONS TRUST FUND		4,500,000
FROM MEDICAL CARE TRUST FUND		5,500,000

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Funds in Specific Appropriation 257B, are contingent upon the state share being provided through grants and donations from state, county, or other governmental funds. Funds appropriated herein are for Medicaid disproportionate share payments to hospitals qualifying for the primary care disproportionate share program, as defined in s. 409.9117, Florida Statutes. The agency must determine the eligibility of a hospital to participate in the primary care disproportionate share program based on the criteria in s. 409.9117 and, if more than one hospital qualifies, must submit an allocation methodology for the primary care disproportionate share payments to the Governor, the President of the Senate, and the Speaker of the House of Representatives. In the event the Health Care Financing Administration decreases the state's total disproportionate share allotment, the Governor shall submit a budget amendment pursuant to the provisions of Chapter 216, Florida Statutes, which would reduce the disproportionate share programs to the maximum cap and shall first reduce the primary care hospital disproportionate share programs.

258 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL PERINATAL
INTENSIVE CARE CENTER DISPROPORTIONATE
SHARE
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,000,000
FROM MEDICAL CARE TRUST FUND 3,764,374

From the funds provided in Specific Appropriation 258, $3,000,000 from the Grants and Donations Trust Fund and $3,764,374 from the Medical Care Trust Fund are contingent upon receipt of county contributions. Funds appropriated herein are for Medicaid disproportionate share payments to those hospitals that participate in the Regional Perinatal Intensive Care Center program established pursuant to Chapter 383, Florida Statutes. Such funds shall be distributed pursuant to s. 409.9112, F.S. and shall conform with federal requirements.

259 SPECIAL CATEGORIES
SUPPLEMENTAL MEDICAL INSURANCE
FROM GENERAL REVENUE FUND 167,444,723
FROM MEDICAL CARE TRUST FUND 184,335,343

260 SPECIAL CATEGORIES
OCCUPATIONAL THERAPY SERVICES
FROM GENERAL REVENUE FUND 1,474,358
FROM MEDICAL CARE TRUST FUND 1,850,762

261 SPECIAL CATEGORIES
CLINIC SERVICES
FROM GENERAL REVENUE FUND 11,867,250
FROM MEDICAL CARE TRUST FUND 14,896,957
FROM REFUGEE ASSISTANCE TRUST FUND 44,722

Funds in Specific Appropriation 261 provided for county health department clinic services shall be reimbursed at a rate per visit based on total reasonable costs of the clinic as provided for in subsection (19) of s. 409.908, Florida Statutes.

262 SPECIAL CATEGORIES
COMMUNITY SUPPORTED LIVING WAIVER
FROM MEDICAL CARE TRUST FUND 490,639

263 SPECIAL CATEGORIES
MEDICAID SCHOOL REFINANCING
FROM MEDICAL CARE TRUST FUND 50,000,000

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264 SPECIAL CATEGORIES
CAPITATED NURSING HOME DIVERSION WAIVER
FROM GENERAL REVENUE FUND 9,879,511
FROM MEDICAL CARE TRUST FUND 12,236,362

Funds in Specific Appropriation 264 shall be transferred to Specific Appropriation 241 if the nursing home diversion waiver expansion is delayed or is otherwise unable to divert a sufficient number of persons from Medicaid nursing home care and the Social Service Estimating Conference projects that a deficit will occur in the nursing home care program.

265 DATA PROCESSING SERVICES
HEALTH AND REHABILITATIVE SERVICES
TECHNOLOGY CENTER
FROM GENERAL REVENUE FUND 72,336
FROM ADMINISTRATIVE TRUST FUND 72,336

265A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 28,294
FROM ADMINISTRATIVE TRUST FUND 28,294

HEALTH CARE REGULATION

The Agency for Health Care Administration will gather data to be used for the purpose of establishing standards for the following measures in the Health Care Quality Improvement Program to conform with the Government Performance and Accountability Act of 1994.

STATE REGULATION OF HEALTH CARE PRACTITIONERS
OUTCOMES:
Percentage of Priority I practitioner investigations resulting in emergency actions.
Ratio of emergency actions that result in license revocation, license suspension, reprimand, probation with conditions, or administrative fines.
Average length of time to take emergency action on Priority I practitioner investigations.
Percentage of practitioner facility inspections that do not result in an investigation.
Percentage of investigations of alleged unlicensed practitioners that result in cease and desist orders.
Percentage of cease and desist orders issued to unlicensed practitioners in which another complaint of unlicensed activity is subsequently filed against the same practitioner.
Percentage of licensed practitioners involved in: 1. serious incidents 2. peer review discipline reports
Percentage of complaints not before the Division of Administrative Hearings or otherwise completed by the agency within 1 year after the filing of the complaint.
OUTPUTS:
Number of complaints closed administratively as not legally sufficient.

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Number of complaints determined legally sufficient.

Number of legally sufficient complaints resolved by:
1. Findings of no probable cause, including:
a. Nolle prosse
b. Letters of guidance
c. Notice of noncompliance
2. Issuance of citation for minor violations
3. Stipulations or informal hearings.
4. Formal hearings.

Number of complaint investigations completed by priority classification:
1. Priority I
2. Priority II
3. Other

Average amount of time (in days) to complete complaint investigations by priority classification:
1. Priority I
2. Priority II
3. Other

Number of emergency actions taken.

Average cost per practitioner complaint investigation.

Average number of practitioner complaint investigations per FTE.

Number of practitioner facility inspections completed.

Average number of mandated practitioner facility inspections per FTE.

Average work hours per practitioner facility inspection (excludes travel time).

Average cost per practitioner facility inspection.

Number of cease and desist orders issued.

Number of inquiries to the call center regarding practitioner licensure and disciplinary information.

STATE LICENSURE AND FEDERAL CERTIFICATION OF HEALTH CARE FACILITIES AND PROGRAMS

OUTCOMES:

Percentage of investigations of alleged unlicensed facilities and programs that result in cease and desist orders.

Percentage of cease and desist orders issued to unlicensed facilities and programs in which another complaint of unlicensed activity is subsequently filed against the same facility or program.

Percentage of positive interview responses from nursing home residents and families regarding satisfaction with care and services.

Direct the agency to develop a means of measuring consumers', facilities' and programs' satisfaction with the agency's performance - incorporate

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outcome measures in the FY 1998-1999 budget.

Percentage of cases referred to the Subscriber-Provider Assistance Panel that are resolved by the Panel.

Percentage of Class I consumer complaints about licensed facilities and programs that are investigated within 48 hours.

Percentage of health care facilities and programs that have been sent a written statement of deficiencies within 10 days of the completion of the on-site survey.

Percentage of accredited hospitals and ambulatory surgical centers that have been cited for not complying with life safety, licensure or emergency access standards.

Percentage of accreditation validation surveys that result in findings of licensure deficiencies.

Percentage of nursing homes and assisted living facilities in which deficiencies are found that pose a serious threat to the health, safety or welfare of the public.

Direct the agency to develop a similar measure for home health agencies, hospitals, clinical laboratories and ambulatory surgical centers - incorporate outcome measures in the FY 1998-1999 budget.

Percentage of hospital failures to report serious incidents and peer review disciplinary actions that are identified by the agency that result in sanctions against the hospital.

Percentage of field surveyors that have less than 1 year of surveying experience.

Percentage of Medicare/Medicaid certified facilities and programs that are not licensed by the state that the agency recommends be decertified.

OUTPUTS:

Number of facility emergency actions taken.

Average annual quality-of-care survey costs per survey.

Average amount of annual quality-of-care surveyor time per regulated facility.

Total number of full facility quality-of-care surveys conducted and by type:
1. nursing homes
2. home health agencies
3. assisted living facilities
4. laboratories
5. hospitals
6. other

Total number of follow-up facility quality-of-care surveys conducted and by type:
1. nursing homes
2. home health agencies
3. assisted living facilities
4. laboratories
5. hospitals
6. other

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Total number of facility quality-of-care complaint investigations conducted, by type:
1. nursing homes
2. home health agencies
3. assisted living facilities
4. laboratories
5. hospitals
6. other

Number of cases processed by the Subscriber-Provider Assistance Panel.

Average processing time for Subscriber-Provider Assistance Panel case resolution.

Average processing time for initial facility license application.

Average annual cost to process licensure/certification applications per regulated facility.

Average annual combined cost of facility application processing and quality-of-care survey activity per facility.

Number of failures by hospitals to report serious incidents and peer review disciplinary actions that are identified by the agency.

Number of certification recommendations processed by the agency for Medicare/Medicaid certified facilities and programs that are not licensed by the state.

HEALTH FACILITY PLANS AND CONSTRUCTION REVIEW

OUTCOMES:

Percentage of facility construction plans reviewed in which defects were identified relating to the NFPA 101 Life Safety Code or physical plant requirements and engineering system codes and standards stated in 59A-3, 4, and 5, F.A.C.

Percentage of inspections which identified construction defects relating to engineering systems performance or physical plant requirements.

Percentage of plans and specifications submitted that are approved or disapproved within 60 days after receipt of the fee for review of plans.

OUTPUTS:

Number of plans and construction reviews performed by type:
1. nursing homes
2. hospitals
3. ambulatory surgical centers

Average number of hours for plans and construction survey and review:
1. nursing homes
2. hospitals
3. ambulatory surgical centers

Number of projects receiving approval after review of initial construction documents.

Number of construction projects receiving approval after an initial final survey.

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266	SALARIES AND BENEFITS POSITIONS	594	
	FROM GENERAL REVENUE FUND	150,105	
	FROM HEALTH CARE TRUST FUND		24,258,501
	FROM FLORIDA ORGAN AND TISSUE DONOR EDUCATION AND PROCUREMENT TRUST FUND . .		39,300
266A	OTHER PERSONAL SERVICES		
	FROM HEALTH CARE TRUST FUND		1,008,038
266B	EXPENSES		
	FROM GENERAL REVENUE FUND	26,794	
	FROM HEALTH CARE TRUST FUND		7,379,286
	FROM FLORIDA ORGAN AND TISSUE DONOR EDUCATION AND PROCUREMENT TRUST FUND . .		327,948
266C	OPERATING CAPITAL OUTLAY		
	FROM HEALTH CARE TRUST FUND		420,966
266D	LUMP SUM		
	IMPLEMENTATION OF HB 1353 POSITIONS	1	
	FROM HEALTH CARE TRUST FUND		50,000
268	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM HEALTH CARE TRUST FUND		1,422,452
269	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM FLORIDA ORGAN AND TISSUE DONOR EDUCATION AND PROCUREMENT TRUST FUND . .		700,000
270	SPECIAL CATEGORIES		
	EMERGENCY ALTERNATIVE PLACEMENT		
	FROM RESIDENT PROTECTION TRUST FUND . . .		103,000
270A	SPECIAL CATEGORIES		
	MEDICAID SURVEILLANCE		
	FROM HEALTH CARE TRUST FUND		252,499
271	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM HEALTH CARE TRUST FUND		117,126
271A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM HEALTH CARE TRUST FUND		14,494

CHILDREN AND FAMILIES, DEPARTMENT OF

CHILDREN AND FAMILIES - ADMINISTRATION

OFFICE OF THE SECRETARY

272	SALARIES AND BENEFITS POSITIONS	173	
	FROM GENERAL REVENUE FUND	5,559,068	
	FROM ADMINISTRATIVE TRUST FUND		2,588,089
273	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	34,401	
	FROM ADMINISTRATIVE TRUST FUND		165,272
274	EXPENSES		
	FROM GENERAL REVENUE FUND	1,245,000	
	FROM ADMINISTRATIVE TRUST FUND		639,284
275	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	49,361	
275A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	750,000	

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276 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 57,739
FROM ADMINISTRATIVE TRUST FUND 7,441

ASSISTANT SECRETARY FOR ADMINISTRATION

From the funds provided to the department in the Salaries and Benefits appropriation categories, the department may transfer funds into an appropriation category for overtime payments based on savings from vacant positions. To the extent funds are transferred into the overtime category, the department must place into reserve those vacant positions from which the funds are taken. The department is authorized to make disbursements from the overtime category to the extent funds are transferred into it.

277 SALARIES AND BENEFITS POSITIONS 309
FROM GENERAL REVENUE FUND 11,250,701
FROM ADMINISTRATIVE TRUST FUND 1,884,133

Of the funds in Specific Appropriations 277, 279 and 280, 1 position and $28,281, $20,813, and $3,165 respectively from the Administrative Trust Fund are provided for implementing and on-going assistance and monitoring of an initiative to maximize the receipt of federal Title IV-E funds. The position and associated budget authority will be released upon submission of a plan by the department and subsequent approval pursuant to the provisions of Chapter 216, Florida Statutes. The plan will include the following:

1. Standard contract for contracting with a local provider funded by public appropriations and/or any other federally approved matching mechanism;
2. A contract provision that the provider will be solely responsible for any and all audit disallowance;
3. A contract provision requiring that all Title IV-E receipts, except as noted below, will be returned to the provider; and,
4. Receipt projections indicating sufficient resources to fund an amount not to exceed $52,259 shall be charged to these federal receipts in order to fund this position and associated costs.

278 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 6,012
FROM ADMINISTRATIVE TRUST FUND 4,619,176

279 EXPENSES
FROM GENERAL REVENUE FUND 2,500,353
FROM ADMINISTRATIVE TRUST FUND 561,607

280 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 82,607
FROM ADMINISTRATIVE TRUST FUND 3,165

280A LUMP SUM
FISCAL MANAGEMENT SUPPORT
POSITIONS 8
FROM GENERAL REVENUE FUND 1,061,911

280B LUMP SUM
ELECTRONIC BENEFIT TRANSFER
FROM GENERAL REVENUE FUND 1,844,528
FROM ADMINISTRATIVE TRUST FUND 1,844,528

From funds in Specific Appropriation 280B, $350,000 from the General Revenue Fund and $350,000 from the Administrative Trust Fund shall be used to pay for the Automated Fingerprint Imaging Pilot Project. The Department of Children and Families shall develop and implement a pilot program in District 10 by November 1998 to prevent public assistance fraud by utilizing automated fingerprinting technology. The savings derived from the pilot project should be used to offset the cost of the program and shall be used to expand the program to other areas of the state.

281 LUMP SUM
FLORIDA ON-LINE RECIPIENT INTEGRATED DATA ACCESS (FLORIDA) SYSTEM
FROM GENERAL REVENUE FUND 1,845,925
FROM ADMINISTRATIVE TRUST FUND 1,593,925

Funds in Specific Appropriation 281 are provided for modifications and improvements required to be made to the FLORIDA System. No funds shall be released or expended from Specific Appropriation 281 without the Secretary of the Department of Children and Families certifying that the use of the funds is in accordance with the Approved Planning Document Update (APDU). Prior to the release of these funds, the department shall submit a work plan detailing the objectives, and expected outcomes to be attained during the fiscal year with anticipated completion dates. The plan shall be submitted to the Information Resource Commission, the Chairmen of the Fiscal Responsibility Council in the House of Representatives and the Ways and Means Committee in the Senate, the Joint Committee on Information Technology, the Joint Legislative Auditing Committee and the Executive Office of the Governor. The Secretary shall submit a quarterly report describing the progress made to date, actual completion dates, anticipated problems and recommended changes to the plan. The report shall be submitted to the Executive Office of the Governor, the Chairmen of the Fiscal Responsibility Council and the Health & Human Services Appropriations Committee in the House of Representatives and the Ways and Means Committee in the Senate, the Information Resource Commission, the Joint Legislative Auditing Committee and the Joint Committee on Information Technology.

Funds are provided in Specific Appropriation 281 for FLORIDA which is recommended for special monitoring as a critical information resource management project under s. 282.322, Florida Statutes. From the funds in Specific Appropriation 281 , $75,000 from the General Revenue Fund and $75,000 from the Administrative Trust Fund are provided for the project monitoring contract. These Funds shall be transferred by the Executive Office of the Governor pursuant to the provisions in Chapter 216, Florida Statutes.

282 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 1,000,000

283 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 380,145
FROM ADMINISTRATIVE TRUST FUND 132,997

284 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 111,252

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285	SPECIAL CATEGORIES STATE INSTITUTIONAL CLAIMS FROM GENERAL REVENUE FUND	42,630	
286	DATA PROCESSING SERVICES HEALTH AND REHABILITATIVE SERVICES TECHNOLOGY CENTER FROM GENERAL REVENUE FUND	25,139,976	
	FROM ADMINISTRATIVE TRUST FUND		20,646,453
286A	DATA PROCESSING SERVICES SAMAS USER CHARGE FROM GENERAL REVENUE FUND	577,615	
287	FIXED CAPITAL OUTLAY DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES FIXED CAPITAL NEEDS FOR CENTRALLY MANAGED FACILITIES FROM GENERAL REVENUE FUND	2,400,000	

INFORMATION SYSTEMS

288	SALARIES AND BENEFITS POSITIONS 331 FROM WORKING CAPITAL TRUST FUND		15,392,154
289	OTHER PERSONAL SERVICES FROM WORKING CAPITAL TRUST FUND		770,013
290	EXPENSES FROM WORKING CAPITAL TRUST FUND		4,737,944
291	OPERATING CAPITAL OUTLAY FROM WORKING CAPITAL TRUST FUND		75,701
292	SPECIAL CATEGORIES COMPUTER RELATED EXPENSES FROM WORKING CAPITAL TRUST FUND		56,454,215

Contingent upon documentation of need and the availability of funding, the department is authorized to use funds in Specific Appropriation 292 to upgrade the UNISYS computing environment.

293	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM WORKING CAPITAL TRUST FUND		20,730

HUMAN SERVICES PROGRAM DEVELOPMENT

The Department of Children and Families is authorized to certify local funds not to exceed $5 million as state match for eligible Title IV-E services for children under the supervision and custody of the state in excess of the amount of state general revenue matching funds specifically appropriated for such services by this Appropriations Act.

Of the funds in Specific Appropriations 294, 296, and 297, 2 positions and $90,054 , $41,626, and $6,330 respectively from the Administrative Trust Fund are provided for implementing and on-going assistance and monitoring of an initiative to maximize the receipt of federal Title IV-E funds. The positions and associated budget authority will be released upon submission of a plan by the department and subsequent approval pursuant to the provisions of Chapter 216, Florida Statutes. The plan will include the following:

1. Standard contract for contracting with a local provider funded by public appropriations and/or any other federally approved matching mechanism;

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2. A contract provision that the provider will be solely responsible for any and all audit disallowances;
3. A contract provision requiring that all Title IV-E receipts, except as noted below, will be returned to the provider; and,
4. Receipt projections indicating sufficient resources to fund an amount not to exceed $138,010 shall be charged to these federal receipts in order to fund this position and associated costs.

294	SALARIES AND BENEFITS POSITIONS 254 FROM GENERAL REVENUE FUND	5,459,983	
	FROM ADMINISTRATIVE TRUST FUND		2,757,359
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		774,539
	FROM FEDERAL GRANTS TRUST FUND		3,423,263
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		27,044

From the funds in Specific Appropriations 294 through 296, the Department shall develop a plan of implementation of financing selected services through vouchers in the areas of Developmental Services and Aging and Adult Services. The Department may consider any findings from ongoing pilot projects and its experience with current voucher financed programs in developing the plan.

295	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	85,035	
	FROM ADMINISTRATIVE TRUST FUND		127,705
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		41,585
	FROM FEDERAL GRANTS TRUST FUND		561,715
296	EXPENSES FROM GENERAL REVENUE FUND	1,643,533	
	FROM ADMINISTRATIVE TRUST FUND		854,517
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		271,956
	FROM FEDERAL GRANTS TRUST FUND		1,324,207
	FROM GRANTS AND DONATIONS TRUST FUND . . .		25,000
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		54,147
297	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	22,686	
	FROM ADMINISTRATIVE TRUST FUND		22,256
298	SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED SERVICES FROM GENERAL REVENUE FUND	170,840	
	FROM ADMINISTRATIVE TRUST FUND		3,494,394
	FROM FEDERAL GRANTS TRUST FUND		1,597,840
	FROM GRANTS AND DONATIONS TRUST FUND . . .		11,859
299	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	372,269	
	FROM ADMINISTRATIVE TRUST FUND		145,277
	FROM FEDERAL GRANTS TRUST FUND		157,722
300	DATA PROCESSING SERVICES HEALTH AND REHABILITATIVE SERVICES TECHNOLOGY CENTER FROM GENERAL REVENUE FUND	8,076,005	
	FROM ADMINISTRATIVE TRUST FUND		5,605,515
300A	DATA PROCESSING SERVICES SAMAS USER CHARGE FROM GENERAL REVENUE FUND	2,529,008	

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STATEWIDE SERVICES

STATE AND LOCAL PROGRAMS

301	SALARIES AND BENEFITS POSITIONS 153		
	FROM GENERAL REVENUE FUND	4,669,340	
	FROM ADMINISTRATIVE TRUST FUND		940,642
302	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		526,408
303	EXPENSES		
	FROM GENERAL REVENUE FUND	1,596,371	
	FROM ADMINISTRATIVE TRUST FUND		392,257
304	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,133	
	FROM ADMINISTRATIVE TRUST FUND		37,037
305	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	8,424	
306	DATA PROCESSING SERVICES		
	HEALTH AND REHABILITATIVE SERVICES		
	TECHNOLOGY CENTER		
	FROM GENERAL REVENUE FUND	953,854	
	FROM ADMINISTRATIVE TRUST FUND		1,416,836

DISTRICT SERVICES

DISTRICT ADMINISTRATION

307	SALARIES AND BENEFITS POSITIONS 1,228		
	FROM GENERAL REVENUE FUND	18,445,052	
	FROM ADMINISTRATIVE TRUST FUND		28,557,066
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,005,468
308	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		531,872
309	EXPENSES		
	FROM GENERAL REVENUE FUND	5,787,073	
	FROM ADMINISTRATIVE TRUST FUND		1,612,674
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		119,131

From the funds provided in Specific Appropriation 309, the department may expend the funds necessary to meet the costs of legal requirements in the acquisition of the Grant Pediatric Center located in Dade County. Such costs shall include, but not be limited to: appraisals, environmental analysis and surveys and shall be paid only from funds allocated to District 11.

310	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	71,315	
	FROM ADMINISTRATIVE TRUST FUND		167,171
312	SPECIAL CATEGORIES		
	CITIZEN ADVOCACY COMMITTEES AND ADVISORY COUNCILS - EXPENSES		
	FROM GENERAL REVENUE FUND	43,368	
313	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	250,000	

Of the funds in Specific Appropriation 313, $100,000 is continued to provide for a shared data-base for educational and human service programs in Broward County.

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314	SPECIAL CATEGORIES		
	FINGERPRINTING FOR DAY CARE EMPLOYEES		
	FROM GENERAL REVENUE FUND	135,513	
	FROM ADMINISTRATIVE TRUST FUND		1,131,753
315	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	1,354,123	
315A	FIXED CAPITAL OUTLAY		
	CHILD ENRICHMENT CENTER - DADE COUNTY		
	FROM ADMINISTRATIVE TRUST FUND		2,800,000

From the funds in Specific Appropriation 315A, if the department determines that it is in its best interest, and if sufficient private contributions are received, the department may execute the option to acquire the buildings, land and appurtenances thereon through the execution of a purchase or lease-purchase agreement. The facility shall be used as a Child Enrichment Center or other similar purpose.

315B	FIXED CAPITAL OUTLAY		
	DISTRICT 6 ADMINISTRATIVE FACILITY PASS THROUGH		
	FROM ADMINISTRATIVE TRUST FUND		6,811,173

From the funds in Specific Appropriation 315B, the department may purchase or execute a lease-purchase agreement to acquire a facility for District 6 administrative functions. The acquisition or lease-purchase is contingent upon the receipt of funds from the County of Hillsborough.

Funds in Specific Appropriations 315A and 315B for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least equal to the amount of state funds provided for at least five years from the date of purchase or the completion of the improvements or as further required by law.

AGING AND ADULT SERVICES

316	SALARIES AND BENEFITS POSITIONS 555		
	FROM GENERAL REVENUE FUND	14,540,528	
	FROM ADMINISTRATIVE TRUST FUND		70,793
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		4,726,751
317	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	5,086	
318	EXPENSES		
	FROM GENERAL REVENUE FUND	2,434,418	
	FROM ADMINISTRATIVE TRUST FUND		2,832
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		530,622
319	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	16,371	
321	SPECIAL CATEGORIES		
	HOME CARE FOR THE ELDERLY		
	FROM GENERAL REVENUE FUND	2,219,860	
322	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COMMUNITY CARE FOR DISABLED ADULTS		
	FROM GENERAL REVENUE FUND	2,979,166	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		226,507

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Of the funds provided in Specific Appropriation 322 for the Community Care for Disabled Adults (CCDA) demonstration project in District 5, a report shall be submitted to the chairs of the Senate Ways and Means Committee and the House Fiscal Responsibility Council, Health and Human Services Appropriations Committee by November 1, 1997. The report shall be submitted with documentation of the demonstration, implementation of the demonstration, effectiveness of serving the CCDA population and possible statewide utilization of the project, including cost efficiencies.

323	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	256,685	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		212,569
324	SPECIAL CATEGORIES		
	HOME AND COMMUNITY BASED SERVICES WAIVER		
	FROM GENERAL REVENUE FUND	1,949,581	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		2,777,752
325	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	637,114	
326	SPECIAL CATEGORIES		
	TEMPORARY EMERGENCY SHELTER SERVICES		
	FROM GENERAL REVENUE FUND	203,527	

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH SERVICES

327	SALARIES AND BENEFITS POSITIONS	117	
	FROM GENERAL REVENUE FUND	4,334,895	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		349,425
	FROM FEDERAL GRANTS TRUST FUND		128,685
	FROM GRANTS AND DONATIONS TRUST FUND . . .		641,267
327A	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	115,988	
	FROM FEDERAL GRANTS TRUST FUND		843,819
327B	EXPENSES		
	FROM GENERAL REVENUE FUND	865,114	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		145,022
	FROM FEDERAL GRANTS TRUST FUND		300,071
	FROM GRANTS AND DONATIONS TRUST FUND . . .		44,813
327C	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	10,365	

From the funds in Specific Appropriations 328A, 328B, 329, 332A, 332C, 334, 335, 336, 339, 343, 346, 347, 350, and 352 the department is authorized to establish a public/private partnership in Palm Beach County to implement a community based, integrated child welfare, mental health and substance abuse delivery system for children under its supervision or custody that will have the following characteristics: front end assessment, family centered service planning, independent case management, and purchase of services from providers in conformance with the provisions of the case plan.

328A	LUMP SUM		
	SUBSTANCE ABUSE CONTINGENCY FUND FOR CHILDREN AND ADOLESCENTS		
	FROM GENERAL REVENUE FUND	4,000,000	

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Funds in Specific Appropriation 328A are provided for the treatment of children and adolescents with substance abuse problems not involved in the criminal justice system. The award of these funds shall be based on the following: Contracts shall be competitive bid and provider applicants shall be rated based on demonstration of ability to achieve the highest level of performance and outcomes for the individuals served and, evaluation of the services provided shall include measurement of performance and outcomes to include, at a minimum, the numbers of individuals served, the length of time to complete treatment, treatment completion rates, readmission rates and a one year follow-up survey of individuals completing treatment.

328B	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILDREN AND ADOLESCENT SUBSTANCE ABUSE SERVICES		
	FROM GENERAL REVENUE FUND	23,298,408	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		10,667,122
	FROM CHILDREN AND ADOLESCENTS SUBSTANCE ABUSE TRUST FUND		9,584,987
	FROM FEDERAL GRANTS TRUST FUND		188,800

From the funds in Specific Appropriations 328B through 333A, the department's payment for services to state supported clients shall be reduced by client fees. Client fees are defined as compensation received by the provider for services rendered to clients from any source of funds, including city, county, state, federal and private sources.

Funds in Specific Appropriations 328B through 333A shall be distributed among the fifteen service districts as follows:

Funds provided that are in addition to the FY 1996-97 recurring estimated expenditures shall be distributed to the districts that received below average funding compared to the statewide average in FY 1996-97.

From the funds in Specific Appropriations 328B through 333A, the department may not make payment to a private provider for alcohol, drug abuse and mental health services unless standard client demographic and service information required for the department's Interim Data System is submitted to the department by the provider within 90 days after the due date specified in the provider contract. The Interim Data System requirements for client demographic and service information are those data elements that are included in the department's Single Data System software for alcohol, drug abuse and mental health services.

329	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILDREN'S MENTAL HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	16,286,824	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		4,764,872
	FROM FEDERAL GRANTS TRUST FUND		1,126,214
	FROM GRANTS AND DONATIONS TRUST FUND . . .		650,000

Of the funds in Specific Appropriation 329, $26,000 from General Revenue is provided to fund I'm Thumbody, a children's mental health prevention program of Broward County.

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330 SPECIAL CATEGORIES
THERAPEUTIC SERVICES FOR CHILDREN
FROM GENERAL REVENUE FUND 6,745,372
FROM FEDERAL GRANTS TRUST FUND 8,238,154

331A SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY MENTAL HEALTH SERVICES
FROM GENERAL REVENUE FUND 98,403,378
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 11,831,328
FROM FEDERAL GRANTS TRUST FUND 1,218,119

When allocating funds from Specific Appropriation 331A to service districts, the department shall reserve sufficient general revenue to cover the transfer required by the proviso language following Specific Appropriation 220 in the Agency for Health Care Administration. The department shall determine the appropriate amount to reserve in consultation with the Agency for Health Care Administration.

If the Adult Mental Health Targeted Case Management program funded in Specific Appropriation 220 results in state match requirements exceeding $6,930,899, the Department of Children & Families shall transfer general revenue as necessary from Specific Appropriation 331A. The Department of Children & Families shall cooperate with the Agency for Health Care Administration to ensure that adult mental health targeted case management services are targeted solely to priority clients as described in Florida Administrative Code 10E-15.

331B SPECIAL CATEGORIES
GRANTS AND AIDS - BAKER ACT SERVICES
FROM GENERAL REVENUE FUND 48,277,899

331C SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY SUBSTANCE ABUSE SERVICES
FROM GENERAL REVENUE FUND 26,545,982
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 38,170,196
FROM FEDERAL GRANTS TRUST FUND 949,401
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,385,419
FROM OPERATIONS AND MAINTENANCE TRUST FUND 20,880

332A SPECIAL CATEGORIES
PURCHASE OF THERAPEUTIC SERVICES FOR CHILDREN
FROM GENERAL REVENUE FUND 9,317,814

332B SPECIAL CATEGORIES
GRANTS AND AIDS - INDIGENT PSYCHIATRIC MEDICATION PROGRAM
FROM GENERAL REVENUE FUND 6,085,621

332C SPECIAL CATEGORIES
GRANTS AND AIDS - PURCHASED RESIDENTIAL TREATMENT SERVICES FOR EMOTIONALLY DISTURBED CHILDREN AND YOUTH
FROM GENERAL REVENUE FUND 22,284,763

332D SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES - CONTINUITY OF CARE MANAGEMENT SYSTEM
FROM GENERAL REVENUE FUND 945,446
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 61,440

333 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 69,136

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333A SPECIAL CATEGORIES
GRANTS AND AIDS - CHILDREN'S BAKER ACT SERVICES
FROM GENERAL REVENUE FUND 8,908,208

From the funds provided in Specific Appropriations 327 through 333A, the Alcohol, Drug Abuse and Mental Health Services Program will meet the following standards as required by the Government Performance and Accountability Act. The purposes of meeting these standards are to enable adults and children with, or at risk of, substance abuse problems to be self-sufficient and addiction free and to enable adults to be self-sufficient and to enable children to be self-sufficient at adulthood.

Performance Measures	
OUTCOMES:	
Increase successful completion of treatment (Children)	52.0%
Increase successful completion of treatment (Adults)	51.0%
Percent of discharges successfully completing treatment with no alcohol or other drug use during the month prior to discharge	
Reduced substance use (Children)	61.0%
Reduced substance use (Adults)	64.0%
Percentage reduction in frequency of substance use for unsuccessful discharges during the month prior to discharge compared to the month prior to admission	
Reduce readmissions for substance abuse (Children)	98/99 measure
Reduce readmission for substance abuse services (Adults)	98/99 measure
Percentage of clients successfully completing treatment who are readmitted for substance abuse services during the 12 months following discharge	
Increase employment at discharge	53.0%
Percentage of adults employed upon discharge from treatment services	
Reduce substance exposed newborns	70.0%
Percentage of adult women pregnant during treatment who give birth to substance free newborns	
Reduce low birth weight newborns	98/99 measure
Percent of pregnant women receiving substance abuse treatment who deliver infants with normal birth weight	
Decrease arrest rates	"
Percentage of adults who reduce the frequency of arrest during the 90 days following discharge as compared to the 90 days prior to treatment admission	
Increase client satisfaction (Adults)	138
Average level of satisfaction on the Behavioral Healthcare Rating of Satisfaction	
Increase client satisfaction (Children)	98/99 measure
Average level of satisfaction for children in treatment as scored on a reliable scale of client satisfaction	
Increase family satisfaction	"
Average level of satisfaction on the Family Centered Behavior Scale for parents of children receiving	

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substance abuse services	
Increase community satisfaction (Adults).. 98/99	
Increase community satisfaction measure	
(Children)	
Percentage achieving expected level of performance on key informant community satisfaction scale	
Decrease juvenile justice commitments/ recommitments..... 98/99	
Percentage of children committed or recommitted to the Department of Juvenile Justice during the 12 months following completion of substance abuse treatment services measure	
Increase education achievement (Math)..... 71.0%	
Percentage of children in targeted prevention programs who achieve expected level of improvement in math	
Increase education achievement (Reading).. 67.0%	
Percentage of children in targeted prevention programs who achieve expected kevek of improvement in reading	
Reduce admissions to substance abuse services..... 98/99	
Percentage of children who receive targeted prevention services that are admitted to substance abuse services during the 12 months following completion of prevention services measure	
Increase perception of substance use as harmful..... 98/99	
Perception of children in targeted prevention programs who perceive substance use to be harmful at the time of discharge when compared to admission measure	
Increase perception of substance use as harmful..... 98/99	
Percentage of children in the general population who perceive substance use to be harmful measure	
Decrease substance use by middle and high school students..... 98/99	
Percentage reduction in monthly or or more use of alcohol and other drugs by middle and high school students as measured on a statewide survey of students	
OUTPUTS:	

Number of children served with or at risk of substance abuse problems..... 30,574	
Number of adults served with substance abuse problems..... 100,379	
" Baseline being established	
==========	
OUTCOMES:	

Adults With a Serious and Persistent Mental Illness in the Community	

Average annual days spent in the community (Days not spent in crisis stabilization unit (CSU), short-term residential	

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treatment unit (SRI), state treatment facility, inpatient unit, or jail, or homeless..... 300	
Functioning scale scores of service recipients..... 52.9	
Increase client satisfaction scale scores given to service recipients 036o record their level of satisfaction..... 140	
Increase total annual days worked for pay..... 22	
Increase total average monthly income..... 550	

Adults in Mental Health Crisis	

Improve average Global Assessment of Functioning scale change scores of service recipients from admission to discharge..... 12	
Increase client satisfaction scale scores given to service recipients to record their level of satisfaction..... 130	

Adults with Forensic Involvement	

Improve average Global Assessment of Functioning scale scores of service recipients..... 51	
Increase client satisfaction scale scores given to service recipients to record their level of satisfaction..... 134	

Children and Adolescents with a Serious Emotional Disturbance	

Average annual days spent in the community (Days not spent in crisis stabilization unit (CSU), detention center, inpatient hospital, wilderness camp, residential treatment unit, or runaway)..... 293	
Improve average Children's Global Assessment of Functioning scale scores of service recipients..... 54	
Percent of families who report good satisfaction on the Family Centered Behavior Scale (Scores range from 1 to 5. The percent of families whose average score was 4 or above is indicated here)..... 79%	
OUTPUTS:	

Number of Adults with a Serious and Persistent Mental Illness served..... 64,662	
Number of Adults in Mental Health Crisis served..... 68,228	
Number of Adults with Forensic Involvement served..... 3,848	
Number of Children and Adolescents with a Serious Emotional Disturbance served..... 9,301	
Number of Children and Adolescents with a Serious Disturbance served..... 46,777	
==========	

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333B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
FIRST STEP'S DETOX COCAINE BABIES FACILITY - SUBSTANCE ABUSE
FROM GENERAL REVENUE FUND 550,000

333C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
REPLACE ROOF FOR NON-PROFIT MENTAL HEALTH PROVIDER - 45TH STREET
FROM GENERAL REVENUE FUND 75,000

333D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
CONSTRUCT FACILITY FOR SUNCOAST CENTER FOR COMMUNITY MENTAL HEALTH
FROM GENERAL REVENUE FUND 175,000

333E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
TEMPORARY LIVING CENTER - PREGNANT WOMEN AND CHILDREN
FROM GENERAL REVENUE FUND 150,000

333F GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
LOCK TOWN COMMUNITY MENTAL HEALTH CENTER
FROM GENERAL REVENUE FUND 100,000

333G GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
STEWART-MARCHMAN - FLAGLER COUNTY SERVICE CENTER
FROM GENERAL REVENUE FUND 425,000

333H GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
LAKESIDE ALTERNATIVES SHORT-TERM RESIDENTIAL TREATMENT
FROM GENERAL REVENUE FUND 125,000

333I GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
RIVER REGION HUMAN SERVICES
FROM GENERAL REVENUE FUND 250,000

Funds in Specific Appropriations 333B, 333C, 333D, 333E, 333F, 333G, 333H, and 333I for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least equal to the amount of state funds provided for at least five years from the date of purchase or the completion of the improvements or as further required by law.

FAMILY SAFETY AND PRESERVATION

Of the funds provided in Specific Appropriation 343, the department may contract with one or more community based providers of children's services to develop, implement and test a system of coordinated care for the provision of child protective services. These contracts may include designation of a lead agency with responsibility to provide services in a specific geographic area. Each contract may include the provision of one or more of the following services: out of home care; therapeutic services; foster care services; and adoption services.

Each contract should include an evaluation report. An interim progress report shall be completed by February 15, 1998, and be submitted to the Governor, the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives.

From the funds in Specific Appropriations 334 and 336, the Department of Children and Families shall contract with the Office of the Attorney General and the State Attorney for additional Child Welfare Legal Services pilot projects in Hillsborough, Manatee and Palm Beach Counties. Fifty-three positions and $1,933,429 shall be used for this purpose. The scope of such contract shall include all personnel engaged in providing legal services pursuant to Sections 39.40-39.418, 39.45-39.456, 39.46-39.516 and other directly related child welfare legal services which shall be determined pursuant to contract.

334	SALARIES AND BENEFITS POSITIONS 4,621		
	FROM GENERAL REVENUE FUND	52,080,486	
	FROM FEDERAL GRANTS TRUST FUND		63,504,170
	FROM GRANTS AND DONATIONS TRUST FUND . . .		20,633
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		23,423
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		37,943,364

The funds appropriated in Specific Appropriation 334 for implementation of the competency based pay plan initiative shall be granted in full to employees qualifying for a salary increase including those employees already at the maximum of their pay grade and those employees caused to be at or in excess of the maximum of their pay grade as a result of the pay increase.

335	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	64,876	
	FROM CHILD WELFARE TRAINING TRUST FUND . .		5,725
	FROM FEDERAL GRANTS TRUST FUND		20,000
336	EXPENSES		
	FROM GENERAL REVENUE FUND	23,433,295	
	FROM CHILD WELFARE TRAINING TRUST FUND . .		1,155,137
	FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND		250,000
	FROM FEDERAL GRANTS TRUST FUND		3,702,572
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		3,697,652
337	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	98,753	
338	LUMP SUM		
	FAMILY INFORMATION LINKAGE TO INTEGRATE ENABLING SERVICES (FAMILIES) POSITIONS 15		
	FROM GENERAL REVENUE FUND	4,569,844	
	FROM FEDERAL GRANTS TRUST FUND		10,122,790

Funds in Specific Appropriation 338 are provided for the Statewide Automated Child Welfare Information System (SACWIS). Prior to the release of these funds, the department shall submit a work plan detailing the objectives, and expected outcomes to be attained with anticipated completion dates and total projected costs. The plan shall be submitted for review and approval by the Information Technology Resource Procurement Advisory Council in consultation with the Joint Committee on Information Technology. Upon approval, the department is authorized to request the Executive Office of the Governor to release these funds. The department

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shall submit a quarterly report describing the progress made to date, actual completion dates, actual costs incurred, anticipated problems and recommended changes to the plan. The report shall be submitted to the Executive Office of the Governor, the Chairmen of the Fiscal Responsibility Council in the House of Representatives and the Ways and Means Committee in the Senate, the Information Resource Commission, the Committee on Legislative Auditing Committee and the Joint Committee on Information Technology.

Funds are provided in Specific Appropriation 338 for SACWIS which is recommended for special monitoring as a critical information resource management project under section 282.322, Florida Statutes. From the funds in Specific Appropriations 338, $160,000 from the Direct Assistance Trust Fund is provided for the project monitoring contract. These funds shall be transferred by the Executive Office of the Governor pursuant to the provisions in Chapter 216, Florida Statutes.

From the funds in Specific Appropriation 338, a study shall be completed on the feasibility of establishing electronically transmitted employer checks of the adult abuse registry. Included will be a comparison of the FDLE electronic criminal check system with coordination as a goal. A report shall be submitted to the Chairs of the Senate Ways and Means Committee and the House Fiscal Responsibility Council, Health and Human Services Appropriations Committee by January 1, 1998.

339 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD ABUSE PROGRAM
FROM GENERAL REVENUE FUND 2,442,374

341 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD ABUSE/DAY CARE TRAINING
FROM GENERAL REVENUE FUND 800,369
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 187,922

342 SPECIAL CATEGORIES
GRANTS AND AIDS - MEDICAL SERVICES FOR ABUSED/NEGLECTED CHILDREN
FROM GENERAL REVENUE FUND 8,284,314

343 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 35,906,353
FROM CHILD WELFARE TRAINING TRUST FUND . . 10,270,307
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 7,358,790
FROM FEDERAL GRANTS TRUST FUND 17,969,034
FROM GRANTS AND DONATIONS TRUST FUND . . . 970,052
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 37,688

From the funds in Specific Appropriation 343, $250,000 from the General Revenue Fund shall be used for the Commission on Responsible Fatherhood. The commission shall use this funding to focus on productive parenting skills for both mothers and fathers, as both are critical to the well-being of children. Parenting skills, particularly among teen parents, should also be the focus of this commission's work. The commission shall make specific recommendations to the Governor, the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives by December 31 of each year

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concerning successful programs and strategies for assisting teen parents and their children.

From funds in Specific Appropriation 343, $106,000 is to be used for the continuation of the Foster Care Citizen Review Board of the Fourth Judicial Circuit and $300,000 is to be used for the Florida Foster Care Review Project, Inc. (Dade County). The department is strongly encouraged to provide support to other voluntary citizen review panels of foster care programs from funds in Specific Appropriation 352.

From the funds in Specific Appropriation 343, $150,000 in additional General Revenue is provided for expansion of the Foster Care Citizen Review Panels. Of these funds, $75,000 is for the program in Palm Beach County and $75,000 is for Marion County.

Of the funds in Specific Appropriation 343, $113,000 is provided for the department to contract directly with the Family Visitation Centers.

Funds in Specific Appropriation 343 which have been provided for contracting with Citizens Review Advisory Boards, shall be administered by the Department of Children and Families State Program Office. The department shall be responsible for executing, monitoring, and auditing these contracts.

From funds in Specific Appropriation 343, the non-recurring sum of $500,000 in general revenue shall be allocated for Project Home Safe.

From the funds in Specific Appropriation 343, the department may contract with the Florida Association of Child and Family Agencies to assist in developing a performance-based system for use in operating and evaluating privatized child welfare pilot projects in Districts 1, 4, 8A and 13 created pursuant to Chapter 96-402, Laws of Florida.

344 SPECIAL CATEGORIES
GRANTS AND AIDS - DOMESTIC VIOLENCE PROGRAM
FROM GENERAL REVENUE FUND 375,000
FROM DOMESTIC VIOLENCE TRUST FUND 6,138,776
FROM FEDERAL GRANTS TRUST FUND 1,149,202

From General Revenue Funds in Specific Appropriation 344, $250,000 shall be allocated to Women in Distress of Broward County, $75,000 in nonrecurring general revenue to Dawn Center in Hernando County, and $50,000 in nonrecurring general revenue to Sunrise Transitional Living Facility.

345 SPECIAL CATEGORIES
HOUSEKEEPER SERVICES FOR CHILDREN
FROM GENERAL REVENUE FUND 296,243

346 SPECIAL CATEGORIES
GRANTS AND AIDS - INTENSIVE CRISIS COUNSELING
FROM GENERAL REVENUE FUND 3,681,502
FROM OPERATIONS AND MAINTENANCE TRUST FUND 276,986
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 607,057

347 SPECIAL CATEGORIES
GRANTS AND AIDS - LOCAL SERVICES PROGRAM
FROM FEDERAL GRANTS TRUST FUND 18,816,912
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 60,706

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348	SPECIAL CATEGORIES MAINTENANCE ADOPTION SUBSIDY		
	FROM GENERAL REVENUE FUND	20,241,430	
	FROM FEDERAL GRANTS TRUST FUND		15,018,740
349	SPECIAL CATEGORIES MEDICAL COST OF SUBSIDIZED ADOPTIONS		
	FROM GENERAL REVENUE FUND	668,285	
350	SPECIAL CATEGORIES PURCHASE OF ADOPTION SERVICES		
	FROM GENERAL REVENUE FUND	93,239	
	FROM FEDERAL GRANTS TRUST FUND		41,712
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		157,524
350A	SPECIAL CATEGORIES CHILD CARE - WAGES		
	FROM GENERAL REVENUE FUND	102,778,375	
	FROM FEDERAL GRANTS TRUST FUND		124,302,807
350B	SPECIAL CATEGORIES CHILD CARE - WORKING POOR AND AT-RISK FAMILIES		
	FROM GENERAL REVENUE FUND	5,279,000	
	FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND		51,924,774
	FROM FEDERAL GRANTS TRUST FUND		40,378,893
	FROM GRANTS AND DONATIONS TRUST FUND . . .		5,550,907
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		41,703,588

Funds in Specific Appropriation 350B shall require an eight percent match from local sources. In-kind match is allowable provided there is no reduction in the number of slots or level of services from the provision of in-kind match. The match requirement shall not apply to funding for child care services directed toward children at risk of abuse.

In addition to the eight percent match required from local sources by this proviso, the sum of $4 million appropriated in Specific Appropriation 350B shall be matched, dollar by dollar, by an amount of up to $4 million from local funds for the provision of child care slots for working poor and at-risk families.

351	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	2,617,309	
	FROM FEDERAL GRANTS TRUST FUND		25,593
352	SPECIAL CATEGORIES OUT OF HOME CARE		
	FROM GENERAL REVENUE FUND	47,630,684	
	FROM FEDERAL GRANTS TRUST FUND		28,167,453
	FROM GRANTS AND DONATIONS TRUST FUND . . .		103,000
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		5,276,287
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		5,059,100

Funds in Specific Appropriation 352 may be used to meet the needs of children in their own homes or those of relatives if the children can be safely served. The expenditure of funds in this manner is calculated by the department to be a cost savings over shelter placement. The flexible expenditure of funds in this Specific Appropriation is allowable only if such expenditures do not result in a budget deficit.

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352A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS CONSTRUCT DAY CARE CENTER FOR DADE HOMELESS TRUST		
	FROM GENERAL REVENUE FUND	500,000	
352B	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS BAPTIST CHILDREN'S HOME COTTAGE CONSTRUCTION		
	FROM GENERAL REVENUE FUND	100,000	
352C	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS OKALOOSA BOYS AND GIRLS CLUB		
	FROM GENERAL REVENUE FUND	50,000	

Funds in Specific Appropriations 352A, 352B, and 352C for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least equal to the amount of state funds provided for at least five years from the date of purchase or the completion of the improvements or as further required by law.

DEVELOPMENTAL SERVICES

353	SALARIES AND BENEFITS POSITIONS 494		
	FROM GENERAL REVENUE FUND	14,464,219	
	FROM FEDERAL GRANTS TRUST FUND		50,047
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		2,598,775
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,335,496
354	EXPENSES		
	FROM GENERAL REVENUE FUND	2,222,127	
	FROM FEDERAL GRANTS TRUST FUND		202,738
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		541,008
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		220,467
355	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	158,906	
356	LUMP SUM CONTINGENCY FUND FOR INTERMEDIATE CARE FACILITY FOR DEVELOPMENTALLY DISABLED CLIENTS		
	FROM GENERAL REVENUE FUND	10,000,000	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		11,357,385

Funds in Specific Appropriation 356 are provided to fund services in the event that emergency situations or other unforeseen circumstances arise that require the provision of additional services to protect the safety and well being of clients due to the transition from institutional to community-based funding of services. Upon determination by the department that the critical phase of the transition is complete and emergency situations or other unforeseen circumstances are not likely to develop due to the transition, the department may distribute these funds to meet critical waiting list needs as provided by law.

357	LUMP SUM NON-WAIVER COVERED EXPENSES OF INTERMEDIATE CARE FACILITY FOR DEVELOPMENTALLY DISABLED CLIENTS		

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FROM GENERAL REVENUE FUND	4,342,000	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		6,701,230

358 SPECIAL CATEGORIES
GRANT AND AID INDIVIDUAL AND FAMILY SUPPORTS

FROM GENERAL REVENUE FUND	21,823,656	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		7,510
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		11,933,080

From the funds in Specific Appropriation 358, $150,000 non-recurring general revenue is provided to the Association for Retarded Citizens of Florida (ARC/FL) for the purpose of establishing the Leo Plotkin Training Institute. This grant shall be the initial source of funds for the development of the institute, to be managed by the ARC/FL. Any fees or revenues earned by the institute shall be used for training parents, consumers and professionals on applicable services, programs, laws, rules and regulations pertaining to the unique needs of persons with developmental disabilities.

Funds from Specific Appropriation 358 expended for Developmental Training Programs shall require a 12.5 percent match from local sources. In-kind match is acceptable provided there is no reduction in the number of persons served or level of services provided.

359 SPECIAL CATEGORIES
GRANT AND AID ROOM AND BOARD PAYMENTS

FROM GENERAL REVENUE FUND	9,539,043	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		6,037,290

360 SPECIAL CATEGORIES
CONTRACTED CASEWORK SERVICES

FROM GENERAL REVENUE FUND	403,038	

360A SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES

FROM GENERAL REVENUE FUND	33,000	

361 SPECIAL CATEGORIES
GRANT AND AID COMMUNITY DEVELOPMENT SERVICES

FROM GENERAL REVENUE FUND	339,519	
FROM FEDERAL GRANTS TRUST FUND		18,472
FROM OPERATIONS AND MAINTENANCE TRUST FUND		35,799

362 SPECIAL CATEGORIES
HOME AND COMMUNITY BASED SERVICES WAIVER

FROM GENERAL REVENUE FUND	94,881,015	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		130,887,308

Funds from Specific Appropriation 362 expended for Developmental Training Programs shall require a 12.5 percent match from local sources. In-kind match is acceptable provided there is no reduction in the number of persons served or level of services provided.

The Department of Children and Family Services shall develop individual plans for persons transitioning from ICF/DD that reflect the necessary costs to provide needed supports and services in the most cost effective manner. The department shall report the aggregate cost for serving these individuals to the Chair of the House Health and Human Services Fiscal Responsibility Council and the Chair of Ways and Means Subcommittee C by December 31, 1997 for action deemed necessary by the committees to assure adequate funding.

From the funds in Specific Appropriation 362, $84,878,065 is provided to continue services for clients living in facilities that were reimbursed through the Intermediate Care Facility for the Mentally Retarded optional Medicaid program as of June 30, 1996, and as further provided by law.

363 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES-SPINA BIFIDA

FROM GENERAL REVENUE FUND	403,674	

Funds in Specific Appropriation 363 are provided for incidental, non-medical expenditures incurred by persons with spina bifida.

364 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

FROM GENERAL REVENUE FUND	255,606	

365 SPECIAL CATEGORIES
START-UP FUNDS/GROUP HOMES

FROM GENERAL REVENUE FUND	72,960	
FROM COMMUNITY RESOURCES DEVELOPMENT TRUST FUND		72,960

366 SPECIAL CATEGORIES
COMMUNITY SUPPORTED LIVING WAIVER

FROM GENERAL REVENUE FUND	410,486	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		663,244

366A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
CENTER FOR INDEPENDENCE OF PASCO COUNTY - CONSTRUCTION

FROM GENERAL REVENUE FUND	150,000	

Funds in Specific Appropriation 366A for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least equal to the amount of state funds provided for at least five years from the date of purchase or the completion of the improvements or as further required by law.

ENTITLEMENT BENEFITS AND SERVICES

ECONOMIC SELF-SUFFICIENCY SERVICES

The department may transfer positions and general revenue funds between departments as necessary to implement the Work and Gain Economic Self-Sufficiency (WAGES) Act as determined appropriate by the department in consultation with the WAGES State Board of Directors.

From amounts in Specific Appropriations 367, 368, and 370, the department is directed to enter into contracts collaboratively with the Department of Labor and Employment Security for joint pilot projects to demonstrate the feasibility of privatizing all service delivery functions associated with the WAGES program in no fewer than three locations that are in separate regions and are representative of service centers in inner city,

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suburban and rural settings. The WAGES State Board and, in project areas, local WAGES Coalitions, shall participate in project design, site selection, proposal development and bid evaluation for all pilot projects. Requests for proposals for all three pilot project sites must be issued no later than December 31, 1997, and all providers must be selected for all sites no later than March 1, 1998. Implementation activities in all pilot project sites must commence no later than April 1, 1998. The department is authorized to use funds from Specific Appropriations 367, 368, and 370 for costs associated with developing and issuing requests for proposals for the pilot projects and for evaluating proposals received. The department, in cooperation with the WAGES state board, is required to submit quarterly progress reports on pilot project implementation and operation to the Governor and the Legislature beginning September 30, 1997. The Office of Program Policy Analysis and Governmental Accountability is directed to submit an evaluation of startup and early implementation activities to the President of the Senate and Speaker of the House by December 31, 1998, and an evaluation of pilot project outcomes by December 31, 1999.

367	SALARIES AND BENEFITS POSITIONS 7,465		
	FROM GENERAL REVENUE FUND	105,462,053	
	FROM ADMINISTRATIVE TRUST FUND		101,718,118
	FROM REFUGEE ASSISTANCE TRUST FUND		241,450

From the funds in Specific Appropriations 367, 368, 369, and 381, the Department of Children and Families is authorized to reinvest up to $1,000,000 from General Revenue for settlement of 1994, 1995, and 1996 Food Stamp program penalties as assessed by the Food and Consumer Services Division, United States Department of Agriculture.

368	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	410,959	
	FROM ADMINISTRATIVE TRUST FUND		410,959
369	EXPENSES		
	FROM GENERAL REVENUE FUND	24,612,988	
	FROM ADMINISTRATIVE TRUST FUND		25,810,789
	FROM REFUGEE ASSISTANCE TRUST FUND		58,360
370	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,341	
370A	LUMP SUM		
	WAGES SERVICE ASSISTANCE INITIATIVE		
	FROM FEDERAL GRANTS TRUST FUND		10,000,000

From the funds in Specific Appropriation 370A, the Department of Children and Families and the Department of Labor and Employment Security, in consultation with the WAGES State Board, shall develop a program designed to provide intensive up-front employment preparation and activity monitoring for participants who need additional intensity of services. If the departments determine that child care resources are insufficient to meet the needs of WAGES participants, these funds may be utilized for child care. The services provided under this program may be targeted to specific regions of the state or specific groups of recipients as determined appropriate. Use of the funds provided for in this category shall be subject to the oversight of the WAGES State Board and may be transferred between the departments as needed to implement this program.

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371	SPECIAL CATEGORIES		
	GRANTS AND AIDS - FEDERAL EMERGENCY SHELTER GRANT PROGRAM		
	FROM GENERAL REVENUE FUND	988,322	
	FROM ADMINISTRATIVE TRUST FUND		1,800,000
	FROM FEDERAL GRANTS TRUST FUND		2,298,502
372	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	744,241	
	FROM ADMINISTRATIVE TRUST FUND		17,924,423
373	SPECIAL CATEGORIES		
	PUBLIC ASSISTANCE FRAUD CONTRACT		
	FROM GENERAL REVENUE FUND	47,752	
	FROM ADMINISTRATIVE TRUST FUND		4,450,000
374	SPECIAL CATEGORIES		
	PUBLIC ASSISTANCE MAILING COSTS		
	FROM GENERAL REVENUE FUND	1,689,360	
	FROM ADMINISTRATIVE TRUST FUND		1,689,360
374A	SPECIAL CATEGORIES		
	WAGES RESERVE		
	FROM FEDERAL GRANTS TRUST FUND		36,849,050
374B	SPECIAL CATEGORIES		
	ASSISTANCE FOR NICARAGUANS		
	FROM GENERAL REVENUE FUND	180,000	

Funds in Specific Appropriation 374B, are for the Dario-Marti Foundation for assistance to Nicaraguans and their families facing immediate deportation.

375	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	1,188,792	
	FROM ADMINISTRATIVE TRUST FUND		1,188,792
376	SPECIAL CATEGORIES		
	SERVICES TO REPATRIATED AMERICANS		
	FROM FEDERAL GRANTS TRUST FUND		40,380
377	SPECIAL CATEGORIES		
	ECONOMIC SERVICES PRE-ENTRY TRAINING PROGRAM		
	FROM GENERAL REVENUE FUND	1,890,022	
	FROM ADMINISTRATIVE TRUST FUND		1,890,022
378	SPECIAL CATEGORIES		
	GRANTS AND AIDS - PROJECT INDEPENDENCE SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND	727,242	
	FROM ADMINISTRATIVE TRUST FUND		799,832
378A	SPECIAL CATEGORIES		
	FOOD STAMP REINVESTMENT		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		3,000,000
378B	FINANCIAL ASSISTANCE PAYMENTS		
	CASH ASSISTANCE		
	FROM GENERAL REVENUE FUND	189,671,774	
	FROM DIRECT ASSISTANCE TRUST FUND		343,090,978
380	FINANCIAL ASSISTANCE PAYMENTS		
	REFUGEE/ENTRANT ASSISTANCE		
	FROM REFUGEE ASSISTANCE TRUST FUND		20,000,000

ADULT PAYMENT SERVICES

381	SALARIES AND BENEFITS POSITIONS 951		
	FROM GENERAL REVENUE FUND	14,450,471	
	FROM ADMINISTRATIVE TRUST FUND		13,985,253

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382	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	261,688	
	FROM ADMINISTRATIVE TRUST FUND		259,455
383	EXPENSES		
	FROM GENERAL REVENUE FUND	2,344,506	
	FROM ADMINISTRATIVE TRUST FUND		2,497,834
384	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	5,162	
	FROM ADMINISTRATIVE TRUST FUND		5,163
385	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	51,415	
	FROM ADMINISTRATIVE TRUST FUND		49,399
386	FINANCIAL ASSISTANCE PAYMENTS		
	ADULT CONGREGATE LIVING FACILITY CARE SUPPLEMENT		
	FROM GENERAL REVENUE FUND	17,825,838	

Funds are provided in Specific Appropriations 386 and 387 to continue the current payment and eligibility standard for the Optional State Supplementation program. However, the department may establish a revised monthly payment and eligibility standard to become effective January, 1998, at the rate of $612 per month plus an amount not to exceed the cost of living adjustment to the Federal Benefits Rate provided that the average state Optional Supplementation contribution does not increase as a result. Nothing in this paragraph shall be construed as legislative approval for similar Optional State Supplementation payment and eligibility standard adjustments for future years.

387	FINANCIAL ASSISTANCE PAYMENTS		
	FOSTER HOME CARE SUPPLEMENT		
	FROM GENERAL REVENUE FUND	1,817,142	
388	FINANCIAL ASSISTANCE PAYMENTS		
	PERSONAL CARE ALLOWANCE		
	FROM GENERAL REVENUE FUND	314,456	

MULTI-DISTRICT SERVICES

MENTAL HEALTH - INSTITUTIONS

389	SALARIES AND BENEFITS POSITIONS	6,305	
	FROM GENERAL REVENUE FUND	83,399,341	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		146,129
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		126,020,846
390	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	761,440	
391	EXPENSES		
	FROM GENERAL REVENUE FUND	17,063,242	
	FROM FEDERAL GRANTS TRUST FUND		17,411
	FROM GRANTS AND DONATIONS TRUST FUND . . .		482,347
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		6,002,736
392	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	980,093	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		20,000
393	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	4,011,425	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		324,330
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		147,559

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394	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES		
	FROM GENERAL REVENUE FUND	7,912,891	
395	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	7,802,894	
396	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	67,131	

DEVELOPMENTAL SERVICES - INSTITUTIONS

397	SALARIES AND BENEFITS POSITIONS	3,749	
	FROM GENERAL REVENUE FUND	53,010,713	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		55,376,198
398	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	1,804,430	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		198,003
399	EXPENSES		
	FROM GENERAL REVENUE FUND	5,462,893	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		4,370
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		4,535,251
400	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	361,794	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		3,500
401	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	2,162,016	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		302,356
402	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES		
	FROM GENERAL REVENUE FUND	2,918,629	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,272,904
403	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	3,520,902	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		69,398

ELDER AFFAIRS, DEPARTMENT OF

404	SALARIES AND BENEFITS POSITIONS	322	
	FROM GENERAL REVENUE FUND	4,257,708	
	FROM ADMINISTRATIVE TRUST FUND		43,038
	FROM FEDERAL GRANTS TRUST FUND		3,644,754
	FROM GRANTS AND DONATIONS TRUST FUND . . .		170,577
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		5,173,337
405	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	230,393	
	FROM FEDERAL GRANTS TRUST FUND		77,992
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		415,054
406	EXPENSES		
	FROM GENERAL REVENUE FUND	677,543	
	FROM ADMINISTRATIVE TRUST FUND		77,032
	FROM FEDERAL GRANTS TRUST FUND		1,196,166

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FROM GRANTS AND DONATIONS TRUST FUND . . . 24,098
FROM OPERATIONS AND MAINTENANCE TRUST FUND 1,027,544

408 SPECIAL CATEGORIES
AGING AND ADULT SERVICES TRAINING AND EDUCATION
FROM FEDERAL GRANTS TRUST FUND 119,493

409 SPECIAL CATEGORIES
GRANTS AND AIDS - ALZHEIMER'S DISEASE PROJECTS/SERVICES
FROM GENERAL REVENUE FUND 3,078,824

410 SPECIAL CATEGORIES
GRANTS AND AIDS - ALZHEIMERS DISEASE RESPITE SERVICES
FROM GENERAL REVENUE FUND 6,301,939

From the funds in Specific Appropriations 410, $600,000 in recurring General Revenue Fund are provided for the Alzheimer's Association of Palm Beach County.

411 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY CARE FOR THE ELDERLY
FROM GENERAL REVENUE FUND 40,278,085
FROM FEDERAL GRANTS TRUST FUND 249,025
FROM OPERATIONS AND MAINTENANCE TRUST FUND 750,000

From funds in Specific Appropriation 411, a maximum of $35,000 from the General Revenue Fund may be retained by each Area Agency on Aging for administrative costs associated with Community Care for the Elderly.

412 SPECIAL CATEGORIES
GRANTS AND AIDS - HOME CARE FOR THE ELDERLY
FROM GENERAL REVENUE FUND 13,458,403

413 SPECIAL CATEGORIES
GRANTS AND AIDS - HOME ENERGY ASSISTANCE
FROM FEDERAL GRANTS TRUST FUND 1,786,758

414 SPECIAL CATEGORIES
GRANTS AND AIDS - OLDER AMERICANS ACT PROGRAM
FROM GENERAL REVENUE FUND 346,998
FROM FEDERAL GRANTS TRUST FUND 60,154,225

415 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 888,900
FROM FEDERAL GRANTS TRUST FUND 10,258,258
FROM GRANTS AND DONATIONS TRUST FUND . . . 128,812
FROM OPERATIONS AND MAINTENANCE TRUST FUND 128,813

From the funds in Specific Appropriations 406 and 415 in the Federal Grants Trust Fund, the Department of Elder Affairs is required to complete a study on the one-year two-county pilot project to increase volunteerism in the elderly population by December 1, 1997.

Of the funds in specific appropriation 415, the following shall apply to the RELIEF respite program. Administrative costs shall consist of salaries and expenses, and shall not exceed 8% for this program. The maximum hourly rate for respite services shall not exceed an amount equal to the federal minimum wage and shall be considered a stipend. A voucher system of payment for individual users shall be established in a pilot project as an alternative form of obtaining respite services through consumer choice. The department shall submit a utilization report to the Chairmen of the Senate Ways and Means Committee and the House Fiscal Health and Human Services Committee by February 1, 1998, which shows the usage of respite services by Planning Service Area and county and which shall include the methodology used in distributing amounts for this program, the status of a voucher system pilot project and an administrative cost analysis.

416 SPECIAL CATEGORIES
ADULT CONGREGATE LIVING FACILITY STAFF TRAINING
FROM ADMINISTRATIVE TRUST FUND 167,030

417 SPECIAL CATEGORIES
GRANTS AND AIDS - ELDERLY MEALS PROGRAMS
FROM GENERAL REVENUE FUND 306,674

From the funds in Specific Appropriation 417, $100,000 is provided for elderly meals increase for Southwest Social Services.

418 SPECIAL CATEGORIES
HOME AND COMMUNITY BASED SERVICES WAIVER
FROM GENERAL REVENUE FUND 16,224,640
FROM OPERATIONS AND MAINTENANCE TRUST FUND 20,140,143

From the funds in Specific Appropriation 411 (Community Care for the Elderly), $1,600,000, and $400,000 from the funds in Specific Appropriation 421 (Local Services Programs - Dade County) are transferred to Specific Appropriation 418 (Home and Community Based Services) to permit the department to maximize federal funding for provision of in-home services.

In order to facilitate this transfer and ensure an equitable redistribution of Community Care for the Elderly funding within the department's Planning and Service Areas (PSA's), the department shall reduce the Community Care for the Elderly allocation in each PSA according to each PSA's proportionate share of 60+ Medicaid eligibles.

419 SPECIAL CATEGORIES
ADULT CONGREGATE LIVING FACILITY RESIDENT WAIVER
FROM GENERAL REVENUE FUND 2,500,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND 3,117,658

421 SPECIAL CATEGORIES
GRANTS AND AIDS - LOCAL SERVICES PROGRAMS
FROM GENERAL REVENUE FUND 3,333,443

From the funds in Specific Appropriation 421, $310,233 is provided for congregate meals for the City of Sweetwater's elderly program and $75,000 is provided for elderly meals program of West Miami.

From the funds in Specific Appropriation 421, $248,750 is provided to Pinellas, Pasco, and Broward Counties.

422 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 31,815
FROM FEDERAL GRANTS TRUST FUND 11,619

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423 SPECIAL CATEGORIES
LONG TERM CARE OMBUDSMAN COUNCIL
FROM GENERAL REVENUE FUND 33,203

424 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 180,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND 169,737

424A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 8,688
FROM FEDERAL GRANTS TRUST FUND 14,625
FROM OPERATIONS AND MAINTENANCE TRUST FUND 736

424B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - SENIOR CITIZEN CENTERS
FROM GENERAL REVENUE FUND 875,000

Funds in Specific Appropriation 424B are provided for Senior Center construction and renovation in the following areas: $60,000 for the Gulfport Senior Center, $555,650 for the Palm Harbor Senior Center and $41,000 for the Tarpon Springs Senior Center in Pinellas County; and $100,000 for Senior Centers in Elfers, Hudson and Zephyrhills in Pasco County.

425 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
MANGONIA ASSISTED LIVING FACILITY - PALM BEACH
FROM GENERAL REVENUE FUND 600,000

425A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
CONSTRUCT ALZHEIMER'S DISEASE RESIDENTIAL PROGRAM AT MENORAH MANOR IN PINELLAS
FROM GENERAL REVENUE FUND 300,000

425B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
AUTUMN HOUSE ASSISTED LIVING FACILITY
FROM GENERAL REVENUE FUND 500,000

425C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
DEEDCO GARDENS HOUSING FOR THE ELDERLY
FROM GENERAL REVENUE FUND 100,000

Funds in Specific Appropriation 425C for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least equal to the amount of state funds provided for at least five years from the date of purchase or the completion of the improvements or as further required by law.

HEALTH, DEPARTMENT OF

PROGRAM PLANNING, SUPPORT AND REGULATION

426 SALARIES AND BENEFITS POSITIONS 646
FROM GENERAL REVENUE FUND 6,953,967
FROM HEALTH CARE TRUST FUND 7,545,540
FROM ADMINISTRATIVE TRUST FUND 255,407
FROM FEDERAL GRANTS TRUST FUND 9,159,990
FROM GRANTS AND DONATIONS TRUST FUND . . . 415,250
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 90,102
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 1,096,152

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From the funds in Specific Appropriations 426 through 428, the department shall develop recommendations for pediatric providers and standards for health care facilities and services for children.

427 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 417,961
FROM HEALTH CARE TRUST FUND 2,993,035
FROM ADMINISTRATIVE TRUST FUND 60,107
FROM FEDERAL GRANTS TRUST FUND 944,903
FROM GRANTS AND DONATIONS TRUST FUND . . . 17,813
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 65,000
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 114,596

428 EXPENSES
FROM GENERAL REVENUE FUND 2,418,575
FROM HEALTH CARE TRUST FUND 5,904,238
FROM ADMINISTRATIVE TRUST FUND 213,746
FROM FEDERAL GRANTS TRUST FUND 10,950,801
FROM GRANTS AND DONATIONS TRUST FUND . . . 170,136
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 36,676
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 1,218,344

429 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLUORIDATION PROJECT
FROM GENERAL REVENUE FUND 150,000
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 366,747

431 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 48,890
FROM HEALTH CARE TRUST FUND 869,775
FROM FEDERAL GRANTS TRUST FUND 969

431A LUMP SUM
IMPLEMENTATION OF HB 1353
POSITIONS 1
FROM HEALTH CARE TRUST FUND 75,000

Funds in Specific Appropriation 431A are contingent upon HB 1353 or similar legislation providing for the regulation of orthotics and prosthetics becoming law.

431B LUMP SUM
IMPLEMENTATION OF HB 329/SB 420
POSITIONS 3
FROM HEALTH CARE TRUST FUND 90,762

Funds in Specific Appropriation 431B are contingent upon HB 329 or similar legislation becoming law relating to regulation of mental health professions.

432 LUMP SUM
CREATION OF THE DEPARTMENT OF HEALTH (HOUSE BILL 555)
POSITIONS 13
FROM GENERAL REVENUE FUND 2,622,994

433 LUMP SUM
INFRASTRUCTURE NEEDS - DEPARTMENT OF HEALTH
POSITIONS 100
FROM GENERAL REVENUE FUND 6,500,000

From the funds in Specific Appropriation 433, the department shall develop standards for on-site storage and handling of solid waste including trash chutes in areas not regulated by the Department of Environmental Protection.

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434 SPECIAL CATEGORIES		
EXAMINATION TESTING SERVICES FOR PROFESSIONAL REGULATION		
FROM HEALTH CARE TRUST FUND		3,723,351
435 SPECIAL CATEGORIES		
UNLICENSED ACTIVITIES		
FROM HEALTH CARE TRUST FUND		307,950
436 SPECIAL CATEGORIES		
GRANTS AND AIDS - OUNCE OF PREVENTION		
FROM GENERAL REVENUE FUND	3,428,412	
FROM FEDERAL GRANTS TRUST FUND		571,588
437 SPECIAL CATEGORIES		
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
FROM HEALTH CARE TRUST FUND		366,865
438 SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	128,110	
FROM FEDERAL GRANTS TRUST FUND		42,788
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		900,000
439 SPECIAL CATEGORIES		
DEPARTMENTAL STAFF DEVELOPMENT AND TRAINING		
FROM HEALTH CARE TRUST FUND		52,600
441 SPECIAL CATEGORIES		
HOSPITAL REIMBURSEMENT		
FROM GENERAL REVENUE FUND	452,801	
442 SPECIAL CATEGORIES		
PURCHASED CLIENT SERVICES		
FROM GENERAL REVENUE FUND	161,599	
443 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	158,084	
FROM HEALTH CARE TRUST FUND		32,440
444 DATA PROCESSING SERVICES		
HEALTH AND REHABILITATIVE SERVICES TECHNOLOGY CENTER		
FROM GENERAL REVENUE FUND	1,554,104	
FROM ADMINISTRATIVE TRUST FUND		5,246,854
445 DATA PROCESSING SERVICES		
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
FROM HEALTH CARE TRUST FUND		227,100
445A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	1,332,823	
HEALTH SERVICES		
446 SALARIES AND BENEFITS POSITIONS	1,163	
FROM GENERAL REVENUE FUND	14,763,373	
FROM ADMINISTRATIVE TRUST FUND		1,786,199
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		342,092,474
FROM DRUGS, DEVICES AND COSMETIC TRUST FUND		855,405
FROM EMERGENCY MEDICAL SERVICES TRUST FUND		3,188,772
FROM FEDERAL GRANTS TRUST FUND		4,068,615
FROM GRANTS AND DONATIONS TRUST FUND . . .		714,985
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		16,485
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND		140,373
FROM OPERATIONS AND MAINTENANCE TRUST FUND		3,375,502
FROM PLANNING AND EVALUATION TRUST FUND .		7,779,304
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		66,825
FROM RADIATION PROTECTION TRUST FUND . . .		4,476,924
447 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	43,403	
FROM ADMINISTRATIVE TRUST FUND		71,060
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		31,314,671
FROM DRUGS, DEVICES AND COSMETIC TRUST FUND		6,704
FROM EMERGENCY MEDICAL SERVICES TRUST FUND		159,583
FROM FEDERAL GRANTS TRUST FUND		216,674
FROM GRANTS AND DONATIONS TRUST FUND . . .		130,415
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		37,074
FROM OPERATIONS AND MAINTENANCE TRUST FUND		57,211
FROM PLANNING AND EVALUATION TRUST FUND .		250,388
FROM RADIATION PROTECTION TRUST FUND . . .		33,393
448 EXPENSES		
FROM GENERAL REVENUE FUND	5,384,920	
FROM ADMINISTRATIVE TRUST FUND		1,701,891
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		89,589,152
FROM DRUGS, DEVICES AND COSMETIC TRUST FUND		236,557
FROM EMERGENCY MEDICAL SERVICES TRUST FUND		1,733,742
FROM FEDERAL GRANTS TRUST FUND		4,146,954
FROM GRANTS AND DONATIONS TRUST FUND . . .		551,751
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		871,010
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND		50,159
FROM OPERATIONS AND MAINTENANCE TRUST FUND		811,742
FROM PLANNING AND EVALUATION TRUST FUND .		8,999,186
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		77,364
FROM RADIATION PROTECTION TRUST FUND . . .		1,656,612
449 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - FAMILY PLANNING SERVICES		
FROM GENERAL REVENUE FUND	7,269,168	
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		2,200,000
FROM FEDERAL GRANTS TRUST FUND		5,438,261

From funds appropriated in Specific Appropriation 449, the sum of $50,000 from recurring general revenue shall be provided for the Child Birth and Parenting Association of St. Johns County.

450 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - AIDS PATIENT CARE		
FROM GENERAL REVENUE FUND	6,393,792	
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		3,073,996
451 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - RYAN WHITE CONSORTIA		
FROM FEDERAL GRANTS TRUST FUND		11,104,358
451A AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - ORAL HEALTH DENTAL INITIATIVE		
FROM GENERAL REVENUE FUND	400,000	

Funds in Specific Appropriation 451A are restricted for non-recurring capital improvement for building

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renovation, dental and distance learning equipment for the purpose of providing comprehensive dental care to Florida's low income citizens.

451B	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - MOBILE DENTAL CARE FROM GENERAL REVENUE FUND	100,000	
452	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - STATEWIDE ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) NETWORKS FROM GENERAL REVENUE FUND	10,745,449	

From the funds in Specific Appropriation 452, Monroe County's allocation from the funds provided shall be no less than the allocation provided in the 1996-97 General Appropriations Act.

The Public Health Trust, Jackson Memorial Hospital, shall continue to be the administrative agency for the South Florida AIDS Network.

453	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - PROJECTS, CONTRACTS AND GRANTS FROM FEDERAL GRANTS TRUST FUND		40,144,017
454	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - CONSTRUCTION AND RENOVATION OF COUNTY HEALTH UNIT FACILITIES FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		14,533,960
455	AID TO LOCAL GOVERNMENTS CONTRIBUTION TO COUNTY HEALTH UNITS FROM GENERAL REVENUE FUND	113,165,181	
	FROM FEDERAL GRANTS TRUST FUND		70,405,254
	FROM GRANTS AND DONATIONS TRUST FUND . . .		3,341,391
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		18,537
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		70,374

From the funds in Specific Appropriation 455. $200,000 is for an indigent dental clinic in Pinellas County.

Of the funds in Specific Appropriation 455, $100,000 is provided for increased funding for screening for chlamydia and gonorrhea in county health units.

456	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - COMMUNITY HEALTH CENTERS FROM FEDERAL GRANTS TRUST FUND		1,204,010
457	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - PRIMARY CARE PROGRAM FROM GENERAL REVENUE FUND	20,527,692	
	FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		6,548,687
458	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) NETWORK - DADE COUNTY HOSPICE FROM GENERAL REVENUE FUND	1,218,729	
459	AID TO LOCAL GOVERNMENTS IMPACT AID FROM FEDERAL GRANTS TRUST FUND		5,995,650
460	AID TO LOCAL GOVERNMENTS IMPROVED PREGNANCY OUTCOME PROGRAM FROM GENERAL REVENUE FUND	28,462,230	

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	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		3,375,616
461	AID TO LOCAL GOVERNMENTS MATERNAL AND CHILD HEALTH SERVICES FROM GENERAL REVENUE FUND	901,969	
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		6,355,584
462	AID TO LOCAL GOVERNMENTS SCHOOL HEALTH SERVICES FROM GENERAL REVENUE FUND	17,021,881	
463	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - EMERGENCY MEDICAL SERVICES COUNTY GRANTS FROM EMERGENCY MEDICAL SERVICES TRUST FUND		4,814,639
464	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - EMERGENCY MEDICAL SERVICES MATCHING GRANTS FROM EMERGENCY MEDICAL SERVICES TRUST FUND		4,850,920
465	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	299,212	
	FROM ADMINISTRATIVE TRUST FUND		33,000
	FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		10,379,668
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND		1,932
	FROM PLANNING AND EVALUATION TRUST FUND .		28,302
	FROM RADIATION PROTECTION TRUST FUND . . .		56,997
466	FOOD PRODUCTS FROM GENERAL REVENUE FUND	92,548	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		431,313
467	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM PLANNING AND EVALUATION TRUST FUND .		90,285
	FROM RADIATION PROTECTION TRUST FUND . . .		120,571
467A	SPECIAL CATEGORIES PRIMARY CARE CHALLENGE GRANT WAIVER FROM GENERAL REVENUE FUND	1,000,000	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		4,561,111
468	SPECIAL CATEGORIES AREA HEALTH EDUCATION CENTERS FROM GENERAL REVENUE FUND	6,900,255	
469	SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED SERVICES FROM GENERAL REVENUE FUND	2,687,944	
	FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		27,500
	FROM FEDERAL GRANTS TRUST FUND		5,780,188
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		50,000
470	SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES FROM GENERAL REVENUE FUND	259,540	
471	SPECIAL CATEGORIES GRANTS AND AIDS - EPILEPSY SERVICES FROM GENERAL REVENUE FUND	1,738,870	
472	SPECIAL CATEGORIES GRANTS AND AIDS - HEALTHY START COALITIONS FROM GENERAL REVENUE FUND	3,014,217	
	FROM FEDERAL GRANTS TRUST FUND		2,388,004

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From funds in Specific Appropriation 472, $250,000 from the General Revenue Fund, any prenatal and infant health care coalition may apply for a grant for a community-based program aimed at promoting responsible fatherhood. Such grants are to be consistent with the program and financial guidelines developed by the state Department of Health in conjunction with the Commission on Responsible Fatherhood and Florida Association of Healthy Start Coalitions.

473 SPECIAL CATEGORIES
GRANTS AND AIDS - ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) INSURANCE COVERAGE DEMONSTRATION
FROM GENERAL REVENUE FUND 1,303,422
FROM FEDERAL GRANTS TRUST FUND 2,064,120

474 SPECIAL CATEGORIES
DRUGS, VACCINES AND OTHER BIOLOGICALS
FROM GENERAL REVENUE FUND 17,309,719
FROM FEDERAL GRANTS TRUST FUND 13,715,522

475 SPECIAL CATEGORIES
HEALTH EDUCATION RISK REDUCTION PROJECT
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 576,183

476 SPECIAL CATEGORIES
KIDNEY DISEASE PROGRAM
FROM GENERAL REVENUE FUND 1,021,941
FROM OPERATIONS AND MAINTENANCE TRUST FUND 1,264,792

From the funds in Specific Appropriation 476, the $1,264,792 from the Operations and Maintenance Trust Fund reflects federal earnings in anticipation of approval of a Medicaid waiver allowing free-standing dialysis clinics to be reimbursed for services to Medicaid eligible individuals at no more than $85 dollars per treatment. The department may use General Revenue to continue operations until the waiver is approved.

477 SPECIAL CATEGORIES
GRANTS AND AIDS - EPILEPSY PREVENTION AND EDUCATION ACTIVITIES
FROM EPILEPSY SERVICES TRUST FUND 1,340,000

478 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 5,170,492
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 1,262
FROM RADIATION PROTECTION TRUST FUND . . . 14,190

479 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS
FROM FEDERAL GRANTS TRUST FUND 1,000,000

480 SPECIAL CATEGORIES
GRANTS AND AIDS - TRAUMA CARE
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 93,747

481 SPECIAL CATEGORIES
WOMEN, INFANTS AND CHILDREN (WIC)
FROM FEDERAL GRANTS TRUST FUND 196,322,692

482 SPECIAL CATEGORIES
GRANTS AND AID - NURSING STUDENT LOAN REIMBURSEMENT/ SCHOLARSHIPS
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND 686,656

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483 SPECIAL CATEGORIES
STATE UNDERGROUND PETROLEUM ENVIRONMENTAL RESPONSE (SUPER) ACT REIMBURSEMENT
FROM ADMINISTRATIVE TRUST FUND 20,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 414,775

484 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 5,093

485A FIXED CAPITAL OUTLAY
CONSTRUCTION, RENOVATION, AND EQUIPMENT - COUNTY HEALTH DEPARTMENTS
FROM GENERAL REVENUE FUND 14,289,766

Funds in Specific Appropriation 485A for renovation/construction of County Health Department facilities are provided as follows:

Duval - West Jacksonville.....1,100,000
Nassau - Yulee.....1,300,000
Monroe - Key West..... 300,000
Leon - Southside.....1,000,000
Madison County Health Unit.....1,000,000
Pasco County - Land O' Lakes County Health Unit.....1,300,000
Second Phase for Franklin County Health Unit Construction..... 425,000
South Santa Rosa County Health Unit Construction.....1,100,000
Planning Funds for Alachua County Health Unit Construction..... 300,000
St. Lucie County Health Unit Construction.....1,000,000
Brevard County Health Unit Expansion.....1,196,641
Osceola County Health Unit..... 548,500
Baker County Health Unit..... 160,000
Columbia County - Ft. White County Health Unit..... 75,000
Hamilton County Health Unit..... 100,000
Hendry County Health Unit in Clewiston.... 150,000
St. Johns County Health Unit - Flagler Hospital West Purchase..... 800,000
Sumtner CPHU - Bushnell.....1,040,625
Sumtner CPHU - Wildwood..... 594,000
Taylor County Health Unit Construction.... 800,000

Funds in Specific Appropriation 485A for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least equal to the amount of state funds provided for at least five years from the date of purchase or the completion of the improvements or as further required by law.

485B FIXED CAPITAL OUTLAY
DESIGN, CONSTRUCTION, RENOVATION, AND EQUIPMENT - STATE HEALTH LABS
FROM GENERAL REVENUE FUND 2,687,500

Funds in Specific Appropriation 485B for design, construction, renovation and equipment for state health laboratories are provided as follows:

Update & Replace Obsolete Lab Equipment and Instrumentation.....1,900,000
Replace Lab Previously in W. T. Edwards - USF - Tampa..... 787,500

485C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS

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COMMUNITY HEALTH CENTERS
FROM GENERAL REVENUE FUND 2,025,000

Funds in Specific Appropriation 485C are provided for capital outlay and other non-recurring purposes of Community Health Programs as follows:

Memorial Healthcare System/South Broward Hospital District - Joe DiMaggio Children Hospital - Construction.....1,000,000
Construct a Heart Care Center for Mount Sinai Medical Center..... 200,000
Medical Office Equipment for Family Health Center of Southwest Florida - Pine Island Facility..... 200,000
Dental Care for Duval County and Surrounding Areas - Bus..... 100,000
Medivan for Elderly Interest Fund of Broward County..... 25,000
Equipment for Health Choice Network..... 100,000
Health on Wheels - Miami Children's Hospital..... 100,000
Mother & Child Development Center at St. Joseph's Hospital..... 150,000
Northwest Quadrant Community Health Center, Inc. Procurement & Renovation of Medical Facility..... 150,000

Funds in Specific Appropriation 485C for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a secutiry interest in the property at least to the amount of state funds provided for at least five years from the date of purchase or the completion of the improvements or as further required by law.

CHILDREN'S MEDICAL SERVICES

486	SALARIES AND BENEFITS POSITIONS 673		
	FROM GENERAL REVENUE FUND	14,616,090	
	FROM DONATIONS TRUST FUND		6,256,292
	FROM FEDERAL GRANTS TRUST FUND		1,993,411
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		802,142
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,147,162
487	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	327,515	
	FROM DONATIONS TRUST FUND		71,250
	FROM FEDERAL GRANTS TRUST FUND		213,750
488	EXPENSES		
	FROM GENERAL REVENUE FUND	1,253,134	
	FROM DONATIONS TRUST FUND		1,961,180
	FROM FEDERAL GRANTS TRUST FUND		1,209,758
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		164,747
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		548,013
489	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	56,970	
490	SPECIAL CATEGORIES		
	CATASTROPHIC MEDICAL SERVICES		
	FROM DONATIONS TRUST FUND		2,000,000

Funds in Specific Appropriation 490 are to be used for catastrophic services to CMS-sponsored children whose medical expenses exceed $25,000.

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491	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILD ABUSE PROGRAM		
	FROM GENERAL REVENUE FUND	190,168	
492	SPECIAL CATEGORIES		
	CLEFT LIP, CLEFT PALATE AND CRANIO-FACIAL ANOMALY PROGRAM		
	FROM GENERAL REVENUE FUND	185,153	
493	SPECIAL CATEGORIES		
	REGIONAL GENETICS PROGRAM		
	FROM GENERAL REVENUE FUND	1,057,084	
	FROM DONATIONS TRUST FUND		194,926
494	SPECIAL CATEGORIES		
	SICKLE CELL EDUCATION AND SCREENING		
	FROM GENERAL REVENUE FUND	690,686	

From funds in Specific Appropriation 494, $140,830 is for the Sickle Cell Statewide Association for education and screening.

495	SPECIAL CATEGORIES		
	GRANTS AND AIDS - PRIMARY CARE PROGRAM		
	FROM GENERAL REVENUE FUND	3,587,867	
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		1,889,787
496	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	3,989,178	
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		999,704
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		93,539
497	SPECIAL CATEGORIES		
	MASTER CONTRACTS		
	FROM GENERAL REVENUE FUND	6,015,581	
498	SPECIAL CATEGORIES		
	GRANTS AND AIDS - INFANT/TODDLERS STEP-DOWN		
	FROM GENERAL REVENUE FUND	602,673	
499	SPECIAL CATEGORIES		
	KIDNEY DISEASE PROGRAM FOR CHILDREN		
	FROM GENERAL REVENUE FUND	813,077	
500	SPECIAL CATEGORIES		
	PURCHASED CLIENT SERVICES - IMPACT AID		
	FROM FEDERAL GRANTS TRUST FUND		35,626
501	SPECIAL CATEGORIES		
	PURCHASED CLIENT SERVICE - CLINIC AND FIELD OPERATIONS		
	FROM GENERAL REVENUE FUND	7,540,570	
	FROM DONATIONS TRUST FUND		2,215,009
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		5,075,593
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,519,724
502	SPECIAL CATEGORIES		
	POISON CONTROL CENTER		
	FROM GENERAL REVENUE FUND	3,408,378	
503	SPECIAL CATEGORIES		
	RHEUMATIC FEVER		
	FROM GENERAL REVENUE FUND	87,421	
504	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		

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FROM GENERAL REVENUE FUND 201,023
FROM DONATIONS TRUST FUND 37,115

505 SPECIAL CATEGORIES
PEDIATRIC LIVER TRANSPLANT PROGRAM
FROM GENERAL REVENUE FUND 400,441

506 SPECIAL CATEGORIES
GRANTS AND AIDS - DEVELOPMENTAL, EVALUATION AND INTERVENTION SERVICES
FROM GENERAL REVENUE FUND 15,017,599
FROM DONATIONS TRUST FUND 334,159
FROM FEDERAL GRANTS TRUST FUND 2,850,185

Funds in Specific Appropriation 506 are contingent upon the department ensuring that no early intervention provider participating in the Part H program shall provide both core and required Part H services without a waiver from the Director of Children's Medical Services. For the purposes of this paragraph, core services are limited to ChildFind and referral, family support planning, services coordination, and the initial multi-disciplinary evaluation.

Further, funds in Specific Appropriation 506, are also contingent upon the development of a plan to increase administrative efficiency and programmatic cost-effectiveness within the Part H program which includes at least the following elements: (1) eligibility criteria; (2) administrative and programmatic structure; (3) payment structure, which may include the use of vouchers; (4) sliding fees or co-payments if appropriate; (5) third party collections; and (6) local contributions. The department shall submit a report on the plan to the Chair of the Senate Ways and Means Committee, Chair of the House Fiscal Responsibility Council and the Chair of the House Health and Human Services Appropriations Committee by September 30, 1997.

507 SPECIAL CATEGORIES
GRANTS AND AIDS - DEVELOPMENTAL EVALUATION AND INTERVENTION SERVICES/PART H
FROM GENERAL REVENUE FUND 1,641,322
FROM FEDERAL GRANTS TRUST FUND 15,502,104

From the funds in Specific Appropriation 507, the Department of Health, jointly with the Department of Education, is authorized to prepare a tenth year grant application to United States Department of Education (USDOE) for Subchapter VIII of the Individuals with Disabilities Education Act (I.D.E.A.) funding for early intervention services for children with disabilities age birth through 36 months and their families. The application shall commit the state to meeting only the minimum service and eligibility requirements of the federal law and shall be implemented only if the federal grant is awarded. The application may be submitted to USDOE by the Governor only upon determination that required state funds can be made available from those portions of the current year's appropriation being spent on I.D.E.A. services and following consultation with the Senate Ways and Means Committee and the House Fiscal Responsibility Council pursuant to s. 216.177, Florida Statutes.

In addition, $1,641,322 in general revenue is provided for the state matching funds for Medicaid reimbursable early intervention services in Specific Appropriation 224. If the state match for the Medicaid early intervention services is either too much or insufficient to cover the cost of the entitlement, the Department of Health is authorized to transfer the necessary amount in general revenue between Specific Appropriation 506 and Specific Appropriation 507.

Since Part H is an optional program, the Department of Health shall not redirect funds from other populations and programs other than those specified previously to pay for the entitlement.

508 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL PERINATAL INTENSIVE CARE CENTER/ PERINATAL SUPPORT SERVICES
FROM GENERAL REVENUE FUND 1,462,183
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 411,375

509 SPECIAL CATEGORIES
CHILDREN'S CARDIAC PROGRAM
FROM GENERAL REVENUE FUND 537,163

510 SPECIAL CATEGORIES
MEDICALLY FRAGILE ENHANCEMENT PAYMENT
FROM GENERAL REVENUE FUND 610,020

Funds in Specific Appropriation 510 are provided to continue the enhanced reimbursement rate for medically fragile young adults who have reached the age of 21 and are no longer eligible for Medicaid "OBRA" services and are deemed to be technology dependent and cognitively intact.

511 SPECIAL CATEGORIES
GRANTS AND AIDS - PEDIATRIC ACQUIRED IMMUNE DEFICIENCY SYNDROME NETWORK
FROM GENERAL REVENUE FUND 1,404,663
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 631,934

511A FIXED CAPITAL OUTLAY
CONSTRUCTION, RENOVATION, EQUIPMENT - CHILDREN'S MEDICAL SERVICES FACILITIES
FROM GENERAL REVENUE FUND 6,000,000

Funds in Specific Appropriation 511A are provided for renovation/construction of Children Medical Services facilities as follows:

Gainesville Children's Medical Services Center.....2,500,000
Jacksonville Children's Medical Services Center.....2,500,000
Construct a new Children's Medical Center for Collier County in Naples 1,000,000

VETERANS' AFFAIRS, DEPARTMENT OF

512 SALARIES AND BENEFITS POSITIONS 272
FROM GENERAL REVENUE FUND 3,764,728
FROM FEDERAL GRANTS TRUST FUND 313,556
FROM OPERATIONS AND MAINTENANCE TRUST FUND 3,875,458

513 OTHER PERSONAL SERVICES
FROM OPERATIONS AND MAINTENANCE TRUST FUND 160,448

514 EXPENSES
FROM GENERAL REVENUE FUND 238,356
FROM FEDERAL GRANTS TRUST FUND 45,608
FROM OPERATIONS AND MAINTENANCE TRUST FUND 1,234,117

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515	OPERATING CAPITAL OUTLAY		
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		76,268
516	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	135,947	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		370,452
517	SPECIAL CATEGORIES		
	RECREATIONAL EQUIPMENT AND SUPPLIES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		21,000
518	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	10,950	
	FROM FEDERAL GRANTS TRUST FUND		805
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		69,738
518A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	4,145	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		6,632
519	FIXED CAPITAL OUTLAY		
	STATE NURSING HOME FOR VETERANS - NUMBER TWO - DMS MGD		
	FROM STATE HOMES FOR VETERANS TRUST FUND .		1,900,205
	FROM VETERANS' AFFAIRS DESIGN AND CONSTRUCTION TRUST FUND		3,528,952
520	FIXED CAPITAL OUTLAY		
	ADDITIONS AND IMPROVEMENTS TO THE VETERANS' HOMES		
	FROM STATE HOMES FOR VETERANS TRUST FUND .		351,454
521	FIXED CAPITAL OUTLAY		
	MAINTENANCE AND REPAIR OF STATE-OWNED RESIDENTIAL FACILITIES FOR VETERANS		
	FROM STATE HOMES FOR VETERANS TRUST FUND .		312,464
	TOTAL OF SECTION 3 POSITIONS	31,686	
	FROM GENERAL REVENUE FUND	4247,758,988	
	FROM TRUST FUNDS		7663,005,469
	TOTAL ALL FUNDS		11910,764,457

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS

The moneys contained herein are appropriated from the named funds to the Department of Corrections, Justice Administration, Department of Juvenile Justice, Florida Department of Law Enforcement, Department of Legal Affairs/Attorney General and the Parole Commission as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

CORRECTIONS, DEPARTMENT OF

DEPARTMENT ADMINISTRATION

522	SALARIES AND BENEFITS POSITIONS	446	
	FROM GENERAL REVENUE FUND	17,629,452	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		59,995
	FROM GRANTS AND DONATIONS TRUST FUND . . .		498,621
	FROM WORKING CAPITAL TRUST FUND		1,181,802
523	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	172,925	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		40,000

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524	EXPENSES		
	FROM GENERAL REVENUE FUND	3,224,980	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		953,863
	FROM GRANTS AND DONATIONS TRUST FUND . . .		135,157
	FROM WORKING CAPITAL TRUST FUND		3,268,979
525	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	62,720	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		179,985
	FROM GRANTS AND DONATIONS TRUST FUND . . .		27,500
	FROM WORKING CAPITAL TRUST FUND		452,510
526	SPECIAL CATEGORIES		
	FLORIDA CORRECTIONS COMMISSION		
	FROM GENERAL REVENUE FUND	104,112	
527	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND	23,155	
527A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - DADE HART PROGRAM		
	FROM GENERAL REVENUE FUND	500,000	

From the funds in Specific Appropriation 527A, $500,000 from General Revenue is provided for the Dade County Homeless Assessment, Referral, and Tracking (HART) Program operated in conjunction with the Dade County jail system.

528	SPECIAL CATEGORIES		
	OFFICE OF MANAGEMENT AND BUDGET LAW LIBRARY		
	FROM GENERAL REVENUE FUND	9,649	
529	SPECIAL CATEGORIES		
	GRANTS AND AIDS - ON-THE-JOB TRAINING PROGRAM		
	FROM GENERAL REVENUE FUND	150,000	

Funds in Specific Appropriation 529 are to be used to contract for on-the-job training services for offenders after release.

Funds provided in Specific Appropriation 529 for Transition, Inc. are contingent upon the department conducting an evaluation of the program and certifying that the program warrants continued funding based on successful program outcomes. The Secretary of the department must provide his written determination to the Comptroller, the Executive Office of the Governor, and the chairmen of the Senate Ways and Means Committee and House Appropriations Committee prior to the release of funds.

530	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	316,208	
	FROM WORKING CAPITAL TRUST FUND		1,286
531	SPECIAL CATEGORIES		
	STATE INSTITUTIONAL CLAIMS		
	FROM GENERAL REVENUE FUND	2,000	
532	SPECIAL CATEGORIES		
	TUITION PAYMENTS		
	FROM GENERAL REVENUE FUND	355,360	

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533 DATA PROCESSING SERVICES
JUSTICE DATA CENTER
FROM GENERAL REVENUE FUND 4,077,323
FROM GRANTS AND DONATIONS TRUST FUND . . . 827,254

534 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM GENERAL REVENUE FUND 226,334

535 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 1,037,065
FROM GRANTS AND DONATIONS TRUST FUND . . . 455,000

535A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 33,352

CUSTODY AND CARE

Of the funds provided in Specific Appropriations 537 through 554, the Department of Corrections may contract for comprehensive health care services if the bid demonstrates a savings. The bid may request a capitated rate for the provision of such care. Phase-in of existing contracted institutions shall be considered part of the bid.

Of the funds provided in Specific Appropriations 537 through 554 the Department of Corrections may issue a bid for mental health services on an institution-specific basis.

537 SALARIES AND BENEFITS POSITIONS 22,882
FROM GENERAL REVENUE FUND 796,321,058
FROM GRANTS AND DONATIONS TRUST FUND . . . 8,841,562
FROM OPERATING TRUST FUND 12,115,816

From the funds provided in Specific Appropriations 537 through 551, the department must consolidate health care staff and services among facilities located in close proximity to each other pursuant to the recommendations made by the Office of Program Policy Analysis and Government Accountability in their report number 96-22 dated November 27, 1996. The department must submit a report to the Legislature and the Executive Office of the Governor by January 15, 1998, detailing the consolidations made.

From the funds and positions provided in Specific Appropriations 537, 539 and 540, the department may implement close management status at additional major institutions.

From the funds in Specific Appropriation 537, $1,125,024 from General Revenue for inmate work squads must be used to the extent appropriate for working chain gangs.

538 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,637,743
FROM GRANTS AND DONATIONS TRUST FUND . . . 813,160

539 EXPENSES
FROM GENERAL REVENUE FUND 165,177,688
FROM FLORIDA AGRICULTURAL EXPOSITION TRUST FUND 87,962
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,314,614
FROM OPERATING TRUST FUND 1,305,522

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From the Grants and Donations funds provided in Specific Appropriation 539, $1,000,000 is provided for the Life Skills Foundation program.

540 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,032,234
FROM FLORIDA AGRICULTURAL EXPOSITION TRUST FUND 10,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,913,908
FROM OPERATING TRUST FUND 116,000

541 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 48,160,950
FROM GRANTS AND DONATIONS TRUST FUND . . . 615,378
FROM OPERATING TRUST FUND 543,729

542 LUMP SUM
CORRECTIONAL WORK PROGRAMS
POSITIONS 100
FROM GRANTS AND DONATIONS TRUST FUND . . . 6,597,752

From the funds in Specific Appropriation 542, $6,597,752 from Grants and Donations Trust Fund and 100 positions is provided for interagency community service squads, to be funded by state and local agencies or municipalities. To the extent appropriate, the department shall work these service squads as chain gangs.

543 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 447,879
FROM OPERATING TRUST FUND 875,000

544 SPECIAL CATEGORIES
COMMUNITY HOSPITAL COSTS
FROM GENERAL REVENUE FUND 22,847,386

545 SPECIAL CATEGORIES
CONTRACT CORRECTIONAL INSTITUTION
FROM GENERAL REVENUE FUND 14,195,404

546 SPECIAL CATEGORIES
CONTRACT DRUG ABUSE SERVICES
FROM GENERAL REVENUE FUND 5,308,609
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,270,728

546A SPECIAL CATEGORIES
CONTRACT FOR HEALTH SERVICES - SOUTH FLORIDA RECEPTION CENTER
FROM GENERAL REVENUE FUND 10,681,650

546B SPECIAL CATEGORIES
TRANSFER TO GENERAL REVENUE FUND
FROM GRANTS AND DONATIONS TRUST FUND . . . 39,900,000

Funds provided in Specific Appropriation 546B are federal reimbursements for incarcerated aliens.

547 SPECIAL CATEGORIES
RETURN OF PAROLE VIOLATORS
FROM GENERAL REVENUE FUND 131,313

548 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 21,361,373

549 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 5,912,037
FROM OPERATING TRUST FUND 54,990

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550 SPECIAL CATEGORIES
STATE EMPLOYEES' CHILD CARE CENTER
OPERATION
FROM GRANTS AND DONATIONS TRUST FUND . . . 300,000

551 SPECIAL CATEGORIES
TREATMENT OF INMATES WITH ACQUIRED IMMUNE
DEFICIENCY SYNDROME (AIDS)
FROM GENERAL REVENUE FUND 6,300,000

552 SPECIAL CATEGORIES
PRIVATE INSTITUTIONS - CORRECTIONAL
PRIVATIZATION COMMISSION
FROM GENERAL REVENUE FUND 56,394,113

Funds provided in Specific Appropriation 552 shall be applied to the obligations of the Correctional Privatization Commission pursuant to the requirements of the Operation and Management Services Contract and Lease-Purchase Agreement for two adult 750 bed medium/minimum custody secure correctional facilities located in Bay and Glades Counties, one adult 1,318 bed close/medium custody secure correctional facility located in Palm Beach County, and one youthful offender 350 bed correctional facility located in Columbia County. The Department of Corrections shall have no authority to utilize the appropriated funds except as provided above.

553 FINANCIAL ASSISTANCE PAYMENTS
DISCHARGE AND TRAVEL PAY
FROM GENERAL REVENUE FUND 1,407,705

554 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 925,000

554A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 1,287,719
FROM OPERATING TRUST FUND 10,063

556 FIXED CAPITAL OUTLAY
MAJOR REPAIRS, RENOVATIONS AND
IMPROVEMENTS TO MAJOR INSTITUTIONS
FROM GENERAL REVENUE FUND 1,000,000

557 FIXED CAPITAL OUTLAY
CONTRACTED CORRECTIONAL INSTITUTIONS -
LEASE PURCHASE
FROM GENERAL REVENUE FUND 5,926,275

558 FIXED CAPITAL OUTLAY
CORRECTIONS PRIVATIZATION COMMISSION -
LEASE PURCHASE
FROM GENERAL REVENUE FUND 7,373,473

560 FIXED CAPITAL OUTLAY
IMPROVEMENTS TO SECURITY SYSTEMS
FROM GENERAL REVENUE FUND 1,000,000

562 FIXED CAPITAL OUTLAY
FLORIDA STATE PRISON LOCKDOWN
FROM GENERAL REVENUE FUND 131,820
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,186,377

564 FIXED CAPITAL OUTLAY
UPGRADE FACILITIES AT FLORIDA CORRECTIONAL
INSTITUTION
FROM GENERAL REVENUE FUND 2,376,265
FROM GRANTS AND DONATIONS TRUST FUND . . . 21,386,388

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From the funds in Specific Appropriation 564, a portion of the funds are to be used to renovate the Jones Cottage for use as a Female Boot Camp.

564A FIXED CAPITAL OUTLAY
COLUMBIA CORRECTIONAL INSTITUTE
CONSTRUCTION
FROM GENERAL REVENUE FUND 50,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 450,000

566 FIXED CAPITAL OUTLAY
NEW AND EXPANDED STAFF FACILITIES
FROM SALE OF GOODS AND SERVICES CLEARING
TRUST FUND 1,000,000

COMMUNITY SUPERVISION

Funds provided in Specific Appropriations 567 through 578A for the probation and restitution centers shall only be used for supervision of felony probationers.

567 SALARIES AND BENEFITS POSITIONS 4,765
FROM GENERAL REVENUE FUND 170,526,698
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,401,766

568 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 49,138

569 EXPENSES
FROM GENERAL REVENUE FUND 29,186,242
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,467,858

570 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 213,312
FROM GRANTS AND DONATIONS TRUST FUND . . . 827,190

571 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 2,605,067

572 SPECIAL CATEGORIES
GRANTS AND AIDS - ASSISTANCE ALTERNATIVES
TO INCARCERATION PROGRAMS
FROM GENERAL REVENUE FUND 500,000

Of the funds in Specific Appropriation 572, $500,000 shall be used to contract for alternatives to incarceration services in the Eleventh Judicial Circuit.

572A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GRANTS AND DONATIONS TRUST FUND . . . 172,000

572B SPECIAL CATEGORIES
GRANTS AND AIDS TO LOCAL GOVERNMENTS -
DRUG PUNISHMENT CENTER
FROM GENERAL REVENUE FUND 200,000

The funds in Specific Appropriation 572B shall be used for a drug offender diversion/rehabilitation program located in Orange County.

573 SPECIAL CATEGORIES
DIVERSION CENTERS OPERATIONS
FROM GENERAL REVENUE FUND 5,840,000

574 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 401,011

575 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,121,460

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576 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 111,840

577 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED DRUG TREATMENT/REHABILITATION PROGRAMS
FROM GENERAL REVENUE FUND 13,660,034
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,353,320

578 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 764,638

578A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 241,303

EDUCATION AND JOB TRAINING

From the funds in Specific Appropriations 579 through 584, any funds expended for academic and vocational materials must to the extent possible be used to purchase used books and equipment from the public schools. The department must submit a report to the chairmen of the Senate Ways and Means Committee and the House Committee on Criminal Justice Appropriations by February 1, 1998 detailing the purchases made from local public schools, purchases made from other sources combined by major type of purchase, and funds remaining to be spent during the fiscal year 1997-98 for similar items.

579 SALARIES AND BENEFITS POSITIONS 479
FROM GENERAL REVENUE FUND 12,127,111
FROM GRANTS AND DONATIONS TRUST FUND . . . 6,443,062

580 OTHER PERSONAL SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,584,203

581 EXPENSES
FROM GENERAL REVENUE FUND 40,759
FROM GRANTS AND DONATIONS TRUST FUND . . . 8,056,924

582 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 28,158
FROM GRANTS AND DONATIONS TRUST FUND . . . 576,681

583 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GRANTS AND DONATIONS TRUST FUND . . . 12,003

584 SPECIAL CATEGORIES
MAJOR INSTITUTIONS LAW LIBRARY
FROM GENERAL REVENUE FUND 69,229

585 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 377,537

585A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GRANTS AND DONATIONS TRUST FUND . . . 14,996

586 FIXED CAPITAL OUTLAY
NEW AND EXPANDED EDUCATIONAL FACILITIES
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,422,240

JUSTICE ADMINISTRATION

JUSTICE ADMINISTRATIVE COMMISSION

587 SALARIES AND BENEFITS POSITIONS 30
FROM GENERAL REVENUE FUND 1,074,564

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FROM GRANTS AND DONATIONS TRUST FUND . . . 28,238

588 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 15,094

589 EXPENSES
FROM GENERAL REVENUE FUND 145,404
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,825

590 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 13,322

593 SPECIAL CATEGORIES
CONFLICT CASES
FROM GENERAL REVENUE FUND 2,500,000

The allocation of funds in Specific Appropriation 593 for conflict cases shall be used solely for compensation of court appointed attorneys who are members of the Florida Bar and who have been approved by the circuit's conflict committee to handle such cases. Attorneys shall be appointed by the trial court for purposes of representation and compensated as provided in ss. 27.53, 925.035, 925.036, and 925.037, Florida Statutes.

594 SPECIAL CATEGORIES
CONTRACT WITH DEPARTMENT OF MANAGEMENT SERVICES FOR COPES
FROM GENERAL REVENUE FUND 90,125

595 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 43,736

596 SPECIAL CATEGORIES
STATE ATTORNEYS ON EXECUTIVE ASSIGNMENT
FROM GENERAL REVENUE FUND 134,620

597 SPECIAL CATEGORIES
STATE ATTORNEY AND PUBLIC DEFENDER TRAINING
FROM GRANTS AND DONATIONS TRUST FUND . . . 75,000

597A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 1,886

OFFICE OF CAPITAL COLLATERAL REPRESENTATIVE

598 SALARIES AND BENEFITS POSITIONS 77
FROM GENERAL REVENUE FUND 3,344,906
FROM CAPITAL COLLATERAL REPRESENTATIVE TRUST FUND 76,554

599 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 120,068

600 EXPENSES
FROM GENERAL REVENUE FUND 933,657
FROM CAPITAL COLLATERAL REPRESENTATIVE TRUST FUND 81,622

601 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 5,890

602 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 21,073

602A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 4,506

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STATE ATTORNEYS

The Prosecution Coordination Office's budgetary, training, and education needs may be shared by each State Attorney's office within the funds provided in Specific Appropriations 603 through 747A. Funding for this office shall not exceed $200,000.

From the funds in Specific Appropriations 603 through 747A no expenditures shall be made for the purchase of computers and computer related equipment unless such purchase is included in the top ten priorities of the Information Resource Commission, in the Information Resource Commission approved agency strategic plan, or unless such purchase is recommended by the Information Resource Commission. No expenditures shall be made which would create a future year increased state obligation for funds unless such purchase has been specifically authorized by the Legislature in the General Appropriations Act.

New Assistant State Attorney positions shall be established at a rate not to exceed $30,114.

From the funds in Specific Appropriations 603 to 747A, each State Attorney may transfer general revenue up to $250,000 in accordance with the provisions of Chapter 216, Florida Statutes, for the express purpose of purchasing computers or computer related equipment that conforms with the agency's approved Strategic Plan for Information Resource Management.

FIRST JUDICIAL CIRCUIT

603	SALARIES AND BENEFITS POSITIONS 180		
	FROM GENERAL REVENUE FUND	7,724,492	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		304,204
604	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	17,213	
605	EXPENSES		
	FROM GENERAL REVENUE FUND	418,492	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		9,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		67,000
606	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	56,386	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		4,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		19,000
606A	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		48,900
607	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	11,396	
608	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	9,998	
609	SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	56,693	
610	DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	98,633	

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610A	DATA PROCESSING SERVICES SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	2,207	

SECOND JUDICIAL CIRCUIT

611	SALARIES AND BENEFITS POSITIONS 102		
	FROM GENERAL REVENUE FUND	4,580,762	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		274,811
612	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	18,386	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		142,871
613	EXPENSES		
	FROM GENERAL REVENUE FUND	322,841	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		67,740
614	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	31,475	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		50,000
614A	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		65,200
615	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	9,935	
616	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	8,195	
617	SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	22,296	
617A	DATA PROCESSING SERVICES SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	1,507	

THIRD JUDICIAL CIRCUIT

618	SALARIES AND BENEFITS POSITIONS 56		
	FROM GENERAL REVENUE FUND	2,669,418	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		94,778
619	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	2,605	
620	EXPENSES		
	FROM GENERAL REVENUE FUND	251,168	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		24,634
621	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	9,850	
621A	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		16,300
622	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	9,942	
623	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	6,110	
624	SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	2,813	
	FROM CIVIL RICO TRUST FUND		11,946

SECTION 4 SPECIFIC APPROPRIATION		
624A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	1,303	
FOURTH JUDICIAL CIRCUIT		
625 SALARIES AND BENEFITS POSITIONS	308	
FROM GENERAL REVENUE FUND	13,271,393	
FROM GRANTS AND DONATIONS TRUST FUND . . .		406,234
626 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	147,500	
FROM CONSUMER FRAUDS TRUST FUND		21,272
FROM GRANTS AND DONATIONS TRUST FUND . . .		303,761
627 EXPENSES		
FROM GENERAL REVENUE FUND	335,462	
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		10,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		465,989
628 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	83,011	
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		50,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		84,578
628A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		65,200
FROM GRANTS AND DONATIONS TRUST FUND . . .		16,300
629 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	85,118	
630 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	11,547	
631 SPECIAL CATEGORIES		
STATE ATTORNEYS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	49,053	
631A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	2,360	
FIFTH JUDICIAL CIRCUIT		
632 SALARIES AND BENEFITS POSITIONS	178	
FROM GENERAL REVENUE FUND	7,594,299	
FROM GRANTS AND DONATIONS TRUST FUND . . .		85,061
633 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	10,732	
FROM GRANTS AND DONATIONS TRUST FUND . . .		3,600
634 EXPENSES		
FROM GENERAL REVENUE FUND	303,686	
FROM CIVIL RICO TRUST FUND		1,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		17,188
635 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	49,686	
FROM GRANTS AND DONATIONS TRUST FUND . . .		10,000
635A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		146,700

SECTION 4 SPECIFIC APPROPRIATION		
636 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	33,906	
637 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	15,938	
638 SPECIAL CATEGORIES		
STATE ATTORNEYS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	37,089	
639 DATA PROCESSING SERVICES		
OTHER DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	70,000	
639A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	1,476	
SIXTH JUDICIAL CIRCUIT		
640 SALARIES AND BENEFITS POSITIONS	378	
FROM GENERAL REVENUE FUND	16,529,771	
641 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	94,204	
FROM GRANTS AND DONATIONS TRUST FUND . . .		23,208
642 EXPENSES		
FROM GENERAL REVENUE FUND	610,978	
FROM GRANTS AND DONATIONS TRUST FUND . . .		2,286
643 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	172,069	
FROM CIVIL RICO TRUST FUND		3,748
FROM CONSUMER FRAUDS TRUST FUND		2,075
FROM GRANTS AND DONATIONS TRUST FUND . . .		548,920
643A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		51,600
644 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	63,207	
645 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	23,009	
646 SPECIAL CATEGORIES		
STATE ATTORNEYS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	48,561	
646A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	2,557	
SEVENTH JUDICIAL CIRCUIT		
647 SALARIES AND BENEFITS POSITIONS	198	
FROM GENERAL REVENUE FUND	7,619,004	
FROM GRANTS AND DONATIONS TRUST FUND . . .		358,397
648 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	25,264	
FROM GRANTS AND DONATIONS TRUST FUND . . .		326,869
649 EXPENSES		
FROM GENERAL REVENUE FUND	450,712	
FROM GRANTS AND DONATIONS TRUST FUND . . .		35,000

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650	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	36,397	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		117,725
650A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		48,900
651	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	88,821	
652	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	6,171	
653	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	16,419	
653A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	3,254	

EIGHTH JUDICIAL CIRCUIT

654	SALARIES AND BENEFITS POSITIONS	124	
	FROM GENERAL REVENUE FUND	4,742,959	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		680,978
655	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	8,640	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		27,955
656	EXPENSES		
	FROM GENERAL REVENUE FUND	274,772	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		97,834
657	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	140,193	
	FROM CIVIL RICO TRUST FUND		3,117
	FROM GRANTS AND DONATIONS TRUST FUND . . .		19,995

From the funds provided from the Grants & Donations Trust Fund $412,367 and 9 FTE, $66,653 and $495, respectively, are provided in Specific Appropriations 654, 656, and 657 to continue the pilot projects initiated in the 1996-97 General Appropriations Act between the Department of Children and Families and the State Attorney Offices of the 8th and 16th Judicial Circuits in which all personnel engaged in providing legal services pursuant to Sections 39.40 - 39.418, 39.45 - 39.456, 39.46 - 39.516 are being supervised and directed by the Office of the State Attorney in the 16th Judicial Circuit, Monroe County, and the Office of the State Attorney in the 8th Judicial Circuit. The Office of the State Attorney in the 8th Judicial Circuit will continue to provide such legal services to the Department of Children and Families, District 3 covering portions of the 3rd, 7th, and 8th Judicial Circuits. Furthermore, funds shall be used to implement an additional pilot project, for the same purpose, by the Office of the State Attorney in the 15th Judicial Circuit, Palm Beach County. The new pilot project shall be established by August 1, 1997. Funds appropriated for the new pilot are in the Department of Legal Affairs in Specific Appropriations 960A. The scope of the concerned contract services shall include all personnel engaged in providing legal services pursuant to Sections 39.40-39.418, 39.45-39.456, 39.46-39.516 and other directly related child welfare legal services which shall be determined pursuant to contract.

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657A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		48,900
658	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	18,493	
659	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	13,676	
660	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	27,673	
660A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	1,272	

NINTH JUDICIAL CIRCUIT

661	SALARIES AND BENEFITS POSITIONS	265	
	FROM GENERAL REVENUE FUND	11,664,674	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		36,336
	FROM GRANTS AND DONATIONS TRUST FUND . . .		103,932
662	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	92,265	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		63,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		43,680
663	EXPENSES		
	FROM GENERAL REVENUE FUND	315,540	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		13,511
	FROM GRANTS AND DONATIONS TRUST FUND . . .		40,000
664	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	74,154	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		23,157
664A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		16,300
	FROM GRANTS AND DONATIONS TRUST FUND . . .		48,900
665	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	34,069	
666	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	27,936	
667	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	61,284	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		6,000
668	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	39,000	
668A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	1,199	

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TENTH JUDICIAL CIRCUIT

669	SALARIES AND BENEFITS POSITIONS 165		
	FROM GENERAL REVENUE FUND	7,083,876	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		90,504
670	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	17,871	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		14,945
671	EXPENSES		
	FROM GENERAL REVENUE FUND	349,767	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		20,000
672	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	22,864	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		40,000
672A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		32,600
673	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	447,120	
674	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	14,545	
675	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	10,429	
675A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	1,149	

ELEVENTH JUDICIAL CIRCUIT

676	SALARIES AND BENEFITS POSITIONS 1,070		
	FROM GENERAL REVENUE FUND	31,444,824	
	FROM CHILD SUPPORT TRUST FUND		11,004,872
	FROM GRANTS AND DONATIONS TRUST FUND . . .		905,488
677	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	243,644	
	FROM CHILD SUPPORT TRUST FUND		180,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		18,000
678	EXPENSES		
	FROM GENERAL REVENUE FUND	955,668	
	FROM CHILD SUPPORT TRUST FUND		2,066,100
	FROM CIVIL RICO TRUST FUND		7,000
	FROM CONSUMER FRAUDS TRUST FUND		10,939
	FROM GRANTS AND DONATIONS TRUST FUND . . .		239,923
679	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	155,768	
	FROM CHILD SUPPORT TRUST FUND		171,393
	FROM CIVIL RICO TRUST FUND		3,044
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		11,799
	FROM GRANTS AND DONATIONS TRUST FUND . . .		18,930

From the funds in Specific Appropriations 676, 677, 678, and 679, 14.25 FTE, $601,599, $95,343, $20,510 and $36,960 respectively, from General Revenue, is provided for the Truancy Intervention Pilot Program in Dade County to extend the program to 88 more schools. Up to $30,000 of Specific Appropriation 677 shall be used for an independent evaluation of the actual impact of the pilot program on delinquency in Dade County.

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679A	LUMP SUM		
	CHILD SUPPORT ENFORCEMENT STAFFING POSITIONS 64		
	FROM CHILD SUPPORT TRUST FUND		2,700,000

The funds in Specific Appropriation 679A shall be used for workload needs of the Dade County State Attorney related to implementation of federal requirements for Child Support Enforcement. The funds shall be used for the assignment of attorneys, support staff, and associated expenses needed to process the increase in unobligated child support cases resulting from enforcement activities. The Dade County State Attorney shall provide a proposed allocation of funds to the Department of Revenue for inclusion in its work plan submitted to the Executive Office of the Governor.

679B	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		81,500
680	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	161,014	
	FROM CHILD SUPPORT TRUST FUND		21,679
681	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	22,500	
682	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	67,635	
682A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	4,927	

TWELFTH JUDICIAL CIRCUIT

683	SALARIES AND BENEFITS POSITIONS 164		
	FROM GENERAL REVENUE FUND	7,134,255	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		50,542
684	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	11,375	
685	EXPENSES		
	FROM GENERAL REVENUE FUND	359,909	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		10,589
686	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	46,046	
686A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		16,300
687	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	43,339	
688	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	9,580	
689	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	39,904	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,500

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689A	DATA PROCESSING SERVICES SAMAS USER CHARGE FROM GENERAL REVENUE FUND	1,757	

THIRTEENTH JUDICIAL CIRCUIT

690	SALARIES AND BENEFITS POSITIONS	292	
	FROM GENERAL REVENUE FUND	12,903,012	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		38,261
691	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	100,177	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		54,519
692	EXPENSES		
	FROM GENERAL REVENUE FUND	289,536	
693	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	384,057	
694	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	47,425	
695	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	6,913	
696	SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	34,404	
696A	DATA PROCESSING SERVICES SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	999	

FOURTEENTH JUDICIAL CIRCUIT

697	SALARIES AND BENEFITS POSITIONS	84	
	FROM GENERAL REVENUE FUND	3,797,844	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		146,722
698	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	2,721	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		17,500
699	EXPENSES		
	FROM GENERAL REVENUE FUND	233,159	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		4,000
700	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	11,075	
700A	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		32,600
701	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	15,508	
702	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	7,794	
703	SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	7,058	
703A	DATA PROCESSING SERVICES SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	1,559	

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FIFTEENTH JUDICIAL CIRCUIT

704	SALARIES AND BENEFITS POSITIONS	285	
	FROM GENERAL REVENUE FUND	12,371,998	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		289,753
705	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	56,629	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		18,387
706	EXPENSES		
	FROM GENERAL REVENUE FUND	609,182	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		93,267
707	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	74,278	
707A	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		65,200
708	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	115,803	
709	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	10,702	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,000
710	SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	27,309	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		15,500
710A	DATA PROCESSING SERVICES SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	1,397	

SIXTEENTH JUDICIAL CIRCUIT

711	SALARIES AND BENEFITS POSITIONS	66	
	FROM GENERAL REVENUE FUND	2,470,215	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		526,677
712	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	15,684	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		30,075
713	EXPENSES		
	FROM GENERAL REVENUE FUND	179,353	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		58,834
714	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	9,117	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		35,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		54,623

From the funds provided from the Grants & Donations Trust Fund $139,192 and 3 FTE, and $28,759, respectively, are provided in Specific Appropriations 711 and 713 to continue the pilot projects initiated in the 1996-97 General Appropriations Act between the Department of Children and Families and the State Attorney Offices of the 8th and 16th Judicial Circuits in which all personnel engaged in providing legal services pursuant to Sections 39.40 - 39.418, 39.45 - 39.456, 39.46 - 39.516 are being supervised and directed by the Office of the State Attorney in the 16th Judicial Circuit, Monroe County, and the Office of the State Attorney in the 8th Judicial Circuit. The

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Office of the State Attorney in the 8th Judicial Circuit will continue to provide such legal services to the Department of Children and Families, District 3 covering portions of the 3rd, 7th, and 8th Judicial Circuits. Furthermore, funds shall be used to implement an additional pilot project, for the same purpose, by the Office of the State Attorney in the 15th Judicial Circuit, Palm Beach County. The new pilot project shall be established by August 1, 1997. Funds appropriated for the new pilot are in the Department of Legal Affairs in Specific Appropriation 960A. The scope of the concerned contract services shall include all personnel engaged in providing legal services pursuant to Sections 39.40-39.418, 39.45-39.456, 39.46-39.516 and other directly related child welfare legal services which shall be determined pursuant to contract.

714A	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		32,600
715	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	18,828	
716	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	7,129	
717	SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY FROM GENERAL REVENUE FUND	1,285	
717A	DATA PROCESSING SERVICES SAMAS USER CHARGE FROM GENERAL REVENUE FUND	1,279	

SEVENTEENTH JUDICIAL CIRCUIT

718	SALARIES AND BENEFITS POSITIONS 405 FROM GENERAL REVENUE FUND	17,796,188	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		166,118
719	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	29,945	
720	EXPENSES FROM GENERAL REVENUE FUND	750,465	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		50,000
721	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	197,397	
722	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	87,553	
723	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	23,786	
724	SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY FROM GENERAL REVENUE FUND	35,372	
725	DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES FROM GENERAL REVENUE FUND	508,058	

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725A	DATA PROCESSING SERVICES SAMAS USER CHARGE FROM GENERAL REVENUE FUND	1,279	

EIGHTEENTH JUDICIAL CIRCUIT

726	SALARIES AND BENEFITS POSITIONS 239 FROM GENERAL REVENUE FUND	9,653,020	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		661,902
727	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	49,868	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		21,530
728	EXPENSES FROM GENERAL REVENUE FUND	532,819	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		35,136
729	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	190,495	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		75,300
729A	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM GRANTS AND DONATIONS TRUST FUND . . .		97,100
730	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	45,132	
731	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	9,707	
732	SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY FROM GENERAL REVENUE FUND	45,772	
732A	DATA PROCESSING SERVICES SAMAS USER CHARGE FROM GENERAL REVENUE FUND	2,552	

NINETEENTH JUDICIAL CIRCUIT

733	SALARIES AND BENEFITS POSITIONS 134 FROM GENERAL REVENUE FUND	5,231,465	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		500,287
734	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	19,658	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		30,000
735	EXPENSES FROM GENERAL REVENUE FUND	306,766	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		105,254
736	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	34,946	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		27,100
736A	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		32,600
	FROM GRANTS AND DONATIONS TRUST FUND . . .		48,900
737	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	120,812	
738	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	8,874	

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739	SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY FROM GENERAL REVENUE FUND	20,410	
739A	DATA PROCESSING SERVICES SAMAS USER CHARGE FROM GENERAL REVENUE FUND	1,540	

TWENTIETH JUDICIAL CIRCUIT

740	SALARIES AND BENEFITS POSITIONS 213 FROM GENERAL REVENUE FUND	8,948,823	
	FROM CIVIL RICO TRUST FUND		181,669
	FROM GRANTS AND DONATIONS TRUST FUND . . .		190,194
741	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	37,974	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		43,086
742	EXPENSES FROM GENERAL REVENUE FUND	360,811	
	FROM CIVIL RICO TRUST FUND		36,044
	FROM GRANTS AND DONATIONS TRUST FUND . . .		154,992
743	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	137,266	
	FROM CIVIL RICO TRUST FUND		6,334
	FROM GRANTS AND DONATIONS TRUST FUND . . .		67,450
743A	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM CIVIL RICO TRUST FUND		16,300
	FROM GRANTS AND DONATIONS TRUST FUND . . .		16,300
744	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	49,081	
745	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	21,288	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		480
746	SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY FROM GENERAL REVENUE FUND	10,160	
	FROM CIVIL RICO TRUST FUND		600
	FROM GRANTS AND DONATIONS TRUST FUND . . .		15,000
747	DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES FROM GENERAL REVENUE FUND	1,000	
747A	DATA PROCESSING SERVICES SAMAS USER CHARGE FROM GENERAL REVENUE FUND	1,402	

PUBLIC DEFENDERS

The Public Defenders' Coordination Office's budgetary needs may be shared by each public defender's office within the funds provided in Specific Appropriations 748 through 872A. The total funding for this office shall not exceed $254,000.

From the funds in Specific Appropriations 748 through 872A for the Public Defenders, no expenditures shall be made for the purchase of computers and computer related equipment unless such purchase is included in the top ten priorities of the Information Resource Commissions, in the Information Resource Commission approved agency strategic plan, or unless such purchase is

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recommended by the Information Resource Commission. No expenditures shall be made which would create a future year increased state obligation for funds unless such purchase has been specifically authorized by the Legislature in the General Appropriations Act.

New Assistant Public Defender positions shall be established at a rate not to exceed $30,114. New Assistant Public Defender positions for appeals shall be established at a rate not to exceed $34,452.

Within the funds in Specific Appropriations 748 through 872A, the Public Defenders' Coordination Office shall report quarterly to the Executive Office of the Governor and chairs of the House Fiscal Responsibility Council and the Senate Ways and Means Committee the number of appellate and trial level conflict cases in each judicial circuit. Conflict cases are defined in section 27.54(2)(b), F.S., section 27.53(3), F.S., and include court appointed outside counsel as a result of that office's inability to provide adequate representation due to a stated lack of resources.

From the funds in Specific Appropriations 748 to 872A, each Public Defender may transfer General Revenue up to $250,000 in accordance with the provisions of Chapter 216, F.S., for the express purpose of purchasing computers or computer related equipment that conforms with the agency's approved Strategic Plan for Information Resource Management.

FIRST JUDICIAL CIRCUIT

748	SALARIES AND BENEFITS POSITIONS 103 FROM GENERAL REVENUE FUND	4,463,596	
749	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	22,888	
750	EXPENSES FROM GENERAL REVENUE FUND	211,335	
751	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	68,354	
752	SPECIAL CATEGORIES PUBLIC DEFENDERS - LAW LIBRARY FROM GENERAL REVENUE FUND	19,139	
753	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	13,860	
753A	DATA PROCESSING SERVICES SAMAS USER CHARGE FROM GENERAL REVENUE FUND	546	

SECOND JUDICIAL CIRCUIT

754	SALARIES AND BENEFITS POSITIONS 75 FROM GENERAL REVENUE FUND	3,164,656	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		30,966
755	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	20,744	
756	EXPENSES FROM GENERAL REVENUE FUND	185,851	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		3,150

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757 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 120,000

758 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 14,325

759 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 9,651

760 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 37,400

760A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 1,075

THIRD JUDICIAL CIRCUIT

761 SALARIES AND BENEFITS POSITIONS 26
FROM GENERAL REVENUE FUND 1,385,767

762 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 8,887

763 EXPENSES
FROM GENERAL REVENUE FUND 120,086

764 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 18,764

765 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 9,468

766 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,141

766A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 596

FOURTH JUDICIAL CIRCUIT

767 SALARIES AND BENEFITS POSITIONS 140
FROM GENERAL REVENUE FUND 6,280,489

768 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 22,277

769 EXPENSES
FROM GENERAL REVENUE FUND 259,373

770 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 139,621

771 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 30,953

772 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 51,077

772A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 921

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FIFTH JUDICIAL CIRCUIT

773 SALARIES AND BENEFITS POSITIONS 71
FROM GENERAL REVENUE FUND 3,028,932
FROM GRANTS AND DONATIONS TRUST FUND . . . 55,347

774 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 22,000

775 EXPENSES
FROM GENERAL REVENUE FUND 185,100

776 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 19,298

777 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 9,597

778 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 8,123

779 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 38,250

779A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 648

SIXTH JUDICIAL CIRCUIT

780 SALARIES AND BENEFITS POSITIONS 188
FROM GENERAL REVENUE FUND 8,414,663

781 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 82,867

782 EXPENSES
FROM GENERAL REVENUE FUND 475,857

783 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 214,789

784 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 44,057

785 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 40,315

785A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 1,658

SEVENTH JUDICIAL CIRCUIT

786 SALARIES AND BENEFITS POSITIONS 105
FROM GENERAL REVENUE FUND 4,511,799

787 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 34

788 EXPENSES
FROM GENERAL REVENUE FUND 202,535

789 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 229,692

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790 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 39,946

791 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 10,517

791A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 653

EIGHTH JUDICIAL CIRCUIT

792 SALARIES AND BENEFITS POSITIONS 64
FROM GENERAL REVENUE FUND 2,825,271

793 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 12,919

794 EXPENSES
FROM GENERAL REVENUE FUND 113,945

795 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 23,285

796 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 9,940

797 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 7,403

797A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 499

NINTH JUDICIAL CIRCUIT

798 SALARIES AND BENEFITS POSITIONS 120
FROM GENERAL REVENUE FUND 5,161,566

799 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 25,000

800 EXPENSES
FROM GENERAL REVENUE FUND 292,085

801 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 61,386

802 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 24,977

803 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 61,299

804 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 39,000

804A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 587

TENTH JUDICIAL CIRCUIT

805 SALARIES AND BENEFITS POSITIONS 96
FROM GENERAL REVENUE FUND 4,207,712

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806 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 12,580

807 EXPENSES
FROM GENERAL REVENUE FUND 197,669

808 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 127,098

809 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 9,093

810 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 108,119

810A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 746

ELEVENTH JUDICIAL CIRCUIT

811 SALARIES AND BENEFITS POSITIONS 349
FROM GENERAL REVENUE FUND 14,502,336
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,776,410

812 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 95,217

813 EXPENSES
FROM GENERAL REVENUE FUND 679,425

814 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 88,621

815 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 84,443

816 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 29,295

816A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 1,467

TWELFTH JUDICIAL CIRCUIT

817 SALARIES AND BENEFITS POSITIONS 83
FROM GENERAL REVENUE FUND 3,669,399

818 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 38,699

819 EXPENSES
FROM GENERAL REVENUE FUND 261,111

820 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 86,663

821 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 50,081

822 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 6,528

822A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 1,304

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THIRTEENTH JUDICIAL CIRCUIT

823 SALARIES AND BENEFITS POSITIONS 175
FROM GENERAL REVENUE FUND 7,573,938

824 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 48,954

825 EXPENSES
FROM GENERAL REVENUE FUND 558,325

826 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 148,068

827 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 26,230

828 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 115,167

828A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 1,414

FOURTEENTH JUDICIAL CIRCUIT

829 SALARIES AND BENEFITS POSITIONS 40
FROM GENERAL REVENUE FUND 2,176,932

830 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 7,101

831 EXPENSES
FROM GENERAL REVENUE FUND 133,659

832 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 26,911

833 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 26,265

834 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 4,785

834A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 566

FIFTEENTH JUDICIAL CIRCUIT

835 SALARIES AND BENEFITS POSITIONS 178
FROM GENERAL REVENUE FUND 7,320,115

836 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 248,199

837 EXPENSES
FROM GENERAL REVENUE FUND 272,273

838 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 60,911

839 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 14,580

840 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 21,021

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840A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 640

SIXTEENTH JUDICIAL CIRCUIT

841 SALARIES AND BENEFITS POSITIONS 35
FROM GENERAL REVENUE FUND 1,540,515

842 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 13,468

843 EXPENSES
FROM GENERAL REVENUE FUND 114,940

844 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 10,782

845 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 20,986

846 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 6,086

846A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 503

SEVENTEENTH JUDICIAL CIRCUIT

847 SALARIES AND BENEFITS POSITIONS 188
FROM GENERAL REVENUE FUND 8,780,759

848 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 86,757

849 EXPENSES
FROM GENERAL REVENUE FUND 434,683

850 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 90,680

851 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 52,876

852 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 30,749

852A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 565

EIGHTEENTH JUDICIAL CIRCUIT

853 SALARIES AND BENEFITS POSITIONS 83
FROM GENERAL REVENUE FUND 3,570,638

854 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 12,953

855 EXPENSES
FROM GENERAL REVENUE FUND 213,237

856 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 42,756

857 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 30,238

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858 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 3,971

858A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 470

NINETEENTH JUDICIAL CIRCUIT

859 SALARIES AND BENEFITS POSITIONS 58
FROM GENERAL REVENUE FUND 2,502,207

860 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 18,893

861 EXPENSES
FROM GENERAL REVENUE FUND 154,257

862 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 38,637

863 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 42,694

864 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 7,454

865 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 48,000

865A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 1,144

TWENTIETH JUDICIAL CIRCUIT

866 SALARIES AND BENEFITS POSITIONS 76
FROM GENERAL REVENUE FUND 3,052,379
FROM GRANTS AND DONATIONS TRUST FUND . . . 172,888

867 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 15,287

868 EXPENSES
FROM GENERAL REVENUE FUND 171,497

869 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 77,436

870 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 16,941

871 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 7,216

872 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 1,000

872A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 587

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PUBLIC DEFENDERS APPELLATE DIVISION

SECOND JUDICIAL CIRCUIT

873 SALARIES AND BENEFITS POSITIONS 31
FROM GENERAL REVENUE FUND 1,561,952

874 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 7,500

875 EXPENSES
FROM GENERAL REVENUE FUND 124,063

876 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 32,159

877 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 15,126

877A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 170

SEVENTH JUDICIAL CIRCUIT

878 SALARIES AND BENEFITS POSITIONS 29
FROM GENERAL REVENUE FUND 1,436,178

879 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 2,400

880 EXPENSES
FROM GENERAL REVENUE FUND 174,651

881 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 60,620

882 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 13,216

882A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 218

TENTH JUDICIAL CIRCUIT

883 SALARIES AND BENEFITS POSITIONS 46
FROM GENERAL REVENUE FUND 2,215,397

884 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 5,744

885 EXPENSES
FROM GENERAL REVENUE FUND 186,077

886 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 42,774

887 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 14,488

887A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 405

ELEVENTH JUDICIAL CIRCUIT

888 SALARIES AND BENEFITS POSITIONS 21
FROM GENERAL REVENUE FUND 1,408,538

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889 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 9,165

890 EXPENSES
FROM GENERAL REVENUE FUND 99,008

891 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 7,629

892 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 7,767

892A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 146

FIFTEENTH JUDICIAL CIRCUIT

893 SALARIES AND BENEFITS POSITIONS 34
FROM GENERAL REVENUE FUND 2,301,071

894 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 7,837

895 EXPENSES
FROM GENERAL REVENUE FUND 108,132

896 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 16,127

897 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 20,948

897A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 87

JUVENILE JUSTICE, DEPARTMENT OF

OFFICE OF SECRETARY AND MANAGEMENT AND BUDGET

From the funds in Specific Appropriations 898 through 936, the Department of Juvenile Justice shall include in its competitive solicitations for purposes of evaluating proposals and awarding contracts all of the following criteria:

1) the provider has an established history of program implementation within the fiscal constraints of the contract;
2) the program has achieved measurable results in educational achievements by its participants;
3) the program has recidivism rates for clients served which are lower than the department average for contract providers at comparable levels or types;
4) the provider has received satisfactory or higher ratings in the department's Quality Assurance Evaluation;
5) the provider has documented involvement by the community in which the program is located indicating the community's support for the continuation of the program, such as local boards, volunteers, local financial or in-kind support, and support by local governmental organizations.

Based on the above criteria, the department shall develop criteria for renewing current provider contracts without requiring the issuance of an RFP, and shall submit such criteria to the Speaker of the House of Representatives and the President of the Senate by December 1, 1997.

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From the funds in Specific Appropriations 898 through 936, by February 1, 1998, the department must report to the Legislature and to the Office of the Governor the following information, to the extent available, for fiscal year 1996-97 and estimates for fiscal year 1997-98:
--The number and percent of juvenile cases received that are detained in juvenile detention centers prior to adjudication.
--The number and percent of juveniles committed to residential programs, by level of commitment, that are detained in juvenile detention centers after adjudication while awaiting a commitment bed.
--The average length of stay in detention post adjudication while awaiting a commitment bed.
--The number of youth that are placed in a commitment program, by level of commitment.
--The average length of stay in commitment programs, by level of commitment, for youth discharged during the fiscal year.
--The number and percent of juvenile cases received that are placed on Community Control.
--The average caseload of youth supervised on Community Control.
--The number and percent of programs for which a quality assurance review is completed.
--The percent of programs receiving an overall satisfactory or better rating in their quality assurance review.
--The number of contracts executed with private providers.
--The number and percent of contracts awarded on a competitive basis.
--The number and dollar value of grants awarded to local community organizations.
--The ratio of direct care staff to youth in programs; and the ratio of non-direct care staff to youth in programs.
--The number of contract monitoring reviews conducted.
--The ratio of staff monitoring contracts to the number of contracts and to the number of contract reviews conducted.

898 SALARIES AND BENEFITS POSITIONS 417
FROM GENERAL REVENUE FUND 16,089,802
FROM ADMINISTRATIVE TRUST FUND 210,484
FROM GRANTS AND DONATIONS TRUST FUND . . . 86,174

899 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 591,235
FROM JUVENILE JUSTICE TRAINING TRUST FUND 11,712

900 EXPENSES
FROM GENERAL REVENUE FUND 8,756,125
FROM ADMINISTRATIVE TRUST FUND 1,061,801
FROM GRANTS AND DONATIONS TRUST FUND . . . 61,113
FROM JUVENILE JUSTICE TRAINING TRUST FUND 685,913

Funds are provided in Specific Appropriations 898, 899, 900 and 901 for the Juvenile Justice Information System. Prior to the release of these funds, the Department shall submit a work plan detailing the objectives and expected outcomes to be attained during the fiscal year with anticipated completion dates and total projected costs. The plan shall be submitted to the House Fiscal Responsibility Council, the Senate Committee on Ways and Means, the Legislative Information Technology Resource Committee, and the Executive Office of the Governor. The Department shall also schedule quarterly project review meetings with the

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Governor's Office of Planning and Budgeting, and the appropriate substantive and fiscal committees of the Legislature, to describe the progress made to date, actual completion dates, anticipated problems, and any recommended changes to the plan.

Funds are provided in Specific Appropriation 900 for the Juvenile Justice Information System (JJIS) which is recommended for special monitoring as a critical information resource management project under s. 282.322, Florida Statutes. From the funds in Specific Appropriation 900, $150,000 from the General Revenue Fund is provided for the project monitoring contract. These funds shall be transferred by the Executive Office of the Governor pursuant to the provisions in Chapter 216, Florida Statutes.

From the funds provided in Specific Appropriation 899, the Department of Juvenile Justice shall contract for project management assistance, including knowledge transfer, in the planning, development, and implementation of the Juvenile Justice Information System.

901	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	6,409	
	FROM ADMINISTRATIVE TRUST FUND		3,587,992
902	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	450,000	
903	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND	10,079	
904	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	1,500,000	
	FROM JUVENILE JUSTICE TRAINING TRUST FUND		2,190,645

From the funds in Specific Appropriation 904, $459,000 from General Revenue Fund is provided for the Juvenile Justice Role Model Development Project and $441,000 from General Revenue is provided for the Juvenile Justice Curriculum Development Project.

905	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	12,567	
905A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	295,954	

ASSISTANT SECRETARY FOR PROGRAM PLANNING

906	SALARIES AND BENEFITS POSITIONS	59	
	FROM GENERAL REVENUE FUND	1,976,301	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		763,496
907	OTHER PERSONAL SERVICES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		140,690
908	EXPENSES		
	FROM GENERAL REVENUE FUND	614,462	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		263,142
909	OPERATING CAPITAL OUTLAY		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		6,368

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909A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - MOTOR VEHICLE THEFT PREVENTION		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		4,800,000
910	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	37,831	

DISTRICT OPERATIONS

911	SALARIES AND BENEFITS POSITIONS	4,484	
	FROM GENERAL REVENUE FUND	125,935,822	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		661,635
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		9,914,478
912	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	789,583	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		106,204
913	EXPENSES		
	FROM GENERAL REVENUE FUND	21,013,326	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,311,090
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,016,035
914	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - INVEST IN CHILDREN		
	FROM JUVENILE CRIME PREVENTION AND EARLY INTERVENTION TRUST FUND		400,000
915	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	401,261	
916	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	2,487,059	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,281,119
917	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	79,000	
917A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - AT RISK ACADEMY OPERATION CONTRACTS		
	FROM GENERAL REVENUE FUND	500,000	
917B	SPECIAL CATEGORIES		
	GRANTS AND AID TO LOCAL GOVERNMENTS - JUVENILE CRIME PREVENTION PROGRAMS		
	FROM GENERAL REVENUE FUND	350,000	
918	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	242,819,594	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		5,356,771
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		243,331

From the funds in Specific Appropriation 918, $2,475,000 from General Revenue Fund is provided for an average of 60 days operational costs of a minimum of 500 commitment beds. The department may use these funds for procuring bed capacity through operations contracts with private providers who can provide facilities as part of the operating costs, and may also enter into lease-purchase contracts with private providers when in the best interest of the state. All lease-purchase contracts must be executed as separate instruments from those which procure operational services. The department must procure the maximum bed capacity possible with these

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funds, provided that the state's long-term interests in property and facilities is adequately sustained. From these funds, priority consideration must be given to procuring commitment beds from the Stewart-Marchman Center. In contracting for services with these funds, the department is authorized to establish programs with lengths of stay greater than those currently in operation statewide.

From the funds in Specific Appropriation 918 , $250,000 from General Revenue Fund is provided for the Duval County Community/Church-Based Out-of-School Suspension Pilot Project.

From the funds in Specific Appropriation 918, $125,000 from General Revenue Fund shall be used to contract with First Coast Community Consortium, Inc. Project for suspension programs in Duval County.

From the funds in Specific Appropriation 918, $470,500 from General Revenue Fund and $1,500,000 from the Grants and Donations Trust Fund is provided for an average of 6 months operations of a minimum 239 intensive aftercare slots. Of these funds, the department may use up to $100,000 to support an aftercare research project in conjunction with the Juvenile Justice Advisory Board designed to determine the most effective aftercare program models for the juvenile justice continuum. The department shall submit an interim report to the Legislature no later than November 1, 1997 and a final report not later than January 30, 1999.

From the funds in Specific Appropriation 918, $704,076 from General Revenue Fund is provided for an average of 6 months operations of 4 new Practical and Cultural Education programs in districts 3,5,6,and 8 with a minimum of 120 slots between the 4 programs. The allocation of slots to service districts and among the new programs must consider the number of at-risk juvenile females and the number of female cases received in the respective service areas, and must also consider previously funded PACE resources. An additional $700,000 from General Revenue Fund is provided in Specific Appropriation 918 for 6 months funding to equalize the per diem rate for all previously funded PACE programs at $45 perdiem statewide.

From the funds in Specific Appropriation 918, $298,000 from General Revenue Fund is provided for juvenile assessment center operations in districts 3,12,and 15 to allow these centers to become fully operational; $20,000 from General Revenue Fund is provided for increased operational expenses of the Dade County Juvenile Assessment Center; and $230,000 from General Revenue Fund is provided for operations of the Sarasota Juvenile Assessment Center. Operational funding for the Sarasota Juvenile Assessment Center shall go to the existing lead agency at the assessment center.

From the funds in Specific Appropriation 918, $500,000 from General Revenue Fund is provided for an average of 4 months funding of grants for new Teen Courts to be awarded by the department according to criteria, standards, and recommendations provided by the Florida Association of Teen Courts, Inc.; $150,000 from General Revenue Fund is provided for the Kid's Central Manuel Artime Community Center program; $200,000 from General Revenue Fund is provided for 12 months funding of the statewide office of the Youth Crime Watch in

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Schools program; and $175,000 from General Revenue Fund is provided for 12 months funding for a youth prevention program in Spring Hill.

From the funds in Specific Appropriation 918, $759,000 from General Revenue Fund is provided for the Secrets of Success program; $800,000 shall be used to contract with the Adult Mankind Organization, Inc.; $899,000 of non-recurring General Revenue is provided for four Boys and Girls Clubs, one each in Manatee and Pasco counties for $260,000 each, one for Boys and Girls Clubs of Suncoast for $179,000, and one for Nassau County for $200,000;

From the funds in Specific Appropriation 918, $1,000,000 from recurring General Revenue is provided for services for juveniles mentally incompetent to stand trial. Total funding of $2,800,000, including $1,800,000 from the department base may be expended only for youth who are charged with a felony offense. Expenditure of appropriated funds is limited to the purchase of services for the restoration of competency of juveniles and may not be used to supplant other existing treatment funding being provided to those juveniles. No more than 4% of appropriated funds may be used for administrative, training or any other non-service purpose.

From the funds in Specific Appropriation 918, $200,000 recurring funds from General Revenue Fund and $80,000 non-recurring funds from General Revenue Fund is provided for an Associated Marine Institute non-residential program in South Palm Beach.

From the funds in Specific Appropriation 918, $328,000 of recurring General Revenue is provided for the YMCA Teen Program of Miami, of which $70,000 shall fund the Inner City Youth Center in Dade County for afterschool and summer youth programs and $35,000 shall be used for the Metro-Dade Community Action Agency Youth Leadership community resource specialist to conduct motivational sessions for at-risk youth; $369,000 of recurring General Revenue is provided for an additional site of the Troy Academy Diversion Program of Dade County;

The department shall use funds from Specific Appropriation 918 to continue the operation of a sexual offender program on the grounds of the South Florida State Hospital. In addition, the department shall continue the operation of residential and non-residential juvenile justice programs on the grounds of the "Old" Orlando Sunland Training Center. The Department of Juvenile Justice shall provide for the continued existing use of the property by the Department of Children and Families and previously approved community activities.

From the funds in Specific Appropriation 918, each provider identified in proviso to whom a specific amount of funds is allocated must provide the Department of Juvenile Justice with a proposal prior to the distribution of funds which details the services to be delivered, the results to be expected and recommended performance measures. The department must include in the contract documents performance measures based on the proposal. Each provider must provide quarterly performance results to the department. Funds must be distributed to providers based on successful compliance.

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From the funds in Specific Appropriation 918, the department is authorized to transfer up to one percent of the new funding provided, to establish positions in excess of those authorized by this act, for administrative support and contract management, pursuant to the budget amendment provisions of Chapter 216, F.S.

From the funds provided for the Community Partnership Grant Program, prevention and diversion grants and Invest in Children license plate grant program contained in Specific Appropriations 909A, 914 and 918, the department is authorized to issue grants and aid to local governments and not-for-profit organizations for the purposes of preventing juvenile crime and diverting juveniles from the juvenile justice system.

920 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,849,687

921 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILDREN/FAMILIES IN NEED OF SERVICES
FROM GENERAL REVENUE FUND 28,136,918
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 383,858

From the funds in Specific Appropriation 921, $1,307,896 from General Revenue Fund is provided for 6 months operations of at least three new runaway shelters in Manatee, Charlotte, and Lake counties, and for enhancements to existing shelters. In addition: $35,000 from General Revenue is provided for an expanded runaway toll free hotline to assist parents; $1,826,875 from General Revenue Fund is provided for 6 months operations of staff secure shelters, contingent upon Senate Bill 278 or other authorizing legislation becoming law; and $520,000 from General Revenue Fund is provided for 6 months funding of one physically secure shelter pilot project contingent upon Senate Bill 278 or other authorizing legislation becoming law. If authorizing legislation does not become law, then the funds provided for the staff secure and physically secure shelters may be used for expanded intervention services for CINS/FINS youths and their families.

From the funds in Specific Appropriation 921, $80,000 from General Revenue Fund is provided for expansion of the Outward Bound Program in Duval County, $95,000 from General Revenue Fund is provided for a rate increase for current Outward Bound programs, and $150,000 from General Revenue Fund is provided to continue Outward Bound funding which was provided with nonrecurring funds in fiscal year 1996-97.

922 SPECIAL CATEGORIES
GRANTS AND AIDS - WILDERNESS THERAPEUTIC SERVICES
FROM GENERAL REVENUE FUND 6,475,364

922A FIXED CAPITAL OUTLAY
PALM BEACH YOUTH CENTER KITCHEN RENOVATION
FROM GENERAL REVENUE FUND 150,000

Funds in Specific Appropriation 922A are for repairs and kitchen upgrades to the Palm Beach Youth Center commitment facility.

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923 FIXED CAPITAL OUTLAY
COMPLETE ORANGE COUNTY BOOT CAMP
FROM GRANTS AND DONATIONS TRUST FUND . . . 500,000

924 FIXED CAPITAL OUTLAY
COMMITMENT BEDS - STATEWIDE
FROM GENERAL REVENUE FUND 3,408,077
FROM GRANTS AND DONATIONS TRUST FUND . . . 30,672,695

From the funds in Specific Appropriation 924, $3,208,077 from General Revenue Fund and $28,872,695 from Grants and Donations Trust Fund is provided for purchase or construction of a minimum of 700 commitment beds. Of these funds: $193,077 from General Revenue Fund and $1,737,695 from Grants and Donations Trust Fund is provided for construction in Desoto County of a secure intensive mental health treatment center for level 8 committed youth with a minimum of 30 beds; and the remainder of the funds may be used by the department to build new facilities or purchase and renovate existing facilities statewide, including existing ICF/MR-DD facilities, for use as commitment program facilities. Additionally, consideration must be given to purchasing the following facilities with these funds: the Jefferson County jail; the Liberty Intermediate Care Facility in Bristol, Florida; and the Hannon property and facilities in Leon County. The department is authorized to contract with the Correctional Privatization Commission for facility procurement, and may also contract with the Department of Corrections for the use of inmate labor in construction projects.

From the funds in Specific Appropriation 924, $200,000 from General Revenue Fund and $1,800,000 from Grants and Donations Trust Fund is provided for construction of a co-located juvenile assessment center/residential multi-level commitment program in Lee County. These funds provided may not represent more than fifty percent of the project cost, and local matching funds must represent the balance of the project cost. The commitment portion of the facility must provide a minimum of 60 beds, and must be constructed to accommodate at least two levels of commitment programming to be operated separately within the compound but sharing common areas of the facility such as dining rooms, classrooms, and other multipurpose areas.

924A FIXED CAPITAL OUTLAY
DETENTION BEDS - STATEWIDE
FROM GENERAL REVENUE FUND 972,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 8,748,000

924B FIXED CAPITAL OUTLAY
BOOT CAMP BEDS - STATEWIDE
FROM GRANTS AND DONATIONS TRUST FUND . . . 245,000

Funds in Specific Appropriation 924B are for completion of the Martin County and Monroe County Boot Camps, to meet the local match requirements set by the federal government.

924C FIXED CAPITAL OUTLAY
ASSESSMENT CENTERS - RENOVATIONS/ CONSTRUCTION
FROM GENERAL REVENUE FUND 995,000

Of the funds in Specific Appropriation 924C: $300,000 is provided for the Brevard County Juvenile Assessment Center; no more than $385,000 is provided for the Marion County Juvenile Assessment Center and

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consideration must first be given to purchasing the Ferguson Lumber property adjacent to the Marion County Sheriff's Department and the District 13 Juvenile Detention Center; and $310,000 is provided for the St. Lucie County Juvenile Assessment Center.

924D	FIXED CAPITAL OUTLAY AT RISK ACADEMY CONSTRUCTION FROM GRANTS AND DONATIONS TRUST FUND . . .		12,000,000
925	FIXED CAPITAL OUTLAY CAPITAL NEEDS / CENTRAL MANAGED FACILITIES FROM GENERAL REVENUE FUND	1,500,000	

From the funds in Specific Appropriation 925, $500,000 is provided for repairs for the Dade Juvenile Detention Center.

926	FIXED CAPITAL OUTLAY RENOVATION & EQUIP / EMOTIONALLY DISTURBED YOUTH IN DETENTION FROM GRANTS AND DONATIONS TRUST FUND . . .		500,000

Funds in Specific Appropriation 926 are provided for renovation and equipment for the Dade County Juvenile Justice/Detention Center.

928	FIXED CAPITAL OUTLAY CORRECTIONS PRIVATIZATION COMMISSION - LEASE PURCHASE FROM GENERAL REVENUE FUND	2,764,233	
928A	FIXED CAPITAL OUTLAY DEMOLITION STUDY - SUNLAND ORLANDO FROM GENERAL REVENUE FUND	100,000	

JUVENILE JUSTICE INSTITUTIONS

929	SALARIES AND BENEFITS POSITIONS 220 FROM GENERAL REVENUE FUND	4,715,463	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		80,401
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,855,993
930	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	146,688	
931	EXPENSES FROM GENERAL REVENUE FUND	855,897	
932	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	33,861	
933	FOOD PRODUCTS FROM GENERAL REVENUE FUND	113,347	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		90,053
934	SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTUAL SERVICES- DOZIER TRAINING SCHOOL FROM GENERAL REVENUE FUND	447,787	
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		105,187
935	SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTUAL SERVICES- OKEECHOBEE TRAINING SCHOOL FROM GENERAL REVENUE FUND	5,340,742	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		32,088
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,546,273

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936	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	362,099	

LAW ENFORCEMENT, DEPARTMENT OF

STAFF SERVICES, DIVISION OF

937	SALARIES AND BENEFITS POSITIONS 129 FROM GENERAL REVENUE FUND	5,734,439	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		80,319
	FROM GRANTS AND DONATIONS TRUST FUND . . .		988
	FROM OPERATING TRUST FUND		146,290
938	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	38,190	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		38,000
	FROM OPERATING TRUST FUND		54,000
939	EXPENSES FROM GENERAL REVENUE FUND	1,080,742	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		239,165
	FROM GRANTS AND DONATIONS TRUST FUND . . .		20,500
	FROM OPERATING TRUST FUND		166,095
	FROM REVOLVING TRUST FUND		1,000,000
940	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	27,020	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		4,000
941	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM GENERAL REVENUE FUND	10,052	
942	SPECIAL CATEGORIES OVERTIME FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		748
943	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	10,150	
	FROM OPERATING TRUST FUND		1,848
944	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	19,667	
945	SPECIAL CATEGORIES VIOLENT CRIME INVESTIGATIVE EMERGENCIES FROM GENERAL REVENUE FUND	500,000	
	FROM OPERATING TRUST FUND		500,000
945A	DATA PROCESSING SERVICES SAMAS USER CHARGE FROM GENERAL REVENUE FUND	12,779	
	FROM OPERATING TRUST FUND		1,910

CRIMINAL JUSTICE INVESTIGATIONS AND PROTECTION

946	SALARIES AND BENEFITS POSITIONS 945 FROM GENERAL REVENUE FUND	48,454,478	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		866,581
	FROM OPERATING TRUST FUND		515,568
946A	EXPENSES FROM GRANTS AND DONATIONS TRUST FUND . . .		11,000
946B	AID TO LOCAL GOVERNMENTS CRIME PREVENTION TRAINING FOR LOCAL LAW ENFORCEMENT FROM GENERAL REVENUE FUND	100,000	

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The funds in Specific Appropriation 946B, are provided to Miami Shores Village for local crime prevention programs.

946C AID TO LOCAL GOVERNMENTS		
CRIMINAL INVESTIGATIONS		
FROM GENERAL REVENUE FUND	102,000	
FROM GRANTS AND DONATIONS TRUST FUND . . .		117,260

From the funds in Specific Appropriation 946C, $102,000 from nonrecurring General Revenue is provided for local law enforcement equipment to the West Miami Police Department.

947 LUMP SUM		
PERFORMANCE BASED PROGRAM BUDGET (PBPB)		
FOR CRIMINAL JUSTICE (CJ) INVESTIGATIONS		
AND PROTECTION		
FROM GENERAL REVENUE FUND	12,655,902	
FROM FORFEITURE AND INVESTIGATIVE		
SUPPORT TRUST FUND		4,397,383
FROM GRANTS AND DONATIONS TRUST FUND . . .		2,857,495
FROM OPERATING TRUST FUND		4,085,027

From the funds provided in Specific Appropriation 947, $500,000 from the Operating Trust Fund is provided for the implementation of a statewide victim and witness protection protocol contingent upon passage of legislation establishing the protocol, and $75,000 is provided from the Operating Trust Fund for criminal profiling.

From the funds provided in Specific Appropriation 947 from the Forfeiture and Investigative Support Trust Fund, up to $25,000 may be expended for rewards leading to the capture of fugitives, if such funds are available.

Funds in Specific Appropriations 946 and 947 must be used to achieve the following performance standards for Laboratory Services during Fiscal Year 1997-98:

Number/percentage of service requests by lab discipline completed	67,576/95%
Number of crime scenes processed	500
Number of DNA samples added to DNA database	22,000
Number of expert witness appearances in court proceedings	1,900
Number of inspections of law enforcement agencies utilizing breathtesting instruments	900
Number of DUI breathtesting operators certified/recertified	2,750
Average number of days to complete lab service requests (excluding serology and DNA)	35
Average number of days to complete lab service requests for serology	50
Average number of days to complete lab service requests for DNA	190

The actual occurrence for each of the following projections must also be reported for Laboratory Services for use in further program policy analysis:

Number of matches (hits) as a result of the DNA database	54
Number of matches (hits) as a result of the AFIS database	2,100
Number/percentage of physical evidence collection and analyses which were of value to customers in their investigation	57,440/85%
Percentage of cases in which physical evidence collection and analyses was useful in establishing a DUI offense	89%

Funds in Specific Appropriations 946 and 947 must be used to achieve the following performance standards for Investigation and Support Services during Fiscal Year 1997-98:

Number of Missing Children Information Clearinghouse (MCIC) cases worked	524
Number of criminal investigations worked	2,167
Number of criminal investigations commenced	1,140
Number/percentage of closed criminal investigations successfully concluded; i.e., case resolved by: (1) allegation determined unfounded, OR (2) suspect identified and/or arrested, OR (3) requested assistance fully provided, OR (4) exceptional clearance	457/70%
Number of criminal profiling assists	40
Number of new profilers receiving training	3
Number of short-term technical assists	150

The actual occurrence for each of the following projections must also be reported by Investigative and Support Services for use in further program policy analysis:

Number/percentage of criminal investigations closed	649/30%
Number/percentage of criminal investigations closed resulting in an arrest	279/43%
Number/percentage of missing children found through the assistance of MCIC	36/7%
Number/percentage of cases where FDLE investigative assistance aided in obtaining a conviction	268/96%
Number/percentage of cases where FDLE investigative assistance was of value to the investigation	371/93%
Percentage of customers who found investigative intelligence valuable and current	90%

Funds in Specific Appropriations 946 and 947 must be used to achieve the following performance standards for Preventative Services during Fiscal Year 1997-98:

Number of background investigations performed	3,500
Number of individuals provided with FDLE protective services	52

The actual occurrence for each of the following projections must also be reported for Preventative Services for use in further program policy analysis:

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Number of times FDLE responded to an emergency, as defined by Chapter 252, Florida Statutes: emergencies or disasters resulting from natural, technological, or manmade causes	20
Number/percentage of customers who found FDLE's emergency preparedness and response efforts useful	19/95%

948 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 379,193

948A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 52,746
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 9,406

CRIMINAL JUSTICE INFORMATION

949 SALARIES AND BENEFITS POSITIONS 359
FROM GENERAL REVENUE FUND 4,101,747
FROM GRANTS AND DONATIONS TRUST FUND . . . 298,929
FROM OPERATING TRUST FUND 7,591,657

950 LUMP SUM
PERFORMANCE BASED PROGRAM BUDGET (PBPB)
FOR CRIMINAL JUSTICE (CJ) INFORMATION
FROM GENERAL REVENUE FUND 1,906,419
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,048,076
FROM OPERATING TRUST FUND 22,984,453

Funds in Specific Appropriation 950 from the Operating Trust Fund are derived from fees for criminal history checks. Such fees charged to the Department of Children and Families', Department of Juvenile Justice and the Department of Elder Affairs' vendors shall not exceed $8.

Funds in Specific Appropriations 949 and 950 must be used to achieve the following performance standards for Central Records Services during Fiscal Year 1997-98:

Number of "hot" files, Computerized Criminal History (CCH), & Automated Fingerprint Identification System (AFIS) records maintained	5,760,708
Number of counties on-line with AFIS Livescan	40

The actual occurrence for each of the following projections must also be reported for Central Records Services for use in further program policy analysis:

Percentage of customers satisfied with on-line crime data provided by FCIC	95.0%
Percentage of criminal history data on file compiled accurately	82.5%
Percentage of felony criminal history records deemed complete	65.0%
Average turnaround time for AFIS Livescan	10 min

Funds in Specific Appropriations 949 and 950 must be used to achieve the following performance standards for Information Network Services during Fiscal Year 1997-98:

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Number of agencies/Florida Crime Information Center (FCIC) workstations networked	715/11,500
Number of FCIC data transactions	315,000,000
Percentage of on-line responses to FCIC customer within defined timeframe (3 sec)	96%
Percentage of time FCIC is running and accessible	99%

Funds in Specific Appropriations 949 and 950 must be used to achieve the following performance standards for Identification Screening and Statistical Analysis Services during Fiscal Year 1997-98:

Number of responses to requests for crime statistics	3,030
Number of responses to requests for criminal history record checks	1,320,164
Percentage response to criminal history record check customers within defined time frames	90%

The actual occurrence for each of the following projections must also be reported for Identification Screening and Statistical Analysis Services for use in further program policy analysis:

Number/percentage of criminals identified during criminal history record checks for sensitive employment, licensing or gun purchase	160,496/12%
Percentage of customers satisfied with available crime statistics	85%
Percentage of customers satisfied with criminal history record check service	90%

951 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 34,895
FROM OPERATING TRUST FUND 11,731

952 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM OPERATING TRUST FUND 26,740

952A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 8,488
FROM OPERATING TRUST FUND 15,867

CRIMINAL JUSTICE PROFESSIONALISM

953 SALARIES AND BENEFITS POSITIONS 101
FROM GENERAL REVENUE FUND 569,429
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 3,535,186
FROM OPERATING TRUST FUND 117,353

954 LUMP SUM
PERFORMANCE BASED PROGRAM BUDGET (PBPB)
FOR CRIMINAL JUSTICE (CJ) PROFESSIONALISM
FROM GENERAL REVENUE FUND 98,408
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 6,154,442
FROM OPERATING TRUST FUND 137,105

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Funds in Specific Appropriations 953 and 954 must be used to achieve the following performance standards for Training and Certification Services during Fiscal Year 1997-98:

Number of course curricula and examination developed, administered or revised	10,475
Number of Florida Criminal Justice Executive Institute (FCJEI) hours of instruction	650
Number of individuals trained by the FCJEI	309
Number of DARE hours of instruction	384
Number of law enforcement officers trained by DARE	155

The actual occurrence for each of the following projections must also be reported for Training and Certification Services for use in further program policy analysis:

Number/percentage of target population (K-4, 5, 7) completing DARE programs	464,000/37%
Number of individuals trained in basic recruit	7,500
Number of certificates issued (for successful completion of basic training & employment requirements)	21,304
Number/percentage of individuals who pass the initial administration of the basic professional certification examination	5,518/74%
Number/percentage of individuals who pass the basic professional certification exam on the 2nd attempt	1,527/76%
Number/percentage of individuals who pass the basic professional certification exam on the 3rd attempt	180/89%
Number/percentage of criminal justice officers obtaining initial employment who complete their probationary period	6,100/98%
Percentage of officers completing an Advanced or Specialized training course offered by a certified training facility who rate training effective in improving their ability to perform their duties	91%
Percentage of officers rated as demonstrating improved performance by their supervisors after completing an Advanced or Specialized training course offered by a certified training facility	70%
Number/percentage of customers satisfied with officer information provided through Automated Training Management System (ATMS)	422/79%
Number/percentage of DARE graduates who were arrested for drug or alcohol offenses	(unknown)

Funds in Specific Appropriations 953 and 954 must be used to achieve the following performance standards for Compliance Services during Fiscal Year 1997-98:

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Number of discipline referrals processed (for state & local LEO's and CO's and CPO's pursuant to Ch. 120, F.S.	2,181
Number of criminal justice officer disciplinary actions	452
Number/percentage of criminal justice officer disciplinary actions which are disposed of within defined time frames	1,145/100%
Number of compliance audits conducted (for maintenance of training & employment standards for state and local LEO's and CO's and CPO's pursuant to s. 943.13, F.S.)	6,059
Number of criminal justice officer mandatory retraining completions	6,500

The actual occurrence for each of the following projections must also be reported for Compliance Services for use in further program policy analysis:

Number of requested technical assists provided	89,320
Number/percentage of basic recruit graduates obtaining initial employment in the same discipline within one year	2,520/34%

955 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 84,145

956 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 14,189

956A SPECIAL CATEGORIES
GRANTS AND AIDS - SPECIAL EDUCATION AND TECHNICAL TRAINING
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 93,548

956B DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 5,685

956C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
SANTA FE COMMUNITY COLLEGE CRIMINAL JUSTICE CENTER/REGIONAL PURSUIT AND DEFENSIVE DRIVING FACILITY
FROM GENERAL REVENUE FUND 250,000

LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL

OFFICE OF ATTORNEY GENERAL

957 SALARIES AND BENEFITS POSITIONS 861
FROM GENERAL REVENUE FUND 19,276,595
FROM ADMINISTRATIVE TRUST FUND 616,651
FROM FLORIDA MOTOR VEHICLE THEFT PREVENTION TRUST FUND 270,889
FROM CONSUMER FRAUDS TRUST FUND 62,040
FROM CRIMES COMPENSATION TRUST FUND . . . 2,868,246
FROM FLORIDA CRIME PREVENTION TRAINING

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INSTITUTE REVOLVING TRUST FUND		186,888
FROM GRANTS AND DONATIONS TRUST FUND . . .		3,474,923
FROM LEGAL SERVICES TRUST FUND		8,068,167
FROM LEGAL AFFAIRS REVOLVING TRUST FUND .		2,413,935
FROM MOTOR VEHICLE WARRANTY TRUST FUND . .		1,086,058

958 OTHER PERSONAL SERVICES

FROM GENERAL REVENUE FUND	124,008	
FROM ADMINISTRATIVE TRUST FUND		133,904
FROM CRIMES COMPENSATION TRUST FUND . . .		20,851
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND		130,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		5,625
FROM LEGAL SERVICES TRUST FUND		816,000
FROM MOTOR VEHICLE WARRANTY TRUST FUND . .		150,000

959 EXPENSES

FROM GENERAL REVENUE FUND	3,743,292	
FROM ADMINISTRATIVE TRUST FUND		121,891
FROM FLORIDA MOTOR VEHICLE THEFT PREVENTION TRUST FUND		35,085
FROM CRIMES COMPENSATION TRUST FUND . . .		380,239
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND		122,349
FROM GRANTS AND DONATIONS TRUST FUND . . .		754,475
FROM LEGAL SERVICES TRUST FUND		2,060,745
FROM LEGAL AFFAIRS REVOLVING TRUST FUND .		8,913
FROM MOTOR VEHICLE WARRANTY TRUST FUND . .		430,462

From the funds in Specific Appropriation 959, $150,000 from the General Revenue Fund shall be used to fund the Simon Bolivar Institute.

From the funds in Specific Appropriation 959, $300,000 from the General Revenue Fund, shall be used to continue the program provided in Section 20, page 608, of the 1995 Supplemental Appropriations Act, for the development of crime prevention strategies at the Center for the Administration of Justice at Florida International University.

From the General Revenue funds in Specific Appropriation 959, $150,000 is to be used to establish the Address Confidentiality Program for Victims of Domestic Violence, contingent upon passage of implementing legislation.

959A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - DADE COUNTY HAITIAN REFUGEE CENTER

FROM GENERAL REVENUE FUND	10,000	

From the funds in Specific Appropriation 959A, $10,000 from General Revenue Fund is provided for the Dade County Haitian Refugee Center.

960 OPERATING CAPITAL OUTLAY

FROM GENERAL REVENUE FUND	265,722	
FROM ADMINISTRATIVE TRUST FUND		111,233
FROM LEGAL SERVICES TRUST FUND		6,330

960A LUMP SUM
CHILD WELFARE LEGAL SERVICES

POSITIONS	50	
FROM GRANTS AND DONATIONS TRUST FUND . . .		2,000,000

The funds in Specific Appropriation 960A must be used to implement a pilot project by the Office of the Attorney General in the Department of Children and Families, District 6, comprising of Hillsborough and Manatee County, in which all personnel engaged in providing legal services pursuant to sections 39.40-39.418, 39.45-39.456, 39.46-39.516 are being supervised and directed by the office of the Attorney General. In addition, the funds in Specific Appropriation 960A must be used to implement a pilot project, for the same purpose, by the Office of the State Attorney in the 15th judicial circuit, Palm Beach County. The scope of such contract services shall include all personnel engaged in providing legal services pursuant to sections 39.40-39.418, 39.45-39.456, 39.46-39.516 Florida Statutes, and other directly related child welfare legal services which shall be determined pursuant to contract.

961 SPECIAL CATEGORIES
ATTORNEY GENERAL'S LAW LIBRARY

FROM GENERAL REVENUE FUND	211,010	

962 SPECIAL CATEGORIES
GRANTS AND AIDS - ASSISTANCE FOR CRIME PREVENTION IN THE BLACK COMMUNITY

FROM GENERAL REVENUE FUND	1,679,163	

The Auditor General shall annually produce a financial and performance audit on those entities which receive funds from Specific Appropriations 962. The audit results shall be reported to the Executive Office of the Governor and the chairs of the House Fiscal Responsibility Council and the Senate Ways and Means Committee.

963 SPECIAL CATEGORIES
ANTITRUST INVESTIGATIONS

FROM LEGAL AFFAIRS REVOLVING TRUST FUND .		1,470,011

964 SPECIAL CATEGORIES
CONSUMER FRAUD INVESTIGATIONS

FROM CONSUMER FRAUDS TRUST FUND		528,290
FROM LEGAL AFFAIRS REVOLVING TRUST FUND .		134,126

965 SPECIAL CATEGORIES
AWARDS TO CLAIMANTS

FROM CRIMES COMPENSATION TRUST FUND . . .		22,558,000

From the funds in Specific Appropriation 965, the Attorney General is directed to give priority to the payment of claims for the forensic examinations for victims of sexual assault.

966 SPECIAL CATEGORIES
LITIGATION EXPENSES

FROM GENERAL REVENUE FUND	46,500	

967 SPECIAL CATEGORIES
GRANTS AND AIDS - MOTOR VEHICLE THEFT PREVENTION

FROM FLORIDA MOTOR VEHICLE THEFT PREVENTION TRUST FUND		1,920,000

From the Funds provided in Specific Appropriation 967, $100,000 is allocated to the Stolen Vehicle Anti-Chase Device Program piloted by the North Miami Beach police department.

968 SPECIAL CATEGORIES
RICO INVESTIGATIONS

FROM LEGAL AFFAIRS REVOLVING TRUST FUND .		737,055

969 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

FROM GENERAL REVENUE FUND	186,726	
FROM CRIMES COMPENSATION TRUST FUND . . .		15,860

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970 SPECIAL CATEGORIES
GRANTS AND AIDS - VICTIM ASSISTANCE SERVICES
FROM CRIMES COMPENSATION TRUST FUND . . . 16,399,000

971 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM LEGAL AFFAIRS REVOLVING TRUST FUND . 7,448

972 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 504,536
FROM ADMINISTRATIVE TRUST FUND 250,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 118,500
FROM LEGAL SERVICES TRUST FUND 250,000

972A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 56,781

OFFICE OF STATEWIDE PROSECUTION

973 SALARIES AND BENEFITS POSITIONS 51
FROM GENERAL REVENUE FUND 2,812,968
FROM GRANTS AND DONATIONS TRUST FUND . . . 274,406

973A EXPENSES
FROM GENERAL REVENUE FUND 96,323

973B OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 65,740
FROM GRANTS AND DONATIONS TRUST FUND . . . 12,800

974 SPECIAL CATEGORIES
STATEWIDE PROSECUTION
FROM GENERAL REVENUE FUND 423,461
FROM GRANTS AND DONATIONS TRUST FUND . . . 86,072

975 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,505

975A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 2,719

PAROLE COMMISSION

Funds and positions in Specific Appropriations 976 through 982 provided to the Parole Commission may be used for clemency investigations as the lowest priority of workload. All other investigations and workload functions statutorily required of the Parole Commission must be given first priority in allocating manpower and resources.

976 SALARIES AND BENEFITS POSITIONS 164
FROM GENERAL REVENUE FUND 6,711,787

977 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 120,751

978 EXPENSES
FROM GENERAL REVENUE FUND 1,372,133

979 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 18,836

980 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 96,533

SECTION 4
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APPROPRIATION

981 DATA PROCESSING SERVICES
LAW ENFORCEMENT DATA CENTER
FROM GENERAL REVENUE FUND 1,932

982 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 972,624

982A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 10,545

TOTAL OF SECTION 4 POSITIONS 44,003

FROM GENERAL REVENUE FUND 2376,748,860

FROM TRUST FUNDS 396,860,110

TOTAL ALL FUNDS 2773,608,970

SECTION 5 - NATURAL RESOURCES, ENVIRONMENT, GROWTH MANAGEMENT, AND TRANSPORTATION

The moneys contained herein are appropriated from the named funds to the Department of Agriculture and Consumer Services, Department of Community Affairs, Department of Environmental Protection, Florida Game and Fresh Water Fish Commission and the Department of Transportation as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF, AND COMMISSIONER OF AGRICULTURE

OFFICE OF THE COMMISSIONER AND DIVISION OF ADMINISTRATION

983 SALARIES AND BENEFITS POSITIONS 472
FROM GENERAL REVENUE FUND 18,347,641
FROM ADMINISTRATIVE TRUST FUND 2,906,170
FROM CITRUS INSPECTION TRUST FUND 241,769
FROM GENERAL INSPECTION TRUST FUND 27,794

984 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 73,463
FROM ADMINISTRATIVE TRUST FUND 82,800

985 EXPENSES
FROM GENERAL REVENUE FUND 1,854,865
FROM ADMINISTRATIVE TRUST FUND 1,110,681
FROM CITRUS INSPECTION TRUST FUND 26,691
FROM GENERAL INSPECTION TRUST FUND 48,272

986 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 343,251
FROM ADMINISTRATIVE TRUST FUND 14,000

986A LUMP SUM
ADMINISTRATIVE SUPPORT
POSITIONS 1
FROM GENERAL REVENUE FUND 125,000

986B LUMP SUM
ENVIRONMENTAL ADMINISTRATIVE
POSITIONS 2
FROM GENERAL REVENUE FUND 100,000

987 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 39,773
FROM ADMINISTRATIVE TRUST FUND 45,509

SECTION 5 SPECIFIC APPROPRIATION		
988 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	272,820	
FROM ADMINISTRATIVE TRUST FUND		5,481
989 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	114,947	
FROM GENERAL INSPECTION TRUST FUND		881
991 DATA PROCESSING SERVICES		
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
FROM ADMINISTRATIVE TRUST FUND		9,900
991A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	16,194	
STANDARDS, DIVISION OF		
993 SALARIES AND BENEFITS POSITIONS	190	
FROM GENERAL REVENUE FUND	1,518,664	
FROM GENERAL INSPECTION TRUST FUND		5,231,921
994 OTHER PERSONAL SERVICES		
FROM GENERAL INSPECTION TRUST FUND		59,572
995 EXPENSES		
FROM GENERAL REVENUE FUND	343,362	
FROM GENERAL INSPECTION TRUST FUND		1,264,051
996 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	36,600	
FROM GENERAL INSPECTION TRUST FUND		14,000
997 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	19,767	
FROM GENERAL INSPECTION TRUST FUND		116,021
998A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	7,432	
FROM GENERAL INSPECTION TRUST FUND		4,000
DAIRY INDUSTRY, DIVISION OF		
999 SALARIES AND BENEFITS POSITIONS	38	
FROM GENERAL REVENUE FUND	1,524,505	
1000 EXPENSES		
FROM GENERAL REVENUE FUND	231,715	
1001 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	26,000	
1002 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	6,188	
1003A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	1,830	
MARKETING AND DEVELOPMENT, DIVISION OF		
1004 SALARIES AND BENEFITS POSITIONS	210	
FROM GENERAL REVENUE FUND	2,983,450	
FROM CITRUS INSPECTION TRUST FUND		965,711
FROM CONTRACTS AND GRANTS TRUST FUND . . .		261,759
FROM GENERAL INSPECTION TRUST FUND		780,730

SECTION 5 SPECIFIC APPROPRIATION		
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		1,743,049
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		704,597
FROM FLORIDA AGRICULTURAL PROMOTION CAMPAIGN TRUST FUND		30,798
1005 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	15,000	
FROM CITRUS INSPECTION TRUST FUND		233,597
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		27,500
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		19,682
1006 EXPENSES		
FROM GENERAL REVENUE FUND	897,446	
FROM CITRUS INSPECTION TRUST FUND		461,441
FROM CONTRACTS AND GRANTS TRUST FUND . . .		986,698
FROM GENERAL INSPECTION TRUST FUND		497,686
FROM MARKET TRADE SHOW TRUST FUND		267,625
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		770,988
FROM QUARTER HORSE RACING PROMOTION TRUST FUND		6,750
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		301,261
FROM VITICULTURE TRUST FUND		7,800
FROM FLORIDA AGRICULTURAL PROMOTION CAMPAIGN TRUST FUND		170,625
1007 OPERATING CAPITAL OUTLAY		
FROM CITRUS INSPECTION TRUST FUND		45,600
FROM MARKET TRADE SHOW TRUST FUND		10,000
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		98,542
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		33,600
1008 SPECIAL CATEGORIES		
GRANTS AND AIDS - VITICULTURE PROGRAM		
FROM VITICULTURE TRUST FUND		108,000
1009 SPECIAL CATEGORIES		
FLORIDA AGRICULTURE PROMOTION CAMPAIGN		
FROM GENERAL REVENUE FUND	550,000	
1010 SPECIAL CATEGORIES		
GRANTS AND AIDS - AQUACULTURE MARKET DEVELOPMENT AID PROGRAM		
FROM GENERAL REVENUE FUND	50,000	
1011 SPECIAL CATEGORIES		
GRANTS AND AIDS - MARKETING ORDERS		
FROM CITRUS INSPECTION TRUST FUND		1,500,000
FROM GENERAL INSPECTION TRUST FUND		475,000
1012 SPECIAL CATEGORIES		
FOOD RECOVERY PROGRAM		
FROM GENERAL REVENUE FUND	400,000	
1013 SPECIAL CATEGORIES		
GRANTS AND AIDS - PROMOTIONAL AWARDS		
FROM GENERAL REVENUE FUND	200,000	
FROM QUARTER HORSE RACING PROMOTION TRUST FUND		68,250
1014 SPECIAL CATEGORIES		
GRANTS AND AIDS - EMERGENCY FEEDING ORGANIZATIONS		
FROM CONTRACTS AND GRANTS TRUST FUND . . .		1,830,261
1015 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		

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FROM GENERAL REVENUE FUND	47,676	
FROM CITRUS INSPECTION TRUST FUND		14,026
FROM CONTRACTS AND GRANTS TRUST FUND . . .		12,563
FROM GENERAL INSPECTION TRUST FUND		25,215
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		51,651
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		14,272

1016 SPECIAL CATEGORIES
TROPICAL FRUIT
FROM GENERAL REVENUE FUND 250,000

1016A SPECIAL CATEGORIES
FEASIBILITY STUDY OF EXISTING AND FUTURE AGRICULTURAL FACILITIES
FROM GENERAL REVENUE FUND 100,000

From funds provided in Specific Appropriation 1016A, a committee shall be created to evaluate the need for and to prioritize the expenditure of funds provided for Fairs, Festivals, and Agriculture Centers, Pavilions, Expositions and Arenas. The committee shall also develop criteria and a process for reviewing future funding requests. From the funds provided in Specific Appropriation 1016A, members shall be paid per diem and expenses associated with the committee. The funds in Specific Appropriations 1017G, 1017H and 1017M shall not be released until the committee makes recommendations as to the funding level for each project listed.

The committee shall consist of the following: three members appointed by the Commissioner of Agriculture, two members appointed by the President of the Senate, two members appointed by the Speaker of the House of Representatives, and three members appointed by the Governor. In appointing the members, persons from the Florida Farm Bureau, the fruit and vegetable industry, and the private marketing sector shall be considered, among others.

1017A DATA PROCESSING SERVICES
SAMAS USER CHARGE

FROM GENERAL REVENUE FUND	9,997	
FROM GENERAL INSPECTION TRUST FUND		5,000
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		5,000

1017B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
AGRISCIENCE CENTER
FROM GENERAL REVENUE FUND 90,000

1017C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
EXPANSION OF AQUACULTURE DEVELOPMENT PARK
FROM GENERAL REVENUE FUND 125,000

1017D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
TRI-COUNTY AGRICULTURE CENTER - COLUMBIA/HAMILTON/SUWANEE
FROM GENERAL REVENUE FUND 325,000

1017E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
PALMETTO TOMATO FESTIVAL
FROM GENERAL REVENUE FUND 30,000

1017F GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
MANATEE RIVER FAIR
FROM GENERAL REVENUE FUND 425,000

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1017G GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
COUNTY FAIR ASSOCIATIONS
FROM GENERAL REVENUE FUND 750,000

Funds are provided in Specific Appropriation 1017G for the following projects:

Walton County Fair
St. Lucie Fair
Okaloosa County Fairgrounds
Bradford County Fair
Holmes County Fair Association

These funds shall be distributed in accordance with proviso language following Specific Appropriation 1016A.

1017H GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
AGRICULTURE - LIVESTOCK MARKETS, PAVILIONS AND CENTERS
FROM GENERAL REVENUE FUND 1,750,000

Funds are provided in Specific Appropriation 1017H for the following projects:

Suwannee River Livestock Pavilion
Ocala Livestock Pavilion
Madison County Agriculture Center
Indian River Agriculture Arena
Jackson County Agriculture Center
Youth Pavilion for Girl Scouts and 4H
Tri-County Agriculture Complex (Calhoun, Gulf, Liberty)
Wakulla Expo Center
Blackman Community Center
Walnut Hill Community Center
Jay Recreation Center
Okeechobee County Agriculture Pavilion
Holmes County Agriculture Center
Polk County Livestock Pavilion

These funds shall be distributed in accordance with proviso language following Specific Appropriation 1016A.

1017I GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
STRAWBERRY FESTIVAL - PLANT CITY INFRASTRUCTURE IMPROVEMENT
FROM GENERAL REVENUE FUND 100,000

1017J GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
RUSKIN SEAFOOD FESTIVAL
FROM GENERAL REVENUE FUND 20,000

1017K GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
BRANDON BALLOON FESTIVAL
FROM GENERAL REVENUE FUND 40,000

1017L GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
TEMPLE ARTS FESTIVAL
FROM GENERAL REVENUE FUND 40,000

1017M GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
FESTIVALS
FROM GENERAL REVENUE FUND 500,000

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Funds are provided in Specific Appropriation 1017M for the following projects:

Florida Sports Hall of Fame
Miss Universe Pageant, 1997
Florida Africa Trade Symposium
James Weldon Johnson Festival
Wellsbilt Museum, Cultural Arts Program
Zora Neale Hurston Festival
Eatonville Multi-Cultural Performing Arts
Juneteenth Celebration, S. Pinellas/Manatee
1999 Superbowl Host Committee
Black Enterprise Challenge/Entrepreneurs Conf
Old Hometown
Goombay Festival

These funds shall be distributed in accordance with proviso language following Specific Appropriation 1016A.

FRUIT AND VEGETABLES, DIVISION OF

1018 SALARIES AND BENEFITS POSITIONS 356
FROM CITRUS INSPECTION TRUST FUND 9,709,971
FROM GENERAL INSPECTION TRUST FUND 2,268,156

1019 OTHER PERSONAL SERVICES
FROM CITRUS INSPECTION TRUST FUND 500,000
FROM GENERAL INSPECTION TRUST FUND 710,000

1020 EXPENSES
FROM CITRUS INSPECTION TRUST FUND 1,496,380
FROM GENERAL INSPECTION TRUST FUND 469,226

1021 OPERATING CAPITAL OUTLAY
FROM CITRUS INSPECTION TRUST FUND 57,430

1022 SPECIAL CATEGORIES
AUTOMATED TESTING EQUIPMENT
FROM CITRUS INSPECTION TRUST FUND 254,756

1023 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CITRUS INSPECTION TRUST FUND 463,561
FROM GENERAL INSPECTION TRUST FUND 53,667

1024A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL INSPECTION TRUST FUND 7,073

PLANT INDUSTRY, DIVISION OF

1025 SALARIES AND BENEFITS POSITIONS 301
FROM GENERAL REVENUE FUND 7,907,725
FROM CITRUS INSPECTION TRUST FUND 715,556
FROM PLANT INDUSTRY TRUST FUND 1,773,698

From funds in Specific Appropriation 1025, 5 positions are time limited to three years, which is the expected duration of citrus canker eradication efforts.

1026 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 67,017
FROM CITRUS INSPECTION TRUST FUND 7,800
FROM CONTRACTS AND GRANTS TRUST FUND . . . 104,230
FROM PLANT INDUSTRY TRUST FUND 759,550

1027 EXPENSES
FROM GENERAL REVENUE FUND 891,721
FROM CITRUS INSPECTION TRUST FUND 96,605
FROM CONTRACTS AND GRANTS TRUST FUND . . . 44,444
FROM PLANT INDUSTRY TRUST FUND 777,895

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1027A AID TO LOCAL GOVERNMENTS
AQUATIC PLANT CONTROL MATCHING GRANTS
FROM AQUATIC PLANT CONTROL TRUST FUND . . 15,133,000

From the funds in Specific Appropriation 1027A, $6 million is based on the transfer of funds from the Solid Waste Management Trust Fund, contingent on legislation becoming law that amends section 212.20, Florida Statutes, to allow appropriation of funds for this purpose.

1028 OPERATING CAPITAL OUTLAY
FROM CONTRACTS AND GRANTS TRUST FUND . . . 10,000
FROM PLANT INDUSTRY TRUST FUND 265,000

1028A LUMP SUM
AQUATIC PLANT MANAGEMENT
POSITIONS 32
FROM AQUATIC PLANT CONTROL TRUST FUND . . 3,588,887

1029 SPECIAL CATEGORIES
GRANTS AND AIDS - BOLL WEEVIL ERADICATION
FROM PLANT INDUSTRY TRUST FUND 560,000

1029A SPECIAL CATEGORIES
TROPICAL SODA APPLE CONTROL
FROM GENERAL REVENUE FUND 75,000

1030 SPECIAL CATEGORIES
APIARIAN INDEMNITIES
FROM GENERAL REVENUE FUND 36,000

1031 SPECIAL CATEGORIES
PLANT, PEST AND DISEASE MONITORING AND CONTROL PROGRAM
FROM PLANT INDUSTRY TRUST FUND 300,000

1032 SPECIAL CATEGORIES
CARIBBEAN FRUIT FLY MANAGEMENT
FROM CONTRACTS AND GRANTS TRUST FUND . . . 125,000

1032A SPECIAL CATEGORIES
CITRUS CANKER ERADICATION
FROM PLANT INDUSTRY TRUST FUND 8,594,725

Funds provided in Specific Appropriation 1032A, are contingent upon receipt of federal funds designated for this purpose.

1032B SPECIAL CATEGORIES
CONTROL OF INVASIVE EXOTICS
FROM AQUATIC PLANT CONTROL TRUST FUND . . 1,000,000

From funds in Specific Appropriation 1032B, $170,000 is provided to continue the invasive exotics program in the Florida Keys.

1033 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 387,184
FROM PLANT INDUSTRY TRUST FUND 8,192

1033A SPECIAL CATEGORIES
ANTHRACNOSE ERADICATION
FROM GENERAL REVENUE FUND 450,000

1033B SPECIAL CATEGORIES
TRANSFER TO GAME AND FRESH WATER FISH COMMISSION FOR ADMINISTRATIVE OVERHEAD
FROM AQUATIC PLANT CONTROL TRUST FUND . . 880,000

1033C SPECIAL CATEGORIES
TRANSFER TO THE UNIVERSITY OF FLORIDA -

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COOPERATIVE AQUATIC PLANT EDUCATION PROGRAM
FROM AQUATIC PLANT CONTROL TRUST FUND . . 25,000

1034A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 11,909
FROM AQUATIC PLANT CONTROL TRUST FUND . . 2,307

Funds are provided in Specific Appropriations 1027A, 1028A, 1032B, 1033B, 1033C, and 1034A for the Aquatic Plant Management program from the Aquatic Plant Control Trust Fund, contingent on legislation becoming law which transfers the functions from the Department of Environmental Protection. In the event that such legislation does not become law, the Executive Office of the Governor is authorized to transfer the appropriations to the Department of Environmental Protection to continue the program.

ANIMAL INDUSTRY, DIVISION OF

1035 SALARIES AND BENEFITS POSITIONS 187
FROM GENERAL REVENUE FUND 5,162,513
FROM CONTRACTS AND GRANTS TRUST FUND . . . 1,502,907
FROM GENERAL INSPECTION TRUST FUND 89,440

1036 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 216,866

1037 EXPENSES
FROM GENERAL REVENUE FUND 698,500
FROM CONTRACTS AND GRANTS TRUST FUND . . . 339,462
FROM GENERAL INSPECTION TRUST FUND 286,033

1038 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 70,000

1039 SPECIAL CATEGORIES
PAYMENT OF INDEMNITIES
FROM GENERAL REVENUE FUND 25,000

1040 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 86,089
FROM CONTRACTS AND GRANTS TRUST FUND . . . 30

1041A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 7,026

CONSUMER SERVICES, DIVISION OF

1042 SALARIES AND BENEFITS POSITIONS 100
FROM GENERAL REVENUE FUND 924,568
FROM CONTRACTS AND GRANTS TRUST FUND . . . 607
FROM GENERAL INSPECTION TRUST FUND 2,123,898

1043 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 12,216
FROM GENERAL INSPECTION TRUST FUND 42,353

1044 EXPENSES
FROM GENERAL REVENUE FUND 143,305
FROM CONTRACTS AND GRANTS TRUST FUND . . . 8,771
FROM GENERAL INSPECTION TRUST FUND 584,628

1045 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 9,495
FROM GENERAL INSPECTION TRUST FUND 28,610

1046 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 16,018

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1047A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 6,419

FORESTRY, DIVISION OF

1048 SALARIES AND BENEFITS POSITIONS 1,082
FROM GENERAL REVENUE FUND 32,233,076
FROM CONTRACTS AND GRANTS TRUST FUND . . . 1,042,318
FROM INCIDENTAL TRUST FUND 3,696,344

1049 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 208,742
FROM CONTRACTS AND GRANTS TRUST FUND . . . 71,000
FROM INCIDENTAL TRUST FUND 360,580

1050 EXPENSES
FROM GENERAL REVENUE FUND 3,102,411
FROM CONTRACTS AND GRANTS TRUST FUND . . . 792,778
FROM INCIDENTAL TRUST FUND 3,776,281

1051 AID TO LOCAL GOVERNMENTS
AMERICA THE BEAUTIFUL PROGRAM
FROM CONTRACTS AND GRANTS TRUST FUND . . . 528,000

1053 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - RURAL COMMUNITY FIRE PROTECTION
FROM CONTRACTS AND GRANTS TRUST FUND . . . 72,589

1054 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PLANT A TREE PROGRAM
FROM CONTRACTS AND GRANTS TRUST FUND . . . 200,000

1055 AID TO LOCAL GOVERNMENTS
STATE FOREST RECEIPT DISTRIBUTION
FROM INCIDENTAL TRUST FUND 700,050

1056 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 2,152,666
FROM INCIDENTAL TRUST FUND 2,617,635

1056A LUMP SUM
BLACKWATER FOREST ENTOMOLOGY
POSITIONS 2
FROM GENERAL REVENUE FUND 100,000

1057 SPECIAL CATEGORIES
ON-CALL FEES
FROM GENERAL REVENUE FUND 333,296
FROM INCIDENTAL TRUST FUND 10,000

1058 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,401,991
FROM INCIDENTAL TRUST FUND 198,160

1059 SPECIAL CATEGORIES
GRANTS AND AIDS - UNITED STATES SMALL BUSINESS ADMINISTRATION TREE PLANTING PROGRAM
FROM CONTRACTS AND GRANTS TRUST FUND . . . 754,110

1060 SPECIAL CATEGORIES
AMERICA THE BEAUTIFUL GRANT
FROM CONTRACTS AND GRANTS TRUST FUND . . . 150,000

1062 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM INCIDENTAL TRUST FUND 1,632

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1062A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 52,662

1063 FIXED CAPITAL OUTLAY
LAND ACQUISITION
FROM FLORIDA PRESERVATION 2000 TRUST FUND 8,120,000

1063A FIXED CAPITAL OUTLAY
RELOCATE STUART WORK CENTER
FROM GENERAL REVENUE FUND 250,000

1064 FIXED CAPITAL OUTLAY
COMPLETE WORK CENTER - CALHOUN COUNTY
FROM GENERAL REVENUE FUND 125,000

1064A FIXED CAPITAL OUTLAY
HEADQUARTERS FACILITY - LITTLE-BIG ECON STATE FOREST
FROM GENERAL REVENUE FUND 393,250

1065A FIXED CAPITAL OUTLAY
NEW RIVER RANGER STATION - DMS MGD
FROM GENERAL REVENUE FUND 225,000

1065B FIXED CAPITAL OUTLAY
RELOCATE COCOA WORK CENTER
FROM GENERAL REVENUE FUND 135,000

AGRICULTURE MANAGEMENT INFORMATION CENTER

1066 SALARIES AND BENEFITS POSITIONS 53
FROM GENERAL REVENUE FUND 984,904
FROM GENERAL INSPECTION TRUST FUND 1,517,875

1067 EXPENSES
FROM GENERAL REVENUE FUND 1,370,452
FROM GENERAL INSPECTION TRUST FUND 888,369

From funds in Specific Appropriation 1067, $450,708 from the General Inspection Trust Fund may be used to continue the current software licensing agreement or to replace the current mainframe computer of the Agriculture Management Information Center with an enterprise server.

1068 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 50,000
FROM ADMINISTRATIVE TRUST FUND 1,000,000
FROM GENERAL INSPECTION TRUST FUND 1,396,232

From funds in Specific Appropriation 1068, $1,000,000 from the Administrative Trust Fund is provided for the enterprise server.

1069 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL INSPECTION TRUST FUND 6,934

1069A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL INSPECTION TRUST FUND 1,349

AGRICULTURAL ENVIRONMENTAL SERVICES, DIVISION OF

1070 SALARIES AND BENEFITS POSITIONS 213
FROM GENERAL REVENUE FUND 2,516,839
FROM CONTRACTS AND GRANTS TRUST FUND . . . 523,373
FROM GENERAL INSPECTION TRUST FUND 3,959,378
FROM PEST CONTROL TRUST FUND 1,228,730

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1071 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 3,500
FROM CONTRACTS AND GRANTS TRUST FUND . . . 52,000
FROM PEST CONTROL TRUST FUND 10,765

1072 EXPENSES
FROM GENERAL REVENUE FUND 741,881
FROM CONTRACTS AND GRANTS TRUST FUND . . . 308,299
FROM GENERAL INSPECTION TRUST FUND 529,452
FROM PEST CONTROL TRUST FUND 399,767

1073 AID TO LOCAL GOVERNMENTS
MOSQUITO CONTROL PROGRAM
FROM GENERAL INSPECTION TRUST FUND 2,278,598

From the funds provided in Specific Appropriation 1073, $250,000 shall be used for research into practical methods of control to be used by local mosquito control agencies. The research shall be conducted by the IFAS/Florida Medical Entomology Laboratory and the FAMU/Mulrennan Research Laboratory. The research shall be guided by a seven member research advisory committee, appointed by the Commissioner of Agriculture which shall include three representatives of local mosquito control programs, and one representative each from the Department of Environmental Protection and the Department of Agriculture and Consumer Services.

1074 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 48,000
FROM CONTRACTS AND GRANTS TRUST FUND . . . 83,000
FROM PEST CONTROL TRUST FUND 41,844

1074A SPECIAL CATEGORIES
TRANSFER TO INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES (IFAS) FOR BLIND MOSQUITO RESEARCH
FROM GENERAL REVENUE FUND 100,000

1075 SPECIAL CATEGORIES
NITRATE RESEARCH AND REMEDIATION
FROM GENERAL INSPECTION TRUST FUND 930,000

1076 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 78,867

1077A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 11,630
FROM GENERAL INSPECTION TRUST FUND 4,000

FOOD SAFETY, DIVISION OF

1078 SALARIES AND BENEFITS POSITIONS 278
FROM GENERAL REVENUE FUND 3,048,167
FROM CONTRACTS AND GRANTS TRUST FUND . . . 2,500,904
FROM GENERAL INSPECTION TRUST FUND 5,162,992

1079 OTHER PERSONAL SERVICES
FROM CONTRACTS AND GRANTS TRUST FUND . . . 90,413

1080 EXPENSES
FROM GENERAL REVENUE FUND 813,755
FROM CONTRACTS AND GRANTS TRUST FUND . . . 816,934
FROM GENERAL INSPECTION TRUST FUND 508,516

From the funds in Specific Appropriation 1078, 46 positions, $775,000 from the General Revenue Fund and $775,000 from the Contracts and Grants Trust Fund and from the funds in Specific Appropriation 1080, $175,000 from General Revenue and $175,000

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from the Contracts and Grants Trust Fund are provided for the state meat inspection program. If it is determined by the Commissioner of Agriculture that this level of funding is not sufficient to operate the meat inspection program in compliance with federal requirements, the Commissioner shall notify the United States Department of Agriculture of the state's intention to turn the entire program over to the federal government. The Executive Office of the Governor may adjust the initial 1997-98 Position and Rate Ledger to temporarily restore 46 additional positions through 12/31/97. If the program reverts to the federal government, the unspent program funds and associated positions shall be placed in reserve by the Executive Office of the Governor.

1081	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	15,400	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		30,000
1082	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	82,092	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		22,777
	FROM GENERAL INSPECTION TRUST FUND		43,615
1084	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM GENERAL INSPECTION TRUST FUND		9,206
1084A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	9,294	
	FROM GENERAL INSPECTION TRUST FUND		3,994

COMMUNITY AFFAIRS, DEPARTMENT OF

OFFICE OF THE SECRETARY

1085	SALARIES AND BENEFITS POSITIONS 130		
	FROM GENERAL REVENUE FUND	2,738,698	
	FROM ADMINISTRATIVE TRUST FUND		2,027,376
	FROM COASTAL ZONE MANAGEMENT TRUST FUND .		338,573
	FROM ECONOMIC OPPORTUNITY TRUST FUND . . .		75,749
	FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND		35,278
	FROM FLORIDA COMMUNITIES TRUST FUND . . .		503,436
	FROM GRANTS AND DONATIONS TRUST FUND . . .		193,869
	FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		31,748
1086	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		485,626
	FROM COASTAL ZONE MANAGEMENT TRUST FUND .		296,000
	FROM FLORIDA COMMUNITIES TRUST FUND . . .		150,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		30,941
1087	EXPENSES		
	FROM GENERAL REVENUE FUND	551,329	
	FROM ADMINISTRATIVE TRUST FUND		950,539
	FROM COASTAL ZONE MANAGEMENT TRUST FUND .		311,070
	FROM ECONOMIC OPPORTUNITY TRUST FUND . . .		6,541
	FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND		4,562
	FROM FLORIDA COMMUNITIES TRUST FUND . . .		154,849
	FROM GRANTS AND DONATIONS TRUST FUND . . .		52,907
	FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		5,329
1088	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND		8,018
	FROM COASTAL ZONE MANAGEMENT TRUST FUND .		1,401
	FROM FLORIDA COMMUNITIES TRUST FUND . . .		263

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1089	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND	464,350	
1090	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	15,039	
	FROM ADMINISTRATIVE TRUST FUND		15,039
	FROM COASTAL ZONE MANAGEMENT TRUST FUND .		1,712
	FROM ECONOMIC OPPORTUNITY TRUST FUND . . .		559
	FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND		298
	FROM FLORIDA COMMUNITIES TRUST FUND . . .		3,164
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,117
	FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		298
1091	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COASTAL MANAGEMENT REQUIREMENTS		
	FROM COASTAL ZONE MANAGEMENT TRUST FUND .		1,629,543
1091A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	40,795	
	FROM ADMINISTRATIVE TRUST FUND		40,795
1092	FIXED CAPITAL OUTLAY		
	LAND ACQUISITION		
	FROM FLORIDA PRESERVATION 2000 TRUST FUND		28,000,000

RESOURCE PLANNING AND MANAGEMENT, DIVISION OF

1093	SALARIES AND BENEFITS POSITIONS 81		
	FROM GENERAL REVENUE FUND	3,248,465	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		250,300
1094	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	18,650	
1095	EXPENSES		
	FROM GENERAL REVENUE FUND	641,492	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		38,722
1096	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - LOCAL GOVERNMENT COMPREHENSIVE PLANNING GRANTS		
	FROM GENERAL REVENUE FUND	748,691	

From funds provided in Specific Appropriation 1096, $40,000 shall be provided each to the cities of Deltona, Aventura, Wellington, Fort Myers Beach, and the Village of Pinecrest, for the development of comprehensive plans, as required pursuant to the state mandated Growth Management and Land Development Regulation Act of 1985, Chapter 163, Part II, Florida Statutes.

1097	OPERATING CAPITAL OUTLAY		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		500
1098	SPECIAL CATEGORIES		
	GRANTS AND AIDS - REGIONAL PLANNING COUNCILS		
	FROM GENERAL REVENUE FUND	2,286,250	

From funds provided to the regional planning councils in Specific Appropriation 1098, 70% is to be divided equally and 30% shall be allocated according to population. The funds shall be used to prepare and implement strategic regional policy

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plans, perform regional review and comment functions, and assist local governments to address problems of greater-than-local significance.

From funds provided in Specific Appropriation 1098, $50,000 is granted to the Treasure Coast Planning Council for assistance in developing an economic development plan for the Treasure Coast.

1099 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GRANTS AND DONATIONS TRUST FUND . . . 11,284

EMERGENCY MANAGEMENT, DIVISION OF

1100 SALARIES AND BENEFITS POSITIONS 118
FROM GENERAL REVENUE FUND 1,056,265
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 890,548
FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND 335,184
FROM GRANTS AND DONATIONS TRUST FUND . . . 283,441
FROM OPERATING TRUST FUND 662,841
FROM PERSONNEL AND ADMINISTRATION TRUST FUND 676,448
FROM U.S. CONTRIBUTIONS TRUST FUND 853,261

1101 OTHER PERSONAL SERVICES
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 285,555
FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND 271,934
FROM GRANTS AND DONATIONS TRUST FUND . . . 450,000
FROM OPERATING TRUST FUND 1,280,000
FROM U.S. CONTRIBUTIONS TRUST FUND 237,406

1102 EXPENSES
FROM GENERAL REVENUE FUND 217,870
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 353,436
FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND 147,895
FROM GRANTS AND DONATIONS TRUST FUND . . . 251,631
FROM OPERATING TRUST FUND 253,001
FROM PERSONNEL AND ADMINISTRATION TRUST FUND 280,180
FROM U.S. CONTRIBUTIONS TRUST FUND 413,630

1103 AID TO LOCAL GOVERNMENTS
DISASTER PREPAREDNESS PLANNING AND ADMINISTRATION
FROM PERSONNEL AND ADMINISTRATION TRUST FUND 2,189,944

1104 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - DISASTER RELIEF PAYMENTS
FROM U.S. CONTRIBUTIONS TRUST FUND 1,000,000

1105 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FEDERAL GRANTS AND AIDS
FROM U.S. CONTRIBUTIONS TRUST FUND 4,600,000

1106 AID TO LOCAL GOVERNMENTS
LOCAL SUPPORT MATERIALS
FROM GRANTS AND DONATIONS TRUST FUND . . . 100,000

1107 OPERATING CAPITAL OUTLAY
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 16,227
FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND 7,202
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,837
FROM OPERATING TRUST FUND 3,165

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FROM PERSONNEL AND ADMINISTRATION TRUST FUND 50,791
FROM U.S. CONTRIBUTIONS TRUST FUND 15,903

1108 SPECIAL CATEGORIES
GRANTS AND AIDS - PAYMENT FLORIDA WING/ CIVIL AIR PATROL
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 55,000

1109 SPECIAL CATEGORIES
GRANTS AND AIDS - EMERGENCY MANAGEMENT PROGRAMS
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 8,034,960
FROM U.S. CONTRIBUTIONS TRUST FUND 83,438

1110 SPECIAL CATEGORIES
GRANTS AND AIDS - EMERGENCY MANAGEMENT RELIEF ASSISTANCE
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 3,347,900

1111 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE, LOCAL AND PRIVATE PROJECTS
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 3,347,900

1112 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 10,155
FROM PERSONNEL AND ADMINISTRATION TRUST FUND 10,154

1113 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS - ADMINISTRATIVE
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 590,026
FROM U.S. CONTRIBUTIONS TRUST FUND 977,513

1114 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 9,956,232
FROM U.S. CONTRIBUTIONS TRUST FUND 50,836,805

From the funds provided in Specific Appropriation 1114 from the U.S. Contributions Trust Fund, $300,000 shall be utilized for the Bonifay Flood Project.

Funds provided in Specific Appropriation 1114, $4,041,169 in the Grants and Donations Trust Fund, reflect the transfer of mitigation funds from the Florida Hurricane Catastrophe fund pursuant to section 215.555(7)(c).

1114A SPECIAL CATEGORIES
TRANSFER TO GRANTS AND DONATIONS TRUST FUND
FROM GENERAL REVENUE FUND 5,476,160

It is the intent of the Legislature that the state return to its long time policy and match requirement for future federally declared local governments at 12.5% each. Because the location, type of disaster and severity of the event can materially effect the magnitude of costs, the local government's share may be initially provided by the state with future repayment being provided by the appropriate local government or deducted from the local government's state revenue sharing allocation.

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Additionally, the Executive Office of the Governor may waive the local 12.5% match after consultation with the Legislature pursuant to s. 216.177, Florida Statutes if it is determined that such a match can not be provided or that by doing so would effect a hardship on the local entity.

1115 SPECIAL CATEGORIES
GRANTS AND AIDS - HURRICANE ANDREW RELIEF - ADMINISTRATIVE ACTIVITIES
FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND 1,139,211

1116 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS - HURRICANE ANDREW
FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND 178,698,214

1117 SPECIAL CATEGORIES
GRANTS AND AIDS - HURRICANE ERIN
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,164,014
FROM U.S. CONTRIBUTIONS TRUST FUND 15,089,850

1118 SPECIAL CATEGORIES
GRANTS AND AIDS - HURRICANE OPAL
FROM GRANTS AND DONATIONS TRUST FUND . . . 6,119,924
FROM U.S. CONTRIBUTIONS TRUST FUND 32,236,138

HOUSING AND COMMUNITY DEVELOPMENT, DIVISION OF

1119 SALARIES AND BENEFITS POSITIONS 110
FROM GENERAL REVENUE FUND 724,076
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND 326,014
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 312,774
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 873,890
FROM STATE HOUSING TRUST FUND 40,069
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 795,582
FROM GRANTS AND DONATIONS TRUST FUND . . . 145,566
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 162,900
FROM OPERATING TRUST FUND 1,324,091

1120 OTHER PERSONAL SERVICES
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND 500,675
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 619,668
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 498,408
FROM GRANTS AND DONATIONS TRUST FUND . . . 390,967
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 71,625
FROM OPERATING TRUST FUND 770,201

1121 EXPENSES
FROM GENERAL REVENUE FUND 88,762
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND 293,231
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 84,404
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 540,560
FROM STATE HOUSING TRUST FUND 29,979
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 530,722
FROM GRANTS AND DONATIONS TRUST FUND . . . 191,247
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 291,110
FROM OPERATING TRUST FUND 786,270

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1122 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NARCOTICS CONTROL ASSISTANCE PROGRAM
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 19,118,106

1123 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NARCOTICS CONTROL ASSISTANCE TO STATE AGENCIES
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 9,035,240

1124 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM (NCHIP) - STATE AGENCIES
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 2,683,102

1125 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM (NCHIP) - LOCAL GOVERNMENTS
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 1,529,434

1126 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANTS
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND 33,998,837

Funds provided in Specific Appropriation 1126 shall be divided and distributed among the statutorily established program categories as follows: Housing 20%; Economic Development 30%; Neighborhood Revitalization 40%; and Commercial Revitalization 10%. Programs which provide employment opportunities to clients of Workforce Development Initiatives and the WAGES Program shall be given consideration in the distribution of these funds. The department shall evaluate opportunities to give priority consideration to these programs within the federal law and state statute which govern the CDBG Program. Funds not distributed due to an insufficient number of eligible applications in the Housing, Neighborhood Revitalization, or Commercial Revitalization Program categories shall be transferred to the program category receiving the greatest dollar value of request for grants. In the event that all eligible applications are funded in the three grant categories, other than Economic Development, and funds remain available, then these remaining funds shall be transferred to the Economic Development category for allocation.

1127 OPERATING CAPITAL OUTLAY
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND 8,431
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 223
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 1,197
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 41,223
FROM GRANTS AND DONATIONS TRUST FUND . . . 88
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 10
FROM OPERATING TRUST FUND 1,571

1128 LUMP SUM
RESIDENTIAL CONSTRUCTION MITIGATION
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,136,431

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Funds provided in Specific Appropriation 1128 reflect the transfer of mitigation funds from the Florida Hurricane Catastrophe funds pursuant to section 215.555(7)(c), Florida Statutes, and shall be allocated to improve the wind resistance of residences, including loan subsidies, grants, and demonstration projects; cooperative programs with local governments, the Federal Government, and the Insurance Institute for Property Loss Reduction; and other efforts to prevent or reduce losses or reduce the cost of rebuilding after a disaster.

1129 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY AND STATEWIDE DRUG ABUSE PREVENTION PROGRAM
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 4,497,908

1130 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF HEALTH
FROM OPERATING TRUST FUND 588,828

In the event that the Building Permit Surcharge revenue collections are insufficient to fund the level of appropriation in Specific Appropriation 1130, this transfer shall be reduced proportionately.

1131 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY DEVELOPMENT CORPORATION GRANTS
FROM OPERATING TRUST FUND 800,000

1132 SPECIAL CATEGORIES
COMMUNITY DEVELOPMENT CORPORATION LOANS
FROM OPERATING TRUST FUND 1,500,000

Funds provided in Specific Appropriation 1132 shall be used for loans to expand the availability of affordable housing.

1133 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY SERVICES BLOCK GRANTS
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 12,291,783

1134 SPECIAL CATEGORIES
GRANTS AND AIDS - FARMWORKER EMERGENCY GRANT
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 100,000

1135 SPECIAL CATEGORIES
GRANTS AND AIDS - HOME ENERGY ASSISTANCE
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 21,900,000

1136 SPECIAL CATEGORIES
GRANTS AND AIDS - PROJECT DARE
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 508,302

1137 SPECIAL CATEGORIES
GRANTS AND AIDS - WEATHERIZATION GRANTS
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 4,684,957
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 2,760,591

1138 SPECIAL CATEGORIES
TRANSFER TO EXECUTIVE OFFICE OF THE GOVERNOR - GRANTS AND DONATIONS TRUST FUND
FROM OPERATING TRUST FUND 100,000

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1139 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 30,004
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND 16,590
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 9,759
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 45,397
FROM STATE HOUSING TRUST FUND 1,576
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 14,133
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 18,456
FROM OPERATING TRUST FUND 55,431

1140 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF COMMUNITY AFFAIRS OPERATING TRUST FUND
FROM GENERAL REVENUE FUND 800,000
FROM STATE HOUSING TRUST FUND 1,500,000

1141 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF COMMUNITY AFFAIRS HOUSING AND COMMUNITY DEVELOPMENT GRANTS AND DONATIONS TRUST FUND
FROM STATE HOUSING TRUST FUND 684,803

1142 SPECIAL CATEGORIES
GRANTS AND AID - RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM - LOCAL UNITS OF GOVERNMENT
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 486,796

1143 SPECIAL CATEGORIES
GRANTS AND AID - RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM - STATE AGENCY
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 747,848

1144 SPECIAL CATEGORIES
GRANTS AND AID - LOCAL LAW ENFORCEMENT BLOCK GRANT - LOCAL UNITS OF GOVERNMENT
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 526,770

1145 SPECIAL CATEGORIES
GRANTS AND AID - VIOLENT OFFENDER INCARCERATIONS AND TRUTH-IN- SENTENCING INCENTIVE PROGRAM - LOCAL UNITS OF GOVERNMENT
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 4,650,929

1146 SPECIAL CATEGORIES
GRANTS AND AID - VIOLENT OFFENDER INCARCERATIONS AND TRUTH-IN- SENTENCING INCENTIVE PROGRAM - STATE AGENCY
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 26,355,267

1147 SPECIAL CATEGORIES
GRANTS AND AID - VIOLENCE AGAINST WOMEN PROGRAM - STATE AND LOCAL UNITS OF GOVERNMENT, AND NON-PROFITS
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 5,093,900

1148 SPECIAL CATEGORIES
TRANSFER TO OFFICE OF THE SECRETARY
FROM OPERATING TRUST FUND 60,161

1148A FIXED CAPITAL OUTLAY
UNIVERSITY COMMUNITY CENTER
FROM GENERAL REVENUE FUND 1,000,000

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1149 FIXED CAPITAL OUTLAY
GRANTS AND AIDS - ENERGY EFFICIENCY PROJECTS
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 22,600,000

If revenue collections and deobligations provide less than the appropriated level, the department will pro-rate the amount provided for each project funded, unless reducing the project is not economically viable, as determined by the Secretary of the Department of Community Affairs. None of the funds provided in Specific Appropriation 1149 shall be used to contract with or be administered by Enterprise Florida.

From funds provided in Specific Appropriation 1149, $450,000 is to be used for the Electric to Natural Gas Energy Conversion Project in Hernando County.

From funds in Specific Appropriation 1149, $675,000 are to be provided in grants for Electrochromic Commercialization Projects.

1150 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
TRANSFER TO ECONOMIC OPPORTUNITY TRUST FUND
FROM STATE HOUSING TRUST FUND 2,000,000

1151 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - LOW INCOME EMERGENCY HOME REPAIR
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 2,500,000

1151A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - ENTERPRISE COMMUNITIES
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 7,521,654

HOUSING FINANCE AGENCY

1152 SALARIES AND BENEFITS POSITIONS 71
FROM STATE HOUSING TRUST FUND 756,501
FROM HOME PARTNERSHIP TRUST FUND 285,899
FROM HOUSING PREDEVELOPMENT TRUST FUND . . 109,903
FROM HOUSING FINANCE AGENCY TRUST FUND . . 1,963,745

1153 OTHER PERSONAL SERVICES
FROM HOUSING PREDEVELOPMENT TRUST FUND . . 75,000
FROM HOUSING FINANCE AGENCY TRUST FUND . . 1,291,000

1154 EXPENSES
FROM STATE HOUSING TRUST FUND 344,775
FROM HOME PARTNERSHIP TRUST FUND 9,482
FROM HOUSING PREDEVELOPMENT TRUST FUND . . 36,147
FROM HOUSING FINANCE AGENCY TRUST FUND . . 760,087

1155 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FEDERAL HOUSING PROGRAMS
FROM HOME PARTNERSHIP TRUST FUND 18,500,000

From funds provided in Specific Appropriation 1155, up to 10% may be used for program administration including, but not limited to, the following: credit underwriting services, appraisal reports, plan and cost review services, environmental surveys, federal labor standards compliance, federal environmental assessments, servicing fees, monitoring projects for compliance, and administrative costs (including salaries, expenses, accounting services). In the event that the full 10% is not expended for program administration, the remaining balance may be expended for HOME projects, and the budget realigned in accordance with Chapter 216, Florida Statutes.

1156 OPERATING CAPITAL OUTLAY
FROM HOUSING FINANCE AGENCY TRUST FUND . . 103,773

1157 SPECIAL CATEGORIES
ACCOUNTING SERVICES
FROM STATE HOUSING TRUST FUND 200,000
FROM HOUSING FINANCE AGENCY TRUST FUND . . 643,400

1158 SPECIAL CATEGORIES
CREDIT UNDERWRITING AND MONITORING
FROM HOUSING PREDEVELOPMENT TRUST FUND . . 15,000
FROM HOUSING FINANCE AGENCY TRUST FUND . . 2,308,835

1159 SPECIAL CATEGORIES
GRANTS AND AIDS - HOUSING ASSISTANCE PAYMENTS
FROM HOUSING FINANCE AGENCY TRUST FUND . . 10,992,388

1160 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM STATE HOUSING TRUST FUND 1,725
FROM HOME PARTNERSHIP TRUST FUND 863
FROM HOUSING FINANCE AGENCY TRUST FUND . . 4,600

1161 SPECIAL CATEGORIES
SERVICING AND TRUSTEE FEES
FROM HOUSING FINANCE AGENCY TRUST FUND . . 410,550

1162 SPECIAL CATEGORIES
STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM COMPLIANCE MONITORING
FROM STATE HOUSING TRUST FUND 200,000

1163 SPECIAL CATEGORIES
DATABASE MAINTENANCE
FROM HOUSING FINANCE AGENCY TRUST FUND . . 120,000

1164 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF CHILDREN AND FAMILIES (DCF) - HOMELESS PROGRAMS
FROM LOCAL GOVERNMENT HOUSING TRUST FUND . 900,000

1165 FIXED CAPITAL OUTLAY
DEBT SERVICE - LOAN GUARANTEE PROGRAM
FROM STATE HOUSING TRUST FUND 2,000,000

Funds provided in Specific Appropriation 1165 include Fiscal Year 1997-98 debt service on all Florida Affordable Housing Guarantee Program bonds. If the debt service varies due to a change in the revenue sources or other circumstances, there is hereby appropriated from the State Housing Trust Fund an amount sufficient to pay such debt service as required by the Florida Affordable Housing Guarantee Program. Furthermore, in the event the full amount of $2,000,000 in Specific Appropriation 1165 is not utilized to pay debt service, the remaining balance may be transferred to the SAIL Program, and the budget realigned in accordance with Chapter 216, Florida Statutes.

1166 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - HOUSING PREDEVELOPMENT ASSISTANCE
FROM STATE HOUSING TRUST FUND 1,000,000
FROM HOUSING PREDEVELOPMENT TRUST FUND . . 265,000

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In the event the full amount of $1,265,000 in Specific Appropriation 1166 is not utilized for administration of programs funded with documentary stamp tax revenues, the remaining balance may be transferred to the SAIL Program, and the budget realigned in accordance with Chapter 216, Florida Statutes.

1167 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
STATE HOUSING INITIATIVE PARTNERSHIP PROGRAM DISTRIBUTION TO LOCAL GOVERNMENTS
FROM LOCAL GOVERNMENT HOUSING TRUST FUND . 86,700,000

Counties and eligible municipalities receiving local housing distributions pursuant to section 420.9073, Florida Statutes, and funded with Specific Appropriation 1167 shall give preference in bidding contracts to those vendors who provide employment opportunities to clients of Workforce Development Initiatives and the WAGES Program.

1168 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - HOME OWNERSHIP ASSISTANCE PROGRAM
FROM STATE HOUSING TRUST FUND 3,000,000
FROM FLORIDA HOMEOWNERSHIP ASSISTANCE TRUST FUND 550,000

In the event the full amount of $3,550,000 in Specific Appropriation 1168 is not utilized for administration of programs funded with documentary stamp tax revenues, the remaining balance may be transferred to the SAIL Program, and the budget realigned in accordance with Chapter 216, Florida Statutes.

1169 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - HOME PROGRAM MATCHING FUNDS
FROM STATE HOUSING TRUST FUND 1,500,000

In the event the full amount of $1,500,000 in Specific Appropriation 1169 is not utilized for administration of programs funded with documentary stamp tax revenues, the remaining balance may be transferred to the SAIL Program, and the budget realigned in accordance with Chapter 216, Florida Statutes.

1170 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - STATE APARTMENT INCENTIVE LOAN PROGRAM
FROM STATE HOUSING TRUST FUND 24,230,629
FROM STATE APARTMENT INCENTIVE LOAN TRUST FUND 5,000,000

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

ADMINISTRATIVE AND TECHNICAL SERVICES, DIVISION OF

1171 SALARIES AND BENEFITS POSITIONS 610
FROM GENERAL REVENUE FUND 7,108,471
FROM ADMINISTRATIVE TRUST FUND 9,990,706
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 3,089,725
FROM INLAND PROTECTION TRUST FUND 80,180
FROM GRANTS AND DONATIONS TRUST FUND . . . 217,910
FROM LAND ACQUISITION TRUST FUND 1,171,800
FROM MINERALS TRUST FUND 1,087,677
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND 379,592
FROM PERMIT FEE TRUST FUND 159,422
FROM WATER QUALITY ASSURANCE TRUST FUND . 854
FROM WORKING CAPITAL TRUST FUND 3,194,685

1172 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 79,500
FROM ADMINISTRATIVE TRUST FUND 388,659
FROM AIR POLLUTION CONTROL TRUST FUND . . 7,200
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 1,161,340
FROM COASTAL PROTECTION TRUST FUND 9,000
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 520,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 731,270
FROM LAND ACQUISITION TRUST FUND 625,600
FROM MINERALS TRUST FUND 14,326
FROM WATER QUALITY ASSURANCE TRUST FUND . 46,800
FROM WORKING CAPITAL TRUST FUND 376,000

1173 EXPENSES
FROM GENERAL REVENUE FUND 1,936,185
FROM ADMINISTRATIVE TRUST FUND 4,997,815
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 1,009,791
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 6,349
FROM GRANTS AND DONATIONS TRUST FUND . . . 318,885
FROM LAND ACQUISITION TRUST FUND 445,798
FROM MINERALS TRUST FUND 158,864
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND 68,250
FROM WORKING CAPITAL TRUST FUND 1,661,898
FROM CROSS FLORIDA BARGE CANAL TRUST FUND 16,306

1174 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SUWANNEE RIVER WATER MANAGEMENT DISTRICT OPERATIONS
FROM GENERAL REVENUE FUND 817,219

1174A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PAYMENTS TO COUNTIES FOR CROSS FLORIDA BARGE CANAL LANDS
FROM GENERAL REVENUE FUND 5,000,000

Funds provided in Specific Appropriation 1174A are to be used to pay back those monies owed by the state to Duval County for lands impacted by the Cross Florida Barge Canal.

1175 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NW FLORIDA WATER MANAGEMENT DISTRICT OPERATIONS
FROM GENERAL REVENUE FUND 1,099,922

1176 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - WATER MANAGEMENT DISTRICTS - WETLANDS PROTECTION
FROM GENERAL REVENUE FUND 547,000

1177 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 436,018
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 350,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 51,330
FROM LAND ACQUISITION TRUST FUND 9,000
FROM MINERALS TRUST FUND 25,222
FROM WORKING CAPITAL TRUST FUND 110,000

1178 SPECIAL CATEGORIES
GROUND WATER QUALITY MONITORING NETWORK
FROM WATER QUALITY ASSURANCE TRUST FUND . 125,000

1179 SPECIAL CATEGORIES
WATER MANAGEMENT DISTRICTS LABORATORY SUPPORT
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 901,526

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1180 SPECIAL CATEGORIES
EVERGLADES LAB SUPPORT
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 494,180

1181 SPECIAL CATEGORIES
TRANSFER TO FLORIDA GAME AND FRESH WATER FISH COMMISSION/ ENVIRONMENTAL EDUCATION GRANT ADMINISTRATION
FROM SAVE THE MANATEE TRUST FUND 1,154,000

1182 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 57,745
FROM ADMINISTRATIVE TRUST FUND 479,534

1184 SPECIAL CATEGORIES
GULF STATES MARINE FISHERIES
FROM GENERAL REVENUE FUND 22,500

1185 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 447,000

1185A SPECIAL CATEGORIES
WATERWAY MANAGEMENT AND CHANNEL MARKING - MONROE COUNTY
FROM LAND ACQUISITION TRUST FUND 100,000

1186 SPECIAL CATEGORIES
MANAGEMENT OF WATER CONTROL STRUCTURES
FROM CROSS FLORIDA BARGE CANAL TRUST FUND 200,000

1187 SPECIAL CATEGORIES
NATURAL AREAS INVENTORY
FROM WORKING CAPITAL TRUST FUND 445,895

1188 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 48,065
FROM ADMINISTRATIVE TRUST FUND 58,862
FROM LAND ACQUISITION TRUST FUND 17,766

1189 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 5,435

1190 SPECIAL CATEGORIES
UNDERGROUND STORAGE TANK CLEANUP
FROM INLAND PROTECTION TRUST FUND 107,407

1191 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM WORKING CAPITAL TRUST FUND 1,035,799

1192 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER
FROM GENERAL REVENUE FUND 113,430
FROM ADMINISTRATIVE TRUST FUND 3,902

1193 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM WORKING CAPITAL TRUST FUND 811,700

1193A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 30,282
FROM ADMINISTRATIVE TRUST FUND 90,843

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1194 PAYMENTS FOR CLAIMS BILLS AND RELIEF ACTS
RELIEF - JAMES CONSIDDER
FROM ADMINISTRATIVE TRUST FUND 60,637

1195 FIXED CAPITAL OUTLAY
ACQUISITION OF RAILROAD RIGHTS OF WAY
FROM FLORIDA PRESERVATION 2000 TRUST FUND 3,640,000

1196 FIXED CAPITAL OUTLAY
SURFACE WATER IMPROVEMENT PROJECT
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 6,000,000

Funds provided in Specific Appropriation 1196 are based on a transfer of funds from the Solid Waste Management Trust Fund, contingent upon legislation becoming law that amends s. 212.20, Florida Statutes, to allow appropriation of funds for this purpose.

From funds in Specific Appropriation 1196, $280,000 is provided for the restoration and enhancement of Biscayne Bay and the Miami River.

From funds in Specific Appropriation 1196, $500,000 is provided to the St. Lucie River Initiative, Inc. for the restoration and enhancement of the St. Lucie River.

From funds in Specific Appropriation 1196, $500,000 is provided to the St. Lucie County Port and Airport Authority for the restoration and enhancement of the Indian River Lagoon and Taylor Creek.

From funds in Specific Appropriation 1196, $525,000 is provided for the Guana Basin Renovation Program, $100,000 is provided for the North Fork of the New River Restoration project, and $1,000,000 is provided for Biscayne Bay Remediation related to the Homestead Air Force Base.

The remaining funds in Specific Appropriation 1196 are provided to the Department of Environmental Protection for distribution to the water management districts based on the department's prioritization of the surface water improvement and management plans.

1200A FIXED CAPITAL OUTLAY
REPAIRS AND MAINTENANCE OF INGLIS LOCK
FROM LAND ACQUISITION TRUST FUND 875,000

1203 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - TRANSPORTATION MITIGATION PROJECTS
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 6,095,546

Funds provided in Specific Appropriation 1203 shall be used to mitigate Department of Transportation construction projects. In the event that surplus funds are available after the proper mitigation activities have taken place, then the control and maintenance of aquatic plants shall receive first priority for these funds, pursuant to s. 373.4137(9), Florida Statutes.

1203A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
BROWARD ENVIRONMENTAL/EDUCATION PARK
FROM LAND ACQUISITION TRUST FUND 500,000

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1203B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
SISTERS CREEK MARINA
FROM LAND ACQUISITION TRUST FUND 500,000

1203C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
PEACE RIVER LINEAR PARK
FROM GENERAL REVENUE FUND 100,000

1203D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
OPA LOCKA PARK IMPROVEMENTS
FROM GENERAL REVENUE FUND 100,000

1203E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
DUNE WALKOVERS/MINI-PARK DEVELOPMENT - VOLUSIA COUNTY
FROM GENERAL REVENUE FUND 500,000

1203F GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
BREVARD COMMUNITY IMPROVEMENT PROGRAM
FROM GENERAL REVENUE FUND 234,540

1203G GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
OAK HAMMOCK PARK SITE DEVELOPMENT/ IMPROVEMENTS
FROM LAND ACQUISITION TRUST FUND 750,000

1203H GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
MIAMI SHORES VILLAGE - COMMUNITY PARK
FROM GENERAL REVENUE FUND 180,000

1203I GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
WHISPERING PINES PARK IMPROVEMENTS
FROM LAND ACQUISITION TRUST FUND 100,000

1203J GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
RAILS TO TRAILS STUDY - KEY WEST TO FLORIDA CITY
FROM LAND ACQUISITION TRUST FUND 30,000

1203K GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
LITTLE WEKIVA RIVER RESTORATION
FROM GENERAL REVENUE FUND 1,000,000

Funds in Specific Appropriation 1203K are provided to the St. Johns River Water Management District for fiscal year 1997-98 for continuation of the design and implementation of a basin-wide management plan, including projects to restore, protect and preserve the ecological integrity of the Little Wekiva River in Seminole and Orange Counties, to include projects for erosion control and stormwater retrofits where erosion or stormwater is causing, or is likely to lead to adverse environmental impacts including sedimentation; and projects for restoration of areas where sedimentation is causing, or is likely to lead to, adverse environmental impacts. This management plan shall give first priority to implementing the potential projects identified by the Little Wekiva Technical Working Group.

STATE LANDS, DIVISION OF

1204 SALARIES AND BENEFITS POSITIONS 143
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 1,379,176
FROM FORFEITED PROPERTY TRUST FUND 107,804
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 4,569,173
FROM WATER MANAGEMENT LANDS TRUST FUND . . 45,767

From funds provided in Specific Appropriation 1204 the Department of Environmental Protection and the Water Management Districts are directed to develop a plan for phasing out the Preservation 2000 Land Acquisition Program. This plan should include a land management strategy and must be provided to the Legislature on or before October 1997.

1205 OTHER PERSONAL SERVICES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 983,478
FROM FORFEITED PROPERTY TRUST FUND 91,030
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 1,407,345

1206 EXPENSES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 907,807
FROM FORFEITED PROPERTY TRUST FUND 325,191
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 1,153,582
FROM WATER MANAGEMENT LANDS TRUST FUND . . 6,960

1208 OPERATING CAPITAL OUTLAY
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 249,568
FROM FORFEITED PROPERTY TRUST FUND 717
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 156,841

1209 SPECIAL CATEGORIES
NATIONAL OCEAN SURVEY
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 56,000

1210 SPECIAL CATEGORIES
RICO ACT- DISTRIBUTION OF PROCEEDS FROM PROPERTY SALES
FROM FORFEITED PROPERTY TRUST FUND 757,586

1211 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 42,021

1211A SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 1,000,000

1212 SPECIAL CATEGORIES
TOPOGRAPHIC MAPPING
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 200,000
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 200,000

1213 SPECIAL CATEGORIES
PAYMENT IN LIEU OF TAXES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 2,178,750

From the funds provided in Specific Appropriation 1213, $355,000 shall be provided to Glades County to offset ad valorem tax revenues related to opening of privately-owned and operated prisons leased to the state. These funds are contingent on legislation becoming law which authorizes the use of Payment in Lieu of Taxes funds for this purpose.

1214 SPECIAL CATEGORIES
INTERIM LAND MANAGEMENT OF CONSERVATION AND RECREATION LANDS PROGRAM
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 4,058,308

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1215 SPECIAL CATEGORIES
TRANSFER - DIVISION OF FORESTRY INCIDENTAL TRUST FUND
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 4,258,919

1216 SPECIAL CATEGORIES
TRANSFER TO GAME AND FRESH WATER FISH COMMISSION FOR MANAGEMENT OF CARL LANDS
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 4,527,125

1219 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF STATE FOR GRANTS AND DONATIONS TRUST FUND
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 1,622,770

1220 SPECIAL CATEGORIES
WATER MANAGEMENT DISTRICT PROPERTY TAXES
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 50,000

1221 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 776,532
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 489,189

1221A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 8,000
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 7,650

1222 FIXED CAPITAL OUTLAY
AID TO WATER MANAGEMENT DISTRICTS - LAND ACQUISITION
FROM FLORIDA PRESERVATION 2000 TRUST FUND 84,000,000
FROM WATER MANAGEMENT LANDS TRUST FUND . . 40,000,000

1222A FIXED CAPITAL OUTLAY
CASCADES PARK - SITE CONTAMINATION ASSESSMENT
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 100,000

1223 FIXED CAPITAL OUTLAY
LAND ACQUISITION, ENVIRONMENTALLY ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS, STATEWIDE
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 22,000,000
FROM FLORIDA PRESERVATION 2000 TRUST FUND 140,000,000

1224 FIXED CAPITAL OUTLAY
EVERGLADES LAND ACQUISITION
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 11,415,303

1225 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM LAND ACQUISITION TRUST FUND 187,202,863

Funds provided in Specific Appropriation 1225 from the Land Acquisition Trust Fund are for Fiscal Year 1997-98 debt service on outstanding "Preservation 2000" bonds sold prior to July 1, 1997, and for Fiscal Year 1997-98 debt service on outstanding "Save Our Coast" and Conservation and Recreational Land bonds. These funds may be used to refinance any or all series if it is in the best interest of the state as determined by the Division of Bond Finance. If the debt service varies due to a change in the interest rate, timing of issuance, or other circumstances, there is hereby appropriated from the Land Acquisition Trust Fund an amount sufficient to pay such debt service.

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1226 FIXED CAPITAL OUTLAY
DEBT SERVICE - PRESERVATION 2000 BONDS - NEW SERIES
FROM LAND ACQUISITION TRUST FUND 5,000,000

Funds provided in Specific Appropriation 1226 are for the first year of debt service for the eighth series of Preservation 2000 bonds.

1226A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
LAKE APOPKA LAND AND FACILITY ACQUISITION
FROM GENERAL REVENUE FUND 25,000,000
FROM FLORIDA PRESERVATION 2000 TRUST FUND 20,000,000

Funds in Specific Appropriation 1226A from the Florida Preservation 2000 Trust Fund are contingent on legislation becoming law that provides this allocation from Preservation 2000 bond proceeds.

DISTRICT OFFICES

1227 SALARIES AND BENEFITS POSITIONS 796
FROM GENERAL REVENUE FUND 14,494,459
FROM ADMINISTRATIVE TRUST FUND 282,191
FROM AIR POLLUTION CONTROL TRUST FUND . . 4,055,482
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 190,867
FROM INLAND PROTECTION TRUST FUND 2,075,185
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,530,477
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 998,166
FROM PERMIT FEE TRUST FUND 4,521,829
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 1,206,358
FROM WATER QUALITY ASSURANCE TRUST FUND . 4,341,117

1228 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 128,564
FROM AIR POLLUTION CONTROL TRUST FUND . . 197,346
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 35,000
FROM INLAND PROTECTION TRUST FUND 110,000
FROM WATER QUALITY ASSURANCE TRUST FUND . 20,459

1229 EXPENSES
FROM GENERAL REVENUE FUND 1,688,649
FROM ADMINISTRATIVE TRUST FUND 547,374
FROM AIR POLLUTION CONTROL TRUST FUND . . 595,348
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 528,843
FROM INLAND PROTECTION TRUST FUND 261,894
FROM GRANTS AND DONATIONS TRUST FUND . . . 194,558
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 220,757
FROM PERMIT FEE TRUST FUND 349,154
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 142,410
FROM WATER QUALITY ASSURANCE TRUST FUND . 1,269,484

1230 AID TO LOCAL GOVERNMENTS
TRANSFER TO ST. LUCIE COUNTY
FROM GRANTS AND DONATIONS TRUST FUND . . . 600,000

1231 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 9,497
FROM ADMINISTRATIVE TRUST FUND 23,605
FROM AIR POLLUTION CONTROL TRUST FUND . . 131,076
FROM INLAND PROTECTION TRUST FUND 50,000
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 81,225

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1232 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	34,257	
FROM INLAND PROTECTION TRUST FUND		100,000
1233 SPECIAL CATEGORIES		
HAZARDOUS WASTE CLEANUP		
FROM WATER QUALITY ASSURANCE TRUST FUND .		922,491

Funds in Specific Appropriation 1233 include an $851,397 reappropriation for the Munisport Landfill Superfund Site.

1235 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	58,664	
FROM ADMINISTRATIVE TRUST FUND		31,011
FROM AIR POLLUTION CONTROL TRUST FUND . .		13,573
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		13,898
FROM INLAND PROTECTION TRUST FUND		3,912
FROM GRANTS AND DONATIONS TRUST FUND . . .		5,588
FROM PERMIT FEE TRUST FUND		7,364
FROM WATER QUALITY ASSURANCE TRUST FUND .		15,451
1236 SPECIAL CATEGORIES		
RESEARCH, DEVELOPMENT AND TECHNICAL ASSISTANCE - WASTE TIRE ABATEMENT PROGRAM		
FROM SOLID WASTE MANAGEMENT TRUST FUND . .		14,000
1237 DATA PROCESSING SERVICES		
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER		
FROM GENERAL REVENUE FUND	375,147	
FROM AIR POLLUTION CONTROL TRUST FUND . .		185,204
FROM INLAND PROTECTION TRUST FUND		105,413
FROM SOLID WASTE MANAGEMENT TRUST FUND . .		79,108
1237A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	25,292	
FROM AIR POLLUTION CONTROL TRUST FUND . .		19,391
FROM INLAND PROTECTION TRUST FUND		11,803
FROM SOLID WASTE MANAGEMENT TRUST FUND . .		8,431
FROM WATER QUALITY ASSURANCE TRUST FUND .		19,390
1238 FIXED CAPITAL OUTLAY		
POLLUTION RESTORATION PROJECTS/CAPITAL OUTLAY		
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		1,500,000
1238A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS		
HERNANDO BEACH CHANNEL - PHYSICAL SURVEY		
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		100,000

MARINE RESOURCES, DIVISION OF

1239 SALARIES AND BENEFITS POSITIONS	377	
FROM GENERAL REVENUE FUND	4,894,332	
FROM COASTAL PROTECTION TRUST FUND		148,720
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		665,418
FROM MARINE RESOURCES CONSERVATION TRUST FUND		8,084,079
FROM SAVE THE MANATEE TRUST FUND		1,371,825
1240 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	368,553	
FROM COASTAL PROTECTION TRUST FUND		410,000
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		389,443
FROM GRANTS AND DONATIONS TRUST FUND . . .		503,524
FROM MARINE RESOURCES CONSERVATION TRUST FUND		3,428,233
FROM SAVE THE MANATEE TRUST FUND		1,826,383

From funds provided in Specific Appropriation 1240 from the Save the Manatee Trust Fund, $100,000 shall be used by the Department of Environmental Protection to engage an independent third party testing laboratory or otherwise qualified contractor to conduct a study to determine whether existing devices are available for vessels, including inboards and outboards, that would reduce manatee mortality and injury from impact and/or propellers, while at the same time providing protection for boaters, skiers, and swimmers. Test results shall include the effects of the device on the normal operations of vessels and their motors and other relevant factors related to vessel performance such as maneuverability, vessel stability and fuel economy. The study should take into account such factors as how the devices perform during test strikes at various angles, effects of striking submerged objects, and encountering aquatic weeds when the devices would be used in freshwater. Test results also shall be evaluated with respect to international guarding, standards and results of the U.S. Coast Guard Propeller Guard Study presently underway.

Should the results of the study indicate that devices exist which will likely reduce manatee injuries and deaths and not increase the overall risks to boaters, skiers, and swimmers, or unreasonably affect the normal operations of vessels and their motors, then the department is directed to pursue such measures as are appropriate to encourage their voluntary utilization by boaters.

1241 EXPENSES		
FROM GENERAL REVENUE FUND	888,608	
FROM COASTAL PROTECTION TRUST FUND		250,230
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		435,815
FROM GRANTS AND DONATIONS TRUST FUND . . .		165,560
FROM MARINE RESOURCES CONSERVATION TRUST FUND		4,798,972
FROM SAVE THE MANATEE TRUST FUND		682,916
1242 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	167,608	
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		106,547
FROM GRANTS AND DONATIONS TRUST FUND . . .		202,014
FROM MARINE RESOURCES CONSERVATION TRUST FUND		345,271
FROM SAVE THE MANATEE TRUST FUND		141,000
1242A SPECIAL CATEGORIES		
AQUATIC RESOURCES EDUCATION		
FROM MARINE RESOURCES CONSERVATION TRUST FUND		400,000
1243 SPECIAL CATEGORIES		
INTERIM MANAGEMENT OF PROPERTIES ACQUIRED UNDER THE CONSERVATION AND RECREATION LANDS (C.A.R.L.) PROGRAM		
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		19,926
1244 SPECIAL CATEGORIES		
OYSTER PLANTING		
FROM GENERAL REVENUE FUND	350,000	

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FROM MARINE RESOURCES CONSERVATION TRUST FUND		104,400
1245 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	110,332	
FROM COASTAL PROTECTION TRUST FUND		1,916
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		11,497
FROM MARINE RESOURCES CONSERVATION TRUST FUND		91,517
FROM SAVE THE MANATEE TRUST FUND		21,078
1246 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM MARINE RESOURCES CONSERVATION TRUST FUND		1,248
1248 DATA PROCESSING SERVICES		
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER		
FROM GENERAL REVENUE FUND	525,540	
FROM MARINE RESOURCES CONSERVATION TRUST FUND		247,927
1248A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM MARINE RESOURCES CONSERVATION TRUST FUND		24,917
FROM SAVE THE MANATEE TRUST FUND		16,267
1249 FIXED CAPITAL OUTLAY		
MAINTENANCE, REPAIRS AND CONSTRUCTION - STATEWIDE		
FROM MARINE RESOURCES CONSERVATION TRUST FUND		980,812
1250 FIXED CAPITAL OUTLAY		
DEMOLITION OF BUILDING C - FLORIDA MARINE RESEARCH INSTITUTE - DMS MGD		
FROM GENERAL REVENUE FUND	278,400	
1251 FIXED CAPITAL OUTLAY		
PUMKIN HILL ST BUFFER PRESERVE FACILITY		
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		25,500
1252 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS		
ARTIFICIAL FISHING REEF CONSTRUCTION PROGRAM		
FROM MARINE RESOURCES CONSERVATION TRUST FUND		600,000
1253A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS		
LOWRY PARK ZOO		
FROM SAVE THE MANATEE TRUST FUND		50,000

WATER FACILITIES, DIVISION OF

1254 SALARIES AND BENEFITS POSITIONS	317	
FROM GENERAL REVENUE FUND	3,964,594	
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		276,775
FROM GRANTS AND DONATIONS TRUST FUND		4,865,460
FROM INTERNAL IMPROVEMENT TRUST FUND		477,241
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		1,908,828
FROM PERMIT FEE TRUST FUND		679,276
FROM WATER QUALITY ASSURANCE TRUST FUND		2,521,501

From the funds provided in Specific Appropriation 1254, the department shall prepare a study which identifies potential dedicated funding sources for beach management, consistent with the expressed legislative intent to fully fund the state's beach management plan in order to save Florida's critically-eroding beaches. The study shall be prepared in consultation with the Executive Office of the Governor, the Senate Ways and Means Committee, and the House Fiscal Responsibility Council, and shall be completed no later than January 1, 1998.

1255 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	660,453	
FROM GRANTS AND DONATIONS TRUST FUND		101,408
FROM INTERNAL IMPROVEMENT TRUST FUND		40,000
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		145,479
FROM WATER QUALITY ASSURANCE TRUST FUND		830,971
1256 EXPENSES		
FROM GENERAL REVENUE FUND	721,314	
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		64,615
FROM GRANTS AND DONATIONS TRUST FUND		160,014
FROM INTERNAL IMPROVEMENT TRUST FUND		37,284
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		548,280
FROM PERMIT FEE TRUST FUND		708,669
FROM WATER QUALITY ASSURANCE TRUST FUND		541,445
1257 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - SUWANNEE RIVER WATER MANAGEMENT DISTRICT - ENVIRONMENTAL RESOURCE PERMITTING		
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		453,000
1258 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - WATER MANAGEMENT DISTRICT PERMITTING ASSISTANCE		
FROM PERMIT FEE TRUST FUND		250,000
1260 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	167,411	
FROM GRANTS AND DONATIONS TRUST FUND		225,695
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		110,809
FROM PERMIT FEE TRUST FUND		60,000
1261 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GRANTS AND DONATIONS TRUST FUND		200,000
1262 SPECIAL CATEGORIES		
GROUND WATER QUALITY MONITORING NETWORK		
FROM WATER QUALITY ASSURANCE TRUST FUND		1,299,027
1263 SPECIAL CATEGORIES		
WATER QUALITY MANAGEMENT/PLANNING GRANTS		
FROM GRANTS AND DONATIONS TRUST FUND		6,573,925
1263A SPECIAL CATEGORIES		
JURISDICTIONAL DETERMINATION GRANTS/MINE PERMITS		
FROM GRANTS AND DONATIONS TRUST FUND		100,000
1264 SPECIAL CATEGORIES		
HAZARDOUS WASTE CLEANUP		
FROM WATER QUALITY ASSURANCE TRUST FUND		2,550,000
1265 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	91,793	

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FROM GRANTS AND DONATIONS TRUST FUND . . . 8,601
FROM PERMIT FEE TRUST FUND 8,601
FROM WATER QUALITY ASSURANCE TRUST FUND . 8,603

1266 SPECIAL CATEGORIES
TRANSFER TO HEALTH AND REHABILITATIVE SERVICES FOR STATE UNDERGROUND PETROLEUM ENVIRONMENTAL RESPONSE ACT
FROM INLAND PROTECTION TRUST FUND 1,285,197

1267 SPECIAL CATEGORIES
U.S. GEOLOGIC SURVEY COOPERATIVE AGREEMENT
FROM GRANTS AND DONATIONS TRUST FUND . . . 78,500
FROM WATER QUALITY ASSURANCE TRUST FUND . 214,897

1268 SPECIAL CATEGORIES
UNDERGROUND STORAGE TANK CLEANUP
FROM INLAND PROTECTION TRUST FUND 700,000

1269 SPECIAL CATEGORIES
WATER WELL CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 1,889,202

1269A SPECIAL CATEGORIES
TRANSFER TO INSTITUTE OF FOOD AND AGRICULTURE SCIENCES (IFAS) - LAKEWATCH
FROM WATER QUALITY ASSURANCE TRUST FUND . 310,000

Funds in Specific Appropriation 1269A are provided to support the Lakewatch Program at the Institute of Food and Agricultural Sciences. These funds shall be advanced in total.

1270 SPECIAL CATEGORIES
WETLANDS PROTECTION
FROM GRANTS AND DONATIONS TRUST FUND . . . 534,582

1271 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER
FROM GENERAL REVENUE FUND 80,716
FROM GRANTS AND DONATIONS TRUST FUND . . . 172,442
FROM PERMIT FEE TRUST FUND 850,127
FROM WATER QUALITY ASSURANCE TRUST FUND . 984,778

1271A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 5,046
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 2,163
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND 4,901
FROM WATER QUALITY ASSURANCE TRUST FUND . 20,616

1272 FIXED CAPITAL OUTLAY
NON-MANDATORY LAND RECLAMATION PROJECTS
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND 12,000,000

1272A FIXED CAPITAL OUTLAY
MITIGATION - POLK COUNTY PARKWAY
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 105,420

1272B FIXED CAPITAL OUTLAY
HURRICANE OPAL - DUNE AND BEACH RECOVERY
FROM GRANTS AND DONATIONS TRUST FUND . . . 14,100,000

Funds provided in Specific Appropriation 1272B represent federal reimbursements to the state or local government sponsors for post Hurricane Opal beach nourishment, shore protection, or marine debris removal activities and shall be deposited in the Grants and Donations Trust Fund and used as the 1996 Legislature provided, for continued implementation of the "Hurricane Opal Post Storm Beach and Dune Recovery Strategic Management Plan" until completed or funding is exhausted.

1273 FIXED CAPITAL OUTLAY
BEACH PROJECTS - STATEWIDE
FROM GENERAL REVENUE FUND 6,845,197
FROM COASTAL PROTECTION TRUST FUND 11,180,289
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,822,400

Funds in Specific Appropriation 1273 from the General Revenue Fund are provided for the following projects:

Statewide Inlet Sand Transfer/ Inlet Management.....$1,250,000
Blind Pass Inlet Management Plan Implementation.....562,500
Broward County Beach Nourishment.....5,032,697

Funds in Specific Appropriation 1273 from the Coastal Protection Trust Fund are contingent on legislation becoming law which authorizes the use of Coastal Protection Trust Funds for this purpose. Funding is provided for the following projects:

Sand Key Phase IV Restoration/Nourishment..$449,378
Port Canaveral Inlet Management Implementation..... 286,500
Ft. Pierce Inlet Management Plan Implementation.....4,012,750
Boca Raton Inlet Management Plan Implementation.....184,250
Bal Harbor/Sunny Isle/Golden Beach Nourishment..... 1,288,665
Lido Key Beach Nourishment.....863,625
North Treasure Island Beach Nourishment.....521,650
Martin County Four Mile Beach Restoration...461,861
St. Lucie Inlet Management Plan Implementation.....1,250,000
Orange Ridge/Jupiter/Carlin Beach Restoration.....490,501
Ponce DeLeon Inlet Management Plan.....197,509
Smathers Beach Nourishment.....1,173,600

Funds in Specific Appropriation 1273 from the Grants and Donations Trust Fund reflect the transfer of mitigation funds from the Florida Hurricane Catastrophe Fund pursuant to section 215.555 (7)(c), Florida Statutes. The legislature finds that dune restoration is an integral component both of reducing potential losses in the event of a hurricane and of protecting local infrastructure from potential damage from a hurricane. Funding is provided for the following projects:

Palm Beach/South Palm Beach/Lantana Dune Restoration.....$511,550
Brevard County Dune Restoration.....457,537
Crandon Park Dune Restoration.....237,500
Riviera Beach Dune Restoration.....135,500
Seventh Beach Dune Protection.....65,313
Brevard County Shore Protection Design.....250,000
Miami Beach Erosion Emergency Rescue.....250,000
Singer Island Shore Protection.....915,000

1274 FIXED CAPITAL OUTLAY
WASTEWATER TREATMENT FACILITY CONSTRUCTION
FROM GENERAL REVENUE FUND 9,000,000
FROM WASTEWATER TREATMENT AND STORMWATER MANAGEMENT REVOLVING LOAN TRUST FUND . . 111,500,000

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From funds provided in Specific Appropriation 1274, $2,000,000 from the Wastewater Treatment and Stormwater Management Revolving Loan Trust Fund is provided for a Walton County Wastewater Treatment Facility.

1275 FIXED CAPITAL OUTLAY
DRINKING WATER FACILITY CONSTRUCTION - STATE REVOLVING LOAN
FROM GENERAL REVENUE FUND 7,000,000
FROM DRINKING WATER REVOLVING LOAN TRUST FUND 42,000,000

1276 FIXED CAPITAL OUTLAY
KEYS WASTEWATER MANAGEMENT PLAN IMPLEMENTATION
FROM GENERAL REVENUE FUND 100,000

Funds in Specific Appropriation 1276 are provided for wastewater treatment grants to Monroe County to assist low income residents in replacing illegal or inadequate onsite wastewater treatment systems. These funds are to be matched 100% by Monroe County. The county shall work with the Executive Office of the Governor, the Department of Health/Monroe County Public Health Unit, and the Department of Environmental Protection to establish specific criteria for the use of these funds.

1277 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AID - NON-POINT SOURCE (NPS) MANAGEMENT PLANNING GRANTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,000,000

1277A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
SMALL COUNTY WASTEWATER TREATMENT GRANTS
FROM GENERAL REVENUE FUND 6,850,000

Funds in Specific Appropriation 1277A are provided for water system and waste water treatment system grants to the following municipalities:

Lake Weir Water/Wastewater System.....$550,000
City of Carrabelle Wastewater Collection System.....700,000
Suwannee Wastewater Improvement Project.....575,000
City of Gretna Wastewater Treatment Facility.900,000
White Springs Wastewater Management System...900,000
Lee Water System-Pretreatment Process.....400,000
City of East Palatka Wastewater Treatment....900,000
City of West Miami.....225,000
Okeechobee/Glades County Wastewater Treatment System.....900,000
Everglades City Wastewater Treatment System..800,000

1277B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
REST PARK IMPROVEMENTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 150,000

WASTE MANAGEMENT, DIVISION OF

1278 SALARIES AND BENEFITS POSITIONS 259
FROM INLAND PROTECTION TRUST FUND 3,923,290
FROM GRANTS AND DONATIONS TRUST FUND . . . 826,472
FROM PERMIT FEE TRUST FUND 59,667
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 1,931,131
FROM WATER QUALITY ASSURANCE TRUST FUND . 4,157,101

1279 OTHER PERSONAL SERVICES
FROM INLAND PROTECTION TRUST FUND 23,780

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FROM GRANTS AND DONATIONS TRUST FUND . . . 498,242
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 75,000
FROM WATER QUALITY ASSURANCE TRUST FUND . 12,000

1280 EXPENSES
FROM INLAND PROTECTION TRUST FUND 617,736
FROM GRANTS AND DONATIONS TRUST FUND . . . 569,365
FROM PERMIT FEE TRUST FUND 199,657
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 340,130
FROM WATER QUALITY ASSURANCE TRUST FUND . 360,630

1281 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LOCAL HAZARDOUS WASTE COLLECTION
FROM WATER QUALITY ASSURANCE TRUST FUND . 600,000

1282 AID TO LOCAL GOVERNMENTS
PETROLEUM TANKS CLEANUP - ADVANCE WORKING CAPITAL
FROM INLAND PROTECTION TRUST FUND 6,000,000

1283 OPERATING CAPITAL OUTLAY
FROM INLAND PROTECTION TRUST FUND 36,444
FROM GRANTS AND DONATIONS TRUST FUND . . . 72,500
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 61,292
FROM WATER QUALITY ASSURANCE TRUST FUND . 61,292

1283A LUMP SUM
BROWNFIELDS REDEVELOPMENT ACT
POSITIONS 7
FROM GENERAL REVENUE FUND 485,000

Funds in Specific Appropriation 1283A are contingent on Senate Bill 1306 or similar legislation becoming law.

1284 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM WATER QUALITY ASSURANCE TRUST FUND . 12,011

1285 SPECIAL CATEGORIES
STORAGE TANK COMPLIANCE VERIFICATION
FROM INLAND PROTECTION TRUST FUND 8,000,000

1286 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF TRANSPORTATION FOR ADOPT-A-HIGHWAY PROGRAM
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 100,000

1287 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES FOR BIOMEDICAL WASTE REGULATION
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 880,000

1288 SPECIAL CATEGORIES
GRANTS AND AIDS - KEEP FLORIDA BEAUTIFUL INCORPORATED
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 150,000

1289 SPECIAL CATEGORIES
DEMONSTRATION PROJECT FOR RECYCLING MERCURY-CONTAINING DEVICES
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 100,000

1290 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 6,327,514

1291 SPECIAL CATEGORIES
HAZARDOUS WASTE SITES RESTORATION
FROM WATER QUALITY ASSURANCE TRUST FUND . 2,000,000

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1292 SPECIAL CATEGORIES
RECYCLING MARKET DEVELOPMENT
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 200,000

1293 SPECIAL CATEGORIES
INLAND PROTECTION FINANCING CORPORATION
FROM INLAND PROTECTION TRUST FUND 65,000,000

Funds in Specific Appropriation 1293 which are not needed for debt service payments due to the timing of the bond sale in FY 1997-98 shall be transferred to Specific Appropriation 1305, Underground Storage Tank Cleanup, to provide additional funds for priority cleanup sites in accordance with the budget amendment provisions in Chapter 216, Florida Statutes.

1294 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF TRANSPORTATION/
RESEARCH AND DEMONSTRATION PROJECTS
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 150,000

1295 SPECIAL CATEGORIES
POLLUTION RESTORATION CONTRACTS
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 200,000

1296 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF AGRICULTURE AND
CONSUMER SERVICES - MOSQUITO CONTROL
PROGRAM
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 2,278,598

1297 SPECIAL CATEGORIES
DRYCLEANING CONTAMINATION CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 10,000,000

Funds in Specific Appropriation 1297 shall only be used to continue site rehabilitation as defined in s. 376.301(36), F.S., at eligible drycleaning solvent contamination sites at which the department has initiated site rehabilitation pursuant to s. 376.3078(2)(b) prior to July 1, 1997.

1298 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INLAND PROTECTION TRUST FUND 28,367
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 13,800
FROM WATER QUALITY ASSURANCE TRUST FUND . 34,500

1299 SPECIAL CATEGORIES
TRANSFER TO OTHER AGENCIES FOR
IMPLEMENTATION OF HOUSE BILL 1671
FROM WATER QUALITY ASSURANCE TRUST FUND . 231,092

1300 SPECIAL CATEGORIES
TRANSFER TO BOARD OF REGENTS - RESEARCH
AND TESTING
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 500,000

1301 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - RECYCLABLE MATERIALS
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 596,537

1302 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF REVENUE - SOLID
WASTE TAX COLLECTION
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 110,000

1303 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF EDUCATION SOLID
WASTE PROGRAM
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 139,135

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1304 SPECIAL CATEGORIES
BASELINE LITTER SURVEY/CENTER FOR SOLID
AND HAZARDOUS WASTE MANAGEMENT
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 200,000

1304A SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF BANKING AND
FINANCE FOR PETROLEUM CLEANUP AUDITS
FROM INLAND PROTECTION TRUST FUND 654,117

1305 SPECIAL CATEGORIES
UNDERGROUND STORAGE TANK CLEANUP
FROM INLAND PROTECTION TRUST FUND 50,276,149

1305A SPECIAL CATEGORIES
TRANSFER TO AUDITOR GENERAL - PETROLEUM
CLEANUP AUDIT
FROM INLAND PROTECTION TRUST FUND 5,000,000

1306 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT
INFORMATION CENTER
FROM INLAND PROTECTION TRUST FUND 951,336

1306A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM INLAND PROTECTION TRUST FUND 22,325
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 5,582

1307 FIXED CAPITAL OUTLAY
WASTE TIRE ABATEMENT
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 1,850,000

1308 FIXED CAPITAL OUTLAY
PETROLEUM TANKS CLEANUP - PREAPPROVALS
FROM INLAND PROTECTION TRUST FUND 15,000,000

1309 FIXED CAPITAL OUTLAY
SOLID WASTE MANAGEMENT
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 23,000,000

1310 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
KEEP FLORIDA BEAUTIFUL - LITTER PREVENTION
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 250,000

1311A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
SUMTER COUNTY INTEGRATED SOLID WASTE
SYSTEM
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 250,000

RECREATION AND PARKS, DIVISION OF

1312 SALARIES AND BENEFITS POSITIONS 1,008
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 1,940,935
FROM GRANTS AND DONATIONS TRUST FUND . . . 31,190
FROM STATE PARK TRUST FUND 28,752,078

1313 OTHER PERSONAL SERVICES
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 245,000
FROM STATE PARK TRUST FUND 2,337,438

1314 EXPENSES
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 786,738
FROM GRANTS AND DONATIONS TRUST FUND . . . 6,960
FROM STATE PARK TRUST FUND 8,690,690

From funds provided in Specific Appropriations 1312 through 1314 the department shall develop a

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five-year park development plan to be submitted with its FY 1998-1999 legislative budget request.

1314A AID TO LOCAL GOVERNMENTS
BOATING IMPROVEMENTS - CURRENT
FROM MARINE RESOURCES CONSERVATION TRUST FUND 4,544,973

1316 OPERATING CAPITAL OUTLAY
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 209,523
FROM STATE PARK TRUST FUND 1,407,019

1317 SPECIAL CATEGORIES
DISTRIBUTION OF SURCHARGE FEES
FROM STATE PARK TRUST FUND 550,000

1318 SPECIAL CATEGORIES
DISBURSE DONATIONS
FROM STATE PARK TRUST FUND 560,000

1319 SPECIAL CATEGORIES
PURCHASES FOR RESALE
FROM STATE PARK TRUST FUND 1,186,420

1320 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM STATE PARK TRUST FUND 1,324,487

1321 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER
FROM STATE PARK TRUST FUND 651,717

1321A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM STATE PARK TRUST FUND 107,347

1322 FIXED CAPITAL OUTLAY
PARK DEVELOPMENT
FROM LAND ACQUISITION TRUST FUND 4,016,000

Funds in Specific Appropriation 1322 include $300,000 for the Ft. Pierce Inlet State Park and $600,000 for the Sebastian Inlet Museum and Ranger Station.

1323 FIXED CAPITAL OUTLAY
LAND ACQUISITION
FROM FLORIDA PRESERVATION 2000 TRUST FUND 8,120,000

1323A FIXED CAPITAL OUTLAY
FANNING SPRINGS MAINTENANCE
FROM LAND ACQUISITION TRUST FUND 200,000

1324 FIXED CAPITAL OUTLAY
PREVENTATIVE MAINTENANCE AND REPAIRS - STATE PARKS
FROM LAND ACQUISITION TRUST FUND 500,000

1324A FIXED CAPITAL OUTLAY
LAKE LOUISA STATE PARK DEVELOPMENT
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 375,000

1325 FIXED CAPITAL OUTLAY
RENOVATE STATE PARK CABINS - STATEWIDE
FROM LAND ACQUISITION TRUST FUND 225,000

1325A FIXED CAPITAL OUTLAY
LATT MAXEY STATE PARK DEVELOPMENT
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 479,075

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1326 FIXED CAPITAL OUTLAY
PARTNERSHIP IN PARKS/STATE MATCH
FROM LAND ACQUISITION TRUST FUND 400,000

1327 FIXED CAPITAL OUTLAY
REMOVE ACCESSIBILITY BARRIERS - STATEWIDE
FROM LAND ACQUISITION TRUST FUND 500,000

1328 FIXED CAPITAL OUTLAY
GRANTS AND DONATIONS SPENDING AUTHORITY
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,000,000

1329 FIXED CAPITAL OUTLAY
FACILITY REPAIR NEEDS - STATEWIDE
FROM LAND ACQUISITION TRUST FUND 2,835,000

1330 FIXED CAPITAL OUTLAY
RENOVATIONS/REPLACEMENT - SEWAGE SYSTEM - STATEWIDE
FROM LAND ACQUISITION TRUST FUND 1,717,000

1331 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM LAND ACQUISITION TRUST FUND 28,307,384

1332 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
FLORIDA RECREATION DEVELOPMENT ASSISTANCE GRANTS
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 7,140,813
FROM LAND ACQUISITION TRUST FUND 3,690,000

From funds in Specific Appropriation 1332, $25,000 from the Land Acquisition Trust Fund is provided for the Winfield Recreation Complex.

From funds in Specific Appropriation 1332, $100,000 from the Conservation and Recreation Lands Trust Fund is provided for the City of Ormond Beach SR40/Halifax River Pedestrian Underpass Walkway.

1332A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - WALLOP BREAUX BOATING ACCESS PROJECTS
FROM MARINE RESOURCES CONSERVATION TRUST FUND 105,000

Funds in Specific Appropriation 1332A are provided for the Sebastian River boat ramp.

1332B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
FIREFIGHTERS COMMUNITY PARK
FROM LAND ACQUISITION TRUST FUND 400,000

1332C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
VIETNAM WALL SOUTH
FROM GENERAL REVENUE FUND 50,000

1332D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
WETLANDS EXHIBITS
FROM LAND ACQUISITION TRUST FUND 100,000

1332E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
DUDLEY FARM - NEWBERRY
FROM LAND ACQUISITION TRUST FUND 200,000

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1332F GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
CITY OF MIAMI PARKS
FROM LAND ACQUISITION TRUST FUND 600,000

Funds in Specific Appropriation 1332F shall be allocated for the following parks and projects:

City of Miami Parks.....400,000
City of Coral Gables Parks.....100,000
Village of Key Biscayne Community Center...100,000

1332G GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
WASHINGTON COUNTY PATE LAKE DOCK
FROM GENERAL REVENUE FUND 30,000

1332H GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
MIAMI SPRINGS MUNICIPAL POOL RENOVATIONS
FROM LAND ACQUISITION TRUST FUND 100,000

AIR RESOURCES MANAGEMENT, DIVISION OF

1333 SALARIES AND BENEFITS POSITIONS 93
FROM AIR POLLUTION CONTROL TRUST FUND . . 4,378,256

1334 OTHER PERSONAL SERVICES
FROM AIR POLLUTION CONTROL TRUST FUND . . 6,120,687

1335 EXPENSES
FROM AIR POLLUTION CONTROL TRUST FUND . . 1,820,750
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 9,251

1336 AID TO LOCAL GOVERNMENTS
DISTRIBUTION TO COUNTIES - MOTOR VEHICLE REGISTRATION PROCEEDS
FROM AIR POLLUTION CONTROL TRUST FUND . . 5,995,936

1337 OPERATING CAPITAL OUTLAY
FROM AIR POLLUTION CONTROL TRUST FUND . . 433,574

1338 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM AIR POLLUTION CONTROL TRUST FUND . . 50,000

1338A SPECIAL CATEGORIES
ELECTRIC VEHICLE INCENTIVE PROGRAM
FROM AIR POLLUTION CONTROL TRUST FUND . . 900,000

From funds provided in Specific Appropriation 1338A an incentive program is hereby established to encourage the purchase of electric vehicles. Such funds shall be administered by the Secretary of the Department of Environmental Protection and shall be distributed to the first 300 individual consumers of electric vehicles at an equal rate.

1339 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM AIR POLLUTION CONTROL TRUST FUND . . 13,361

1340 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER
FROM AIR POLLUTION CONTROL TRUST FUND . . 565,770

1340A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM AIR POLLUTION CONTROL TRUST FUND . . 10,340

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LAW ENFORCEMENT, DIVISION OF

1341 SALARIES AND BENEFITS POSITIONS 616
FROM GENERAL REVENUE FUND 17,528,603
FROM COASTAL PROTECTION TRUST FUND 2,499,272
FROM INLAND PROTECTION TRUST FUND 364,446
FROM GRANTS AND DONATIONS TRUST FUND . . . 598,688
FROM MARINE RESOURCES CONSERVATION TRUST FUND 7,030,676
FROM WATER QUALITY ASSURANCE TRUST FUND . 286,341

1342 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 88,759
FROM COASTAL PROTECTION TRUST FUND 573,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 265,000
FROM MARINE RESOURCES CONSERVATION TRUST FUND 8,500

1343 EXPENSES
FROM GENERAL REVENUE FUND 1,905,706
FROM COASTAL PROTECTION TRUST FUND 482,072
FROM INLAND PROTECTION TRUST FUND 60,350
FROM GRANTS AND DONATIONS TRUST FUND . . . 643,587
FROM MARINE RESOURCES CONSERVATION TRUST FUND 181,390
FROM WATER QUALITY ASSURANCE TRUST FUND . 47,324

1344 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - REMOVAL OF DERELICT VESSELS
FROM COASTAL PROTECTION TRUST FUND 366,311

1345 OPERATING CAPITAL OUTLAY
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,469,916
FROM MARINE RESOURCES CONSERVATION TRUST FUND 229,514

1346 SPECIAL CATEGORIES
ACQUISITION AND REPLACEMENT OF PATROL VEHICLES
FROM GRANTS AND DONATIONS TRUST FUND . . . 54,600
FROM MARINE RESOURCES CONSERVATION TRUST FUND 1,848,760

1347 SPECIAL CATEGORIES
BOATING RELATED ACTIVITIES
FROM MARINE RESOURCES CONSERVATION TRUST FUND 875,000

1347A SPECIAL CATEGORIES
OCEANOGRAPHIC DATA SYSTEM
FROM COASTAL PROTECTION TRUST FUND 399,000

1348 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 1,071,105

1349 SPECIAL CATEGORIES
OPERATION AND MAINTENANCE OF PATROL VEHICLES
FROM GENERAL REVENUE FUND 1,282,134
FROM COASTAL PROTECTION TRUST FUND 1,208,262
FROM GRANTS AND DONATIONS TRUST FUND . . . 554,781
FROM MARINE RESOURCES CONSERVATION TRUST FUND 871,822

1350 SPECIAL CATEGORIES
PAYMENTS FOR RESTORATION AND DAMAGE
FROM COASTAL PROTECTION TRUST FUND 50,000

1351 SPECIAL CATEGORIES
ABANDONED DRUM REMOVAL AND DISPOSAL
FROM COASTAL PROTECTION TRUST FUND 150,000

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1352 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM MARINE RESOURCES CONSERVATION TRUST FUND 577,987

1353 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 174,107
FROM COASTAL PROTECTION TRUST FUND 37,740
FROM GRANTS AND DONATIONS TRUST FUND . . . 7,142
FROM MARINE RESOURCES CONSERVATION TRUST FUND 166,618

1354 SPECIAL CATEGORIES
UNDERGROUND STORAGE TANK CLEANUP
FROM INLAND PROTECTION TRUST FUND 300,000

1355 SPECIAL CATEGORIES
BOATING SAFETY EDUCATION PROGRAM
FROM MARINE RESOURCES CONSERVATION TRUST FUND 550,000

1355A SPECIAL CATEGORIES
TRANSFER TO PORT OF ST. PETERSBURG
FROM COASTAL PROTECTION TRUST FUND 250,000

Funds provided in Specific Appropriation 1355A shall not be released by the Executive Office of the Governor until documentation has been submitted by the Port of St. Petersburg that: (1) sufficient funds are available on a recurring basis to fully operate the Vessel Tracking Information System; (2) the Florida Seaport Transportation and Economic Council has contributed $250,000 to the Port of St. Petersburg as match; and (3) the Implementation Plan prepared by The Tampa Bay Area VTIS Consortium has been approved by the U.S. Coast Guard.

1356 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER
FROM GENERAL REVENUE FUND 63,877
FROM MARINE RESOURCES CONSERVATION TRUST FUND 131,662

1356A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 20,480
FROM MARINE RESOURCES CONSERVATION TRUST FUND 20,803

1357 FIXED CAPITAL OUTLAY
CONSTRUCT DISTRICT OFFICE - MIAMI - DMS MGD
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,326,200

MARINE FISHERIES COMMISSION

1359 SALARIES AND BENEFITS POSITIONS 10
FROM MARINE RESOURCES CONSERVATION TRUST FUND 552,566

1360 OTHER PERSONAL SERVICES
FROM MARINE RESOURCES CONSERVATION TRUST FUND 31,562

1361 EXPENSES
FROM MARINE RESOURCES CONSERVATION TRUST FUND 193,032

1362 OPERATING CAPITAL OUTLAY
FROM MARINE RESOURCES CONSERVATION TRUST FUND 27,726

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1363 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM MARINE RESOURCES CONSERVATION TRUST FUND 3,335

1364 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER
FROM MARINE RESOURCES CONSERVATION TRUST FUND 7,816

1364A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM MARINE RESOURCES CONSERVATION TRUST FUND 705

GAME AND FRESH WATER FISH COMMISSION, FLORIDA

OFFICE OF THE EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATIVE SERVICES

1365 SALARIES AND BENEFITS POSITIONS 145
FROM GENERAL REVENUE FUND 69,416
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 342,659
FROM LAND ACQUISITION TRUST FUND 64,130
FROM NON-GAME WILDLIFE TRUST FUND 1,312,630
FROM STATE GAME TRUST FUND 4,344,863

1366 OTHER PERSONAL SERVICES
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 1,500
FROM LAND ACQUISITION TRUST FUND 53,000
FROM NON-GAME WILDLIFE TRUST FUND 59,000
FROM STATE GAME TRUST FUND 361,259

1367 EXPENSES
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 53,308
FROM LAND ACQUISITION TRUST FUND 41,462
FROM NON-GAME WILDLIFE TRUST FUND 494,308
FROM STATE GAME TRUST FUND 2,051,510

1368 OPERATING CAPITAL OUTLAY
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 3,774
FROM LAND ACQUISITION TRUST FUND 29,337
FROM NON-GAME WILDLIFE TRUST FUND 86,985
FROM STATE GAME TRUST FUND 34,218

1369 SPECIAL CATEGORIES
ENVIRONMENTAL EDUCATION GRANTS AND ACTIVITIES
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 1,500,000

1370 SPECIAL CATEGORIES
ENVIRONMENTAL EDUCATION - DEPARTMENT OF EDUCATION
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 641,540

1371 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM NON-GAME WILDLIFE TRUST FUND 13,077

1372 SPECIAL CATEGORIES
PAYMENT OF REWARDS
FROM NON-GAME WILDLIFE TRUST FUND 5,000

1373 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

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FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		3,633
FROM LAND ACQUISITION TRUST FUND		1,370
FROM NON-GAME WILDLIFE TRUST FUND		25,778
FROM STATE GAME TRUST FUND		153,965
1374 SPECIAL CATEGORIES		
TRANSFER TO DIVISION OF MARINE RESOURCES/ MARINE TURTLES		
FROM NON-GAME WILDLIFE TRUST FUND		300,000
1375 DATA PROCESSING SERVICES		
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
FROM STATE GAME TRUST FUND		45,898
1375A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	33,614	
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		1,352
FROM NON-GAME WILDLIFE TRUST FUND		7,213
FROM STATE GAME TRUST FUND		51,048
1376 FIXED CAPITAL OUTLAY		
MITIGATION PARK LAND ACQUISITION		
FROM LAND ACQUISITION TRUST FUND		2,000,000
1377 FIXED CAPITAL OUTLAY		
MITIGATION ADMINISTRATION OFFICE BUILDING		
FROM LAND ACQUISITION TRUST FUND		116,250
1377A FIXED CAPITAL OUTLAY		
NEW REGIONAL OFFICE, WEST PALM BEACH - DMS MGD		
FROM GENERAL REVENUE FUND	250,000	
1378 FIXED CAPITAL OUTLAY		
8TH SERIES - P2000		
FROM FLORIDA PRESERVATION 2000 TRUST FUND		8,120,000
1378A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS		
LOXAHATCHEE PRESERVE NATURE CENTER		
FROM GENERAL REVENUE FUND	652,000	
LAW ENFORCEMENT, DIVISION OF		
1379 SALARIES AND BENEFITS POSITIONS	433	
FROM GENERAL REVENUE FUND	20,405,310	
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		305,326
FROM STATE GAME TRUST FUND		328,477
1379A LUMP SUM		
UNIFORM PATROL		
FROM GENERAL REVENUE FUND	1,251,783	
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		1,045,510
FROM STATE GAME TRUST FUND		2,927,157

From funds provided in Specific Appropriations 1379 through 1384, the Division of Law Enforcement will meet the indicated standards as required by the Government Performance and Accountability Act of 1994, in providing patrol and protection activities to safeguard the opportunities for boating, camping, fishing, hunting, wildlife viewing, and other natural resource related activities in a safe and healthy environment.

SECTION 5
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Performance Measures	1997-98 Standards
Number of land, water, and air hours spent in prevention patrol:	
Hours Patrolled:	
Land	516,259
Water	68,320
Air	8,244
Number of violations	29,130
Felony	n/a
Misdemeanor	n/a
Infractions	n/a

1379B LUMP SUM		
INVESTIGATIONS		
FROM GENERAL REVENUE FUND		15,000

Performance Measures	1997-98 Standards
Number of hours devoted to investigating poaching and related illegal activities	297,167
Number of violations encountered	14,050
Number of Investigations opened	806
Felony	n/a
Misdemeanor	n/a
Infractions	n/a
Number of Investigations closed	725
Felony	n/a
Misdemeanor	n/a
Infractions	n/a
Total Violations	1,368
Felony	n/a
Misdemeanor	n/a
Infractions	n/a
Conviction rate	n/a
Felony	n/a
Misdemeanor	n/a
Infraction	n/a

1379C LUMP SUM		
INSPECTIONS		
FROM GENERAL REVENUE FUND		68,243

Performance Measures	1997-98 Standards
Number of Inspections of Licensed and Permitted Captive Wildlife Facilities	4,446
Number of Violations	534

1379D LUMP SUM		
AVIATION		
FROM GENERAL REVENUE FUND		153,414

SECTION 5
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APPROPRIATION

Performance Measures	1997-98 Standards
Number of air contacts resulting in detection/apprehensions	445
Number of hours of Biological flight time requested/provided	1,666/1,220

1379E LUMP SUM
BOATING SAFETY

FROM GENERAL REVENUE FUND	45,928	
FROM STATE GAME TRUST FUND		25,000

Performance Measures	1997-98 Standards
Number of vessel safety inspections	154,408
Number of accidents, fatalities, and injuries investigated	
Accidents	210
Fatalities	26
Injuries	136
Number of hours devoted to vessel safety inspections in specified waterbodies, compared with the number of boating accidents in those same water bodies:	
Number of hours devoted to vessel safety inspections on the St. Johns River	9,318
Number of boating accidents on the St. Johns River	21
Number of hours devoted to vessel safety inspections on Lake Okeechobee	5,861
Number of boating accidents on Lake Okeechobee	15

1379F LUMP SUM
HUNTER EDUCATION

FROM GENERAL REVENUE FUND	301,562	
FROM STATE GAME TRUST FUND		28,125

Performance Measures	1997-98 Standards
Number of hunter education classes offered	350
Number of students graduating courses	n/a
Percent of total students meeting minimum standards for graduation	85%
Number of hunting accidents, compared with the number of people involved in such accidents who had attended/graduated from hunting courses:	
Number of hunting accidents	23
Number of people involved in hunting accidents who had attended/graduated from hunting courses	7

1384 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

FROM GENERAL REVENUE FUND	490,823	
FROM STATE GAME TRUST FUND		73,933

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WILDLIFE, DIVISION OF

1386 SALARIES AND BENEFITS POSITIONS 207		
FROM GENERAL REVENUE FUND	28,832	
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		804,141
FROM NON-GAME WILDLIFE TRUST FUND		1,379,125
FROM STATE GAME TRUST FUND		5,989,695
1387 OTHER PERSONAL SERVICES		
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		200,800
FROM NON-GAME WILDLIFE TRUST FUND		713,428
FROM STATE GAME TRUST FUND		376,064
1388 EXPENSES		
FROM GENERAL REVENUE FUND	9,088	
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		285,818
FROM NON-GAME WILDLIFE TRUST FUND		569,739
FROM STATE GAME TRUST FUND		2,333,277

From funds in Specific Appropriation 1388, $50,000 from the Florida Panther Research and Management Trust Fund is provided to reimburse expenses incurred in recovering, housing, and maintaining Texas cougars originally purchased as part of the Florida panther research and management program.

1389 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	29,250	
FROM NON-GAME WILDLIFE TRUST FUND		75,889
FROM STATE GAME TRUST FUND		117,195
1390 SPECIAL CATEGORIES		
ENHANCED WILDLIFE MANAGEMENT		
FROM STATE GAME TRUST FUND		606,537
1391 SPECIAL CATEGORIES		
GRANTS AND AIDS - FEDERAL ENDANGERED SPECIES - SECTION 6		
FROM NON-GAME WILDLIFE TRUST FUND		135,417
1392 SPECIAL CATEGORIES		
LAND MANAGEMENT/SAVE OUR RIVERS		
FROM STATE GAME TRUST FUND		70,423
1393 SPECIAL CATEGORIES		
MANAGEMENT AREA LEASE PAYMENTS		
FROM STATE GAME TRUST FUND		900,000
1394 SPECIAL CATEGORIES		
DUCKS UNLIMITED MARSH PROJECT		
FROM STATE GAME TRUST FUND		106,272
1395 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		2,514
FROM NON-GAME WILDLIFE TRUST FUND		9,386
FROM STATE GAME TRUST FUND		55,294
1396 SPECIAL CATEGORIES		
WILD TURKEY PROJECTS		
FROM STATE GAME TRUST FUND		40,000
1397 DATA PROCESSING SERVICES		
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
FROM STATE GAME TRUST FUND		22,583

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FISHERIES, DIVISION OF

1398	SALARIES AND BENEFITS POSITIONS	164	
	FROM GENERAL REVENUE FUND	78,201	
	FROM STATE GAME TRUST FUND		6,565,554
1399	OTHER PERSONAL SERVICES		
	FROM STATE GAME TRUST FUND		155,922
1400	EXPENSES		
	FROM GENERAL REVENUE FUND	19,835	
	FROM STATE GAME TRUST FUND		1,846,653
1401	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	41,225	
	FROM STATE GAME TRUST FUND		202,581
1403	SPECIAL CATEGORIES		
	LAKE RESTORATION		
	FROM STATE GAME TRUST FUND		1,593,454
1404	SPECIAL CATEGORIES		
	BOAT RAMP MAINTENANCE CATEGORY		
	FROM STATE GAME TRUST FUND		175,000
1405	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM STATE GAME TRUST FUND		58,507
1406A	FIXED CAPITAL OUTLAY		
	RESTORATION - LAKE MICCOSUKEE		
	FROM GENERAL REVENUE FUND	300,000	

TRANSPORTATION, DEPARTMENT OF

Funds in Specific Appropriations 1490T through 1490Z, 1490AL through 1490AX, 1490BF through 1490BO, and 1490CT through 1490DR, are provided from the named funds to the department to fund the 5-year work program developed pursuant to the provisions of ss. 339.135 and 339.155, Florida Statutes. Those appropriations used by the department for grants and aids may be advanced in part or in total.

From funds in Specific Appropriations 1490A, 1490AA, 1490AY, 1490BP and 1490BY, up to 1/2 of 1% may be used for lump sum salary bonuses for qualified departmental employees pursuant to the Department's Personnel Program, contingent upon passage of HB 1969 or SB 2004 or similar legislation becoming law.

Specific Appropriations 1490A to 1490DR fund the seven Department of Transportation programs identified for measurement under Performance Based Program Budgeting in the budget entity structure used in 1996/97. For 1998/99, the department shall submit its budget request in a format that would allow for visibility of these seven programs in the appropriations bill. The department will also submit proposed legislation to provide the resource flexibility necessary to execute these programs in an efficient and effective manner.

FINANCE AND ADMINISTRATION

1490A	SALARIES AND BENEFITS POSITIONS	1,800	
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		58,164,956
	FROM TRANSPORTATION DISADVANTAGED TRUST FUND		656,796

From funds and positions provided in Specific Appropriation 1490A, $414,429 from the State Transportation (Primary) Trust Fund and 29 positions shall be placed in reserve by the Executive Office of the Governor until the department demonstrates the need based upon a schedule of actual toll facility opening dates.

1490B	OTHER PERSONAL SERVICES	
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	4,524,299
	FROM TRANSPORTATION DISADVANTAGED TRUST FUND	10,000
1490C	EXPENSES	
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	31,459,087
	FROM TRANSPORTATION DISADVANTAGED TRUST FUND	146,907
1490D	OPERATING CAPITAL OUTLAY	
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	4,898,420
1490E	SPECIAL CATEGORIES	
	ACQUISITION OF MOTOR VEHICLES	
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	92,100
1490F	SPECIAL CATEGORIES	
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS	
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	200,801
1490G	SPECIAL CATEGORIES	
	CONSULTANT FEES	
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	7,392,401
1490H	SPECIAL CATEGORIES	
	TOLL OPERATION CONTRACTS	
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	22,646,213

From funds provided in Specific Appropriation 1490H the department shall develop and submit to the Executive Office of the Governor by December 1, 1997, a report that compares the fiscal year 1996-97 actual contract expenditures with the projected expenditures as stated in the December 1, 1996, Toll Collection Contracting Cost Analysis Report. This report shall include a recommendation and implementation plan which either continues the conversion to contracted services or returns to utilization of state employees.

1490I	SPECIAL CATEGORIES	
	PAYMENT TO EXPRESSWAY AUTHORITIES	
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	6,812,250
1490J	SPECIAL CATEGORIES	
	HUMAN RESOURCES DEVELOPMENT	
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	341,005
1490K	SPECIAL CATEGORIES	
	OVERTIME	
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	661,500
1490L	SPECIAL CATEGORIES	
	RISK MANAGEMENT INSURANCE	
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	13,209,286

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1490M SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE - OTHER
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 697,717

1490N SPECIAL CATEGORIES
TRANSFER TO SOUTH FLORIDA WATER MANAGEMENT
DISTRICT FOR EVERGLADES RESTORATION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,000,000

Funds in Specific Appropriation 1490N shall be credited to the Department of Transportation's mitigation requirements for impacts to wetlands pursuant to s. 373.4137, Florida Statutes, 1996 Supp.

From funds in Specific Appropriation 1490N, $125,000 shall be allocated for the environmental mitigation and restoration of transportation impacts to the St. Lucie River and its tributaries.

1490O SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,671,200

1490P SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF COMMUNITY
AFFAIRS - CONSISTENCY REVIEW OF STATE
TRANSPORTATION PLAN
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 284,877

1490Q SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF REVENUE FOR
HIGHWAY TAX COMPLIANCE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 200,000

1490R DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,846,811

1490S FIXED CAPITAL OUTLAY
RENOVATIONS - HEATING, VENTILATION AND AIR
CONDITIONING - BURNS BUILDING
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,600,000

1490T FIXED CAPITAL OUTLAY
BOND GUARANTEE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 500,000

1490U FIXED CAPITAL OUTLAY
TRANSPORTATION PLANNING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 100,000

1490V FIXED CAPITAL OUTLAY
GRANTS AND AIDS - TRANSPORTATION
DISADVANTAGED
FROM TRANSPORTATION DISADVANTAGED TRUST
FUND 25,914,253

1490W FIXED CAPITAL OUTLAY
PRELIMINARY ENGINEERING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 500,000

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1490X FIXED CAPITAL OUTLAY
GRANTS AND AIDS - TRANSPORTATION
EXPRESSWAY AUTHORITIES
FROM TOLL FACILITIES REVOLVING TRUST
FUND 6,734,000

1490Y FIXED CAPITAL OUTLAY
DESIGN AND CONSTRUCTION - ROSE BAY BRIDGE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,000,000

1490Z FIXED CAPITAL OUTLAY
TOLLS SYSTEM EQUIPMENT AND DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,397,760

From funds in Specific Appropriations 1490A through 1490Z, the Department of Transportation will meet the following standards as required by the Government Performance and Accountability Act of 1994.

Toll Operations Program	
Toll Operations Program Component....	82,153,898
FTE: 1,181	
Tolls Systems Equipment & Development Appropriation Category.....	3,397,760
Preliminary Engineering Consultants Appropriation Category.....	500,000
Performance Measures	
Number of toll transactions.....	404,785,847
Operational cost per toll transaction.....	0.163
Support Services Program	
Administrative Direction & Support Services Program Component.....	83,661,797
FTE: 1,006	
Data Center Operations Program Component.....	25,478,049
FTE: 139	
Bond Guarantee Appropriation Category	500,000
Transportation Planning Consultants Appropriation Category.....	100,000
G\A-Trans. Expressway Authority.....	6,734,000
G\A-Transportation Disadvantaged Appropriation Category.....	25,914,253
Performance Measures	
Administrative costs as a percent of total program.....	2.72%
Data Center Costs as percent of total program.....	089%
Fixed Capital Outlay - Buildings and Grounds.....	26,874,782

SECTION 5
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APPROPRIATION
PLANNING AND ENGINEERING

1490AA SALARIES AND BENEFITS POSITIONS 1,212
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 56,307,098

1490AB OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 543,438

1490AC EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 18,718,517

1490AD OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,293,915

1490AE SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 352,000

1490AF SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,305,000

1490AG SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,725,677

1490AH SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 431,312

1490AI SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 149,400

1490AJ SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,816,730

1490AK SPECIAL CATEGORIES
TRANSFER FOR CONTRACTED DISPATCH SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 168,000

1490AL FIXED CAPITAL OUTLAY
RADIO COMMUNICATIONS PROGRAM (TOWERS/
ANTENNAES) - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 450,000

1490AM FIXED CAPITAL OUTLAY
TRANSPORTATION PLANNING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 4,670,000

1490AN FIXED CAPITAL OUTLAY
TRANSPORTATION HIGHWAY MAINTENANCE
CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 320,000

1490AO FIXED CAPITAL OUTLAY
ARTERIAL HIGHWAY CONSTRUCTION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,740,040

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1490AP FIXED CAPITAL OUTLAY
CONSTRUCTION INSPECTION CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 500,000

1490AQ FIXED CAPITAL OUTLAY
AVIATION DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,000,000

1490AR FIXED CAPITAL OUTLAY
CONSTRUCTION - ACCELERATED PAVEMENT
TESTING FACILITY - GAINESVILLE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,000,000

1490AS FIXED CAPITAL OUTLAY
PUBLIC TRANSIT DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,629,289

1490AT FIXED CAPITAL OUTLAY
SEAPORT - ECONOMIC DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 25,000,000

Funds in Specific Appropriation 1490AT include $10,000,000 contingent upon HB 1997 or similar legislation becoming law. The Executive Office of the Governor is authorized to place these funds in reserve and release them when the Department of Transportation demonstrates that expenditure of these funds will not impact the projects contained in the 1997-98 Work Program adopted pursuant to chapter 339, F.S., and that the release and expenditure of these funds will not cause the cash balance in the State Transportation Trust Fund to drop below the $50,000,000 minimum required in section 339.135(6)(b), F.S..

1490AU FIXED CAPITAL OUTLAY
INTERMODAL/RAIL DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 35,145,855

No funds in Specific Appropriation 1490AU shall be spent on the High Speed Rail project until federal approvals for financial guarantees are secured.

1490AV FIXED CAPITAL OUTLAY
HIGHWAY SAFETY CONSTRUCTION/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 7,736,215

1490AW FIXED CAPITAL OUTLAY
PRELIMINARY ENGINEERING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,450,000

1490AX FIXED CAPITAL OUTLAY
MATERIALS AND RESEARCH
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 8,326,298

From funds in Specific Appropriations 1490AA through 1490AX, the Department of Transportation will meet the following standards as required by the Government Performance and Accountability Act of 1994.

Motor Carrier Compliance Program
Motor Carrier Compliance Program

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Component	18,427,756
FTE: 393	
Performance Measures	
Percent of commercial motor vehicles that pass safety inspections	8,000,000
Number of Commercial Vehicles Weighted	88,000
Number of Commercial Vehicles Safety Inspections Performed	
Percent of commercial vehicles weighed that were overweight	
Fixed scale weighings	0.5%
Portable scale weighings	34.0%
Number of scale weighings performed	64,569

TURNPIKE OPERATIONS

1490AY SALARIES AND BENEFITS POSITIONS 174
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 9,045,135

1490AZ OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 187,015

1490BA EXPENSES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 2,439,623

1490BB OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 201,230

1490BC SPECIAL CATEGORIES
FLORIDA HIGHWAY PATROL SERVICES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 9,877,171

1490BD SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 76,095

1490BE SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 1,093,036

1490BF FIXED CAPITAL OUTLAY
TRANSPORTATION HIGHWAY MAINTENANCE CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 15,680,000

1490BG FIXED CAPITAL OUTLAY
INTRASTATE HIGHWAY CONSTRUCTION
FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND 2,232,597
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 36,489,044
FROM TURNPIKE CONTROLLED ACCESS TRUST FUND 861,200
FROM TURNPIKE BOND CONSTRUCTION TRUST FUND 32,488,770
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 485,000

1490BH FIXED CAPITAL OUTLAY
CONSTRUCTION INSPECTION CONSULTANTS
FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND 3,474,605

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FROM TURNPIKE GENERAL RESERVE TRUST FUND . 11,428,572
FROM TURNPIKE BOND CONSTRUCTION TRUST FUND 11,683,550

1490BI FIXED CAPITAL OUTLAY
RIGHT-OF-WAY LAND ACQUISITION
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 7,556,640
FROM TURNPIKE BOND CONSTRUCTION TRUST FUND 28,356,659
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE CONSTRUCTION TRUST FUND 5,000,000

1490BJ FIXED CAPITAL OUTLAY
RESURFACING
FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND 2,567,490

1490BK FIXED CAPITAL OUTLAY
BRIDGE CONSTRUCTION
FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND 10,298,209
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 2,448,039

1490BL FIXED CAPITAL OUTLAY
PRELIMINARY ENGINEERING CONSULTANTS
FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND 811,000
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 37,184,941
FROM TURNPIKE BOND CONSTRUCTION TRUST FUND 514,050

1490BM FIXED CAPITAL OUTLAY
RIGHT-OF-WAY SUPPORT
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 3,480,000
FROM TURNPIKE BOND CONSTRUCTION TRUST FUND 794,669
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE CONSTRUCTION TRUST FUND 2,352,000

1490BN FIXED CAPITAL OUTLAY
BRIDGE INSPECTION
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 2,220,000

1490BO FIXED CAPITAL OUTLAY
TURNPIKE SYSTEM EQUIPMENT AND DEVELOPMENT
FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND 2,276,050
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 15,161,478
FROM TURNPIKE BOND CONSTRUCTION TRUST FUND 2,800,000

DISTRICT ADMINISTRATION

1490BP SALARIES AND BENEFITS POSITIONS 469
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 18,806,995

1490BQ OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 750,746

1490BR EXPENSES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 8,213,676

1490BS OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 177,984

1490BT SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 95,000

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1490BU SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 118,000

1490BV SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 23,800

1490BW FIXED CAPITAL OUTLAY
ADDITION AND RENOVATION - CHIPLEY DISTRICT OFFICE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 650,000

1490BX FIXED CAPITAL OUTLAY
OFFICE BUILDING REPAIRS, RENOVATIONS, ADDITIONS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,020,000

DISTRICT OPERATIONS

1490BY SALARIES AND BENEFITS POSITIONS 6,836
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 259,353,832

1490BZ OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,089,238

1490CA EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 29,507,254

1490CB OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,290,741

1490CC SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 6,542,000

1490CD SPECIAL CATEGORIES
ACQUISITION OF MAINTENANCE AND HEAVY EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 4,500,000

1490CE SPECIAL CATEGORIES
FAIRBANKS HAZARDOUS WASTE SITE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,613,657

1490CF SPECIAL CATEGORIES
CONTRACT MAINTENANCE WITH DEPARTMENT OF CORRECTIONS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 12,000,000

From funds in Specific Appropriation 1490CF, funds sufficient to cover the cost of round trip tolls on the Orlando Orange County Expressway Authority's Bee Line Expressway toll plaza West of SR 520 per Department of Corrections employee per shift at the Central Florida Reception Center shall be identified and reimbursed to the Orlando Orange County Expressway Authority.

1490CG SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 692,318

1490CH SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,503,889

1490CI SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 19,181,743

1490CJ FIXED CAPITAL OUTLAY
CODE AND SAFETY CORRECTIONS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 537,000

1490CK FIXED CAPITAL OUTLAY
HEATING VENTILATING AND AIR CONDITIONING REPLACEMENT - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 350,000

1490CL FIXED CAPITAL OUTLAY
ROOF REPLACEMENT AND REPAIRS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 312,000

1490CM FIXED CAPITAL OUTLAY
FIELD FACILITIES REPAIRS, RENOVATIONS, ADDITIONS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,012,500

1490CN FIXED CAPITAL OUTLAY
OFFICE BUILDING REPAIRS, RENOVATIONS, ADDITIONS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 800,000

1490CO FIXED CAPITAL OUTLAY
RENOVATION - MAINTENANCE YARD - NORTH DADE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,000,000

1490CP FIXED CAPITAL OUTLAY
UNDERGROUND STORAGE TANK PROGRAM - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,688,000

1490CQ FIXED CAPITAL OUTLAY
CONSTRUCTION - MATERIALS OFFICE AND LABORATORY COMPLEX, BARTOW
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,520,000

1490CR FIXED CAPITAL OUTLAY
CONSTRUCTION - MAINTENANCE FACILITY, DEFUNIAK
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 250,000

1490CS FIXED CAPITAL OUTLAY
CONSTRUCTION - KEPLER MAINENANCE FACILITY, DELAND
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,499,782

1490CT FIXED CAPITAL OUTLAY
TRANSPORTATION PLANNING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 12,383,000

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1490CU FIXED CAPITAL OUTLAY
TRANSPORTATION HIGHWAY MAINTENANCE CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 114,041,577

1490CV FIXED CAPITAL OUTLAY
INTRASTATE HIGHWAY CONSTRUCTION
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 239,615,722

From funds in Specific Appropriation 1490CV, the department may process the necessary work program and budget amendments pursuant to Chapter 339, Florida Statutes, in the event a Congressional authorization or appropriation is received for U.S. 192 or State Road 70 for road widening in Brevard, Osceola and Okeechobee Counties. The department is further authorized to provide up to twenty percent matching funds for authorized or appropriated federal funds.

From funds provided in Specific Appropriation 1490CV $100,000 from the State Transportation (Primary) Trust Fund are for dredging, additional navigation equipment, and operating purposes related to the Physical Oceanographic Real Time System to improve maritime vessel safety for the Sunshine Skyway Bridge in Tampa Bay.

1490CW FIXED CAPITAL OUTLAY
ARTERIAL HIGHWAY CONSTRUCTION
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 372,810,462

1490CX FIXED CAPITAL OUTLAY
CONSTRUCTION INSPECTION CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 121,314,306
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE CONSTRUCTION TRUST FUND 2,038,713

1490CY FIXED CAPITAL OUTLAY
AVIATION DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 82,500,004

1490CZ FIXED CAPITAL OUTLAY
RENOVATION - MAINTENANCE YARD - BROOKSVILLE
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 690,000

1490DA FIXED CAPITAL OUTLAY
RENOVATION - MAINTENANCE YARD - TAMPA
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 828,500

1490DB FIXED CAPITAL OUTLAY
CONSTRUCTION - PARKING FACILITY/EMERGENCY OPERATIONS CENTER/ STORAGE - DISTRICT 4 OFFICE
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 1,173,000

1490DC FIXED CAPITAL OUTLAY
ENVIRONMENTAL SITE RESTORATION
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 3,494,000

1490DD FIXED CAPITAL OUTLAY
PUBLIC TRANSIT DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 84,611,281

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1490DE FIXED CAPITAL OUTLAY
RIGHT-OF-WAY LAND ACQUISITION
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 219,074,408
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE CONSTRUCTION TRUST FUND 174,708,028

1490DF FIXED CAPITAL OUTLAY
INTERMODAL/RAIL DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 69,061,818

1490DG FIXED CAPITAL OUTLAY
HIGHWAY SAFETY CONSTRUCTION/GRANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 41,160,460

1490DH FIXED CAPITAL OUTLAY
RESURFACING
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 313,753,419

1490DI FIXED CAPITAL OUTLAY
BRIDGE CONSTRUCTION
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 184,205,269
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE CONSTRUCTION TRUST FUND 26,253,117

1490DJ FIXED CAPITAL OUTLAY
PRELIMINARY ENGINEERING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 220,664,631
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE CONSTRUCTION TRUST FUND 4,487,004

1490DK FIXED CAPITAL OUTLAY
HIGHWAY BEAUTIFICATION GRANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 1,500,000

Funds in Specific Appropriation 1490DK require an equal match from non-state funds by the program participants. The grant program shall be administered by the Florida Highway Beautification Council in accordance with s. 339.2405, Florida Statutes.

1490DL FIXED CAPITAL OUTLAY
RIGHT-OF-WAY SUPPORT
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 45,565,945
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE CONSTRUCTION TRUST FUND 21,207,161

1490DM FIXED CAPITAL OUTLAY
TRANSPORTATION PLANNING GRANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 10,852,136

1490DN FIXED CAPITAL OUTLAY
TRANSFER TO EXEC OFFICE OF THE GOVERNOR, OFFICE OF TOURISM, TRADE & ECONOMIC DEVELOPMENT FOR TRANSPORTATION PROJECTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 10,000,000

Funds in Specific Appropriation 1490DN shall be transferred to the Office of Tourism, Trade and Economic Development within the Executive Office of the Governor on a quarterly basis during the fiscal year.

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1490DO FIXED CAPITAL OUTLAY
BRIDGE INSPECTION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 9,768,002

1490DP FIXED CAPITAL OUTLAY
TRAFFIC ENGINEERING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 950,000

1490DQ FIXED CAPITAL OUTLAY
LOCAL GOVERNMENT REIMBURSEMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 15,297,521

1490DR FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 53,200,000

From funds in Specific Appropriations 1490BY through 1490DR, the Department of Transportation will meet the following standards as required by the Government Performance and Accountability Act of 1994.

Highway Construction/Engineering Program
Highway Construction/Engineering Program Component..... 59,766,534
FTE: 1,337
Pre-construction/Design Services Program Component..... 80,733,931
FTE: 1,373
Materials Testing & Research Program Component..... 25,004,506
FTE: 544
Traffic Operations Program Component. 10,799,000
FTE: 193
Transportation Planning Program Component..... 17,808,429
FTE: 297
Intrastate Highway Construction Appropriation Category..... 312,172,333
Arterial Highway Construction Appropriation Category..... 374,550,502
Construction Inspection Consultants Appropriation Category..... 150,439,746
Highway Safety Construction/Grants Appropriation Category..... 48,896,675
Resurfacing Appropriation Category.. 316,320,909
Bridge Construction Appropriation Category..... 221,204,634
Transfer/EOG/OTTED/Transportation Projects Appropriation Category..... 10,000,000
Local Government Reimbursement Appropriation Category..... 15,297,521
Turnpike Systems Equipment and Development Appropriation Category.. 20,237,528
Preliminary Engineering Consultants Appropriation Category..... 265,111,626
Materials & Research Appropriation Category..... 8,326,298
Traffic Engineering Consultants Appropriation Category..... 950,000
Transportation Planning Consultants Appropriation Category..... 17,053,000
Transportation Planning Grants Appropriation Category..... 10,852,136
Total Highway Construction/ Engineering.....1,965,525,308
FTE: 3,744

Performance Measures	1997-98 Standards
Number of lane miles let to contract for resurfacing.....	1,835
Number of lane miles let to contract for highway capacity improvements...	241
Percentage of construction contracts planned for letting that were actually let.....	96.0%
Number of bridges let to contract for repair.....	157
Percentage of vehicle crashes on state highway system where road-related conditions were listed as contributing factor.....	<.05%
Number of bridges let to contract for replacement.....	35
Motor vehicle fatalities per 100 million miles traveled.....	<2.25
Bicycle and pedestrian deaths per 100,000 population.....	<5.0
Percentage of state highway system pavement in good condition.....	79.0%
Percentage of state-maintained bridges in good condition.....	96.0%
Percentage increase in number of days required for completed construction contracts over original contract days (less weather days).....	<30.0%
Percentage increase in final amount paid for completed construction contracts over original contract amount.....	<10.0%
Right-of-Way Acquisition Program	
Right-of-Way Acquisition Program Component..... 26,390,505	
FTE: 519	
Right-of-Way Land Acquisition	

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Appropriation Category	434,695,735
Right-of-Way Support Appropriation Category	73,399,775
Debt Service Appropriation Category	53,200,000
Total Right-of-Way	587,886,015
FTE: 519	

Performance Measures	1997-98 Standards
Number of right-of-way parcels acquired	3,298
Number of projects certified ready for construction	105
Public Transportation Program	
Public Transportation Program Component	8,454,278
FTE: 136	
Aviation Development/Grants Appropriation Category	83,500,004
Public Transit Development/Grants Appropriation Category	87,240,570
Intermodal Rail Development/Grants Appropriation Category	104,207,673
Seaport Economic Development Appropriation Category	15,000,000
Total Public Transportation	298,402,525
FTE: 136	
Performance Measures	
Number of passenger enplanements	49,000,000
Number of transit capital projects funded	46
Number of transit operating projects funded	153
Number of aviation projects funded	231
Tons of Cargo Shipped by air	4,000,000
Number of Public Transit Passenger Trips	170,909,390
Number of aviation projects funded	237
Transit ridership growth compared to population growth transit	
Ridership growth	1.0%
Population growth	2.0%
Total waterborne trade in tons	128,300,000
Number of cruise embarkations and disembarkations at Florida ports	7,500,000

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Number of intermodal projects funded	40
Number of rail projects funded	70
Routine Highway Maintenance Program	
Routine Highway Maintenance Program Component	138,265,056
FTE: 2,966	
Mobile Equipment/Signs & Equipment Program Component	60,448,239
FTE: 369	
Welcome Centers Program Component	959,611
FTE: 38	
Total Maintenance	345,202,485
FTE: 3,373	
Highway Maintenance Contracts Appropriation Category	130,041,577
Bridge Construction	2,000,000
Highway Beautification Grants Appropriation Category	1,500,000
Bridge Inspection Appropriation Category	11.988,002
Performance Measures	
Maintenance condition of state highway system as measured against the department's maintenance manual standards	80
Tons of asphalt placed by maintenance crews	97,617

TOTAL OF SECTION 5 POSITIONS 19,703

FROM GENERAL REVENUE FUND 272,260,429

FROM TRUST FUNDS 5658,298,568

TOTAL ALL FUNDS 5930,558,997

SECTION 6 - GENERAL GOVERNMENT

The moneys contained herein are appropriated from the named funds to Administered Funds, Department of Banking and Finance, Department of Business and Professional Regulation, Department of Citrus, Executive Office of the Governor, Department of Highway Safety and Motor Vehicles, Department of Insurance/Treasurer, Department of Labor and Employment Security, Legislative Branch, Department of the Lottery, Department of Management Services, Department of Military Affairs, Public Service Commission, Department of Revenue and the Department of State/Secretary of State as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

ADMINISTERED FUNDS

1491 LUMP SUM
RENT INCREASE FOR DEBT SERVICE AND MAINTENANCE OF STATE FACILITIES
FROM GENERAL REVENUE FUND 863,034
FROM TRUST FUNDS 863,033

1492 LUMP SUM
SALARY INCREASES
FROM GENERAL REVENUE FUND 64,243,313
FROM TRUST FUNDS 40,129,416

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1494 LUMP SUM
STATEWIDE INNOVATION FUND
FROM GENERAL REVENUE FUND 2,000,000
FROM TRUST FUNDS 2,000,000

Funds from Specific Appropriation 1494 will be allocated based on a competitive evaluation process designed to award funds to agencies for demonstrating, in a proposal, innovative changes to their operations which will show quantifiable savings.

Proposals shall be evaluated by the Department of Management Services. Proposals shall be approved by a State Innovation Committee as established in Section 216.235(4), F.S. Criteria shall be used by the Committee and be based on the merit of the innovative idea as it relates to achieving the following results: 1) cutting the cost of government, and 2) achieving privatization.

The Department of Management Services shall submit its recommendations to the State Innovation Committee. The State Innovation Committee shall approve proposals for funding. The Office of Planning and Budgeting shall release the funds through budget amendments which shall be subject to legislative consultation as set forth in Chapter 216, Florida Statutes.

From funds in Specific Appropriation 1494, up to $25,000 may be expended by the Executive Office of the Governor to contract for an integrated approach to increasing Florida non-tax revenues. The contract may be let on a contingency basis. Revenue shall be optimized by enhancing the Federal Financial Participation or complying with program regulations to generate additional revenue from the federal government, including but not limited to Title IV-F unliquidated obligations, Title IV-B/Social Service Block Grant Fungibility, statewide cost allocation methodologies and JOBS - Title IV-F. The contract shall call for recommendations for additional general revenues that might be used to optimize federal funds. These recommendations shall consider items such as statewide investment pool, agency retention of revenues, and incentive alignments.

1495 LUMP SUM
INFORMATION SYSTEM DATA CONVERSION FOR
YEAR 2000
FROM GENERAL REVENUE FUND 7,524,220
FROM TRUST FUNDS 7,147,609

Funds in Specific Appropriation 1495 are provided for correction of the Year 2000 date problem in existing computer systems. The funds shall be held in reserve and released based upon the following:

1. State agencies and the Judicial Branch shall submit information the Year 2000 Task Force deems necessary in order to facilitate assessment, coordination, and cost savings of the state's Year 2000 conversion effort;

2. The Year 2000 Task Force shall review the agencies' and Judicial Branches' submission and make funding recommendations to the Executive Office of the Governor; and

3. The Executive Office of the Governor shall review and approve release of the funds pursuant to the budget amendment process set forth under Chapter 216, F.S.

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The Executive Office of the Governor is authorized to employ a project manager to coordinate the state's Year 2000 date change conversion and inter-organizational data compatibility activities, including reviewing, evaluating, and making recommendations on plans that are submitted; ensuring agencies are effectively managing their Year 2000 projects; identifying exceptional situations in agency Year 2000 activities; and, establishing a framework for agency compliance validation.

1495A LUMP SUM
CONSTITUTIONAL REVISION COMMISSION
FROM GENERAL REVENUE FUND 1,600,000

Funds provided in Specific Appropriation 1495A to the Constitutional Revision Commission are only for the operational costs of the Commission. The Executive Office of the Governor shall place the funds in Specific Appropriation 1495A in reserve until such time as the Commission members are appointed and the Commission begins its business. No funds in Specific Appropriation 1495A may be used for expenditures other than the Constitutional Revision Commission.

1497 LUMP SUM
INTEGRATED FINANCIAL SYSTEM
FROM GENERAL REVENUE FUND 6,000,000

Funds from Specific Appropriation 1497 are for the acquisition and implementation of an integrated human resources management and payroll system that will use an identical chart of accounts, a common data base and graphical user interface, and a common software language. The FFAMIS Coordinating Council shall conduct a proof of concept implementation in which the integrated human resources management and payroll system component will be implemented in a limited number of agencies to determine how well the software works and to determine to what extent it will be possible to re-engineer the current processes.

The proof of concept shall demonstrate if it is possible to buy an integrated financial management system, or major components, so that the FFAMIS systems may be replaced with purchased software. The proof of concept shall demonstrate if it is possible to modify existing procedures or administrative rules for the use of new automated workflow processes or procedures. If there is existing law or administrative rule which prohibits the efficient procedure or requires the continuation of a process or action that is functionally no longer necessary, the FFAMIS Coordinating Council shall identify those statutes or administrative rules which amending would allow an alternative process to occur.

The funds contained within Specific Appropriation 1497 shall be held in reserve by the Executive Office of the Governor until the FFAMIS Coordinating Council has approved a spending plan. The spending plan shall include the distribution of the appropriated funds to the Department of Banking and Finance, the Department of Management Services, and the Executive Office of the Governor. The Office of Planning and Budgeting shall distribute and release the appropriated funds through budget amendments which shall be subject to the legislative consultation requirements set forth in Chapter 216, Florida Statutes. The Administration Commission may

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approve positions in excess for staff to provide administrative and managerial support based on a recommendation by the FFAMIS Coordinating Council in consultation with the Legislature pursuant to section 216.177(2)(a), Florida Statutes.

1498 LUMP SUM
STATE EMPLOYEES HEALTH INSURANCE
FROM GENERAL REVENUE FUND 49,212,800
FROM TRUST FUNDS 18,387,200

From the funds in Specific Appropriation 1498, the Department of Management Services is directed to secure, on a contingency fee basis, claims auditing services which will provide for the recovery of claims overpayments made from funds in the State Employees Health Insurance Trust Fund. Such recovered overpayments, net of collection costs, shall be deposited into the State Employees Health Insurance Trust Fund within the Department of Management Services.

The health insurance premiums paid by the state and the state employees that are in effect in Fiscal Year 1996-97 shall remain in effect in Fiscal Year 1997-98. The funds in Specific Appropriation 1498 from the General Revenue Fund shall be transferred to the State Employees Health Insurance Trust Fund within the Department of Management Services and released on a quarterly basis by the Executive Office of the Governor. The funds from Specific Appropriation 1498 from trust funds shall be allocated to the various state agencies by the Executive Office of the Governor prorated on the basis of the funding relationships of the Salaries & Benefits appropriations contained within this act and adjusted by the Executive Office of the Governor in consultation with the Senate Committee on Ways and Means and the Appropriations Committees of the House Fiscal Responsibility Council. The state agencies shall transfer the additional trust funded appropriations to the State Employees Health Insurance Trust Fund within the Department of Management Services in the normal process established for paying the monthly health insurance premiums.

1499A LUMP SUM
LEGAL IMMIGRANT'S TEMPORARY INCOME BRIDGE PROGRAM
FROM GENERAL REVENUE FUND 23,000,000

Funds are provided in Specific Appropriation 1499A to establish and implement a Legal Immigrant's Temporary Income Bridge Program. The Program shall be administered by the Department of Children and Families ("Department"). The Program will provide temporary income assistance to legal immigrants who will lose their benefits while they are awaiting completion of the citizenship process; or an exemption thereto. All relevant state agencies are instructed to cooperate with the Department of Children and Families to implement this program.

The program shall be designed to provide temporary income assistance to legal immigrants, 65 years of age or older, who were residents of the State of Florida prior to February 1, 1997; who after August 1, 1997, under the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 ("Act"), have become ineligible for Federal benefits, specifically Supplemental Security Income (SSI) and food stamp benefits; who will be screened to verify that there exists no other sustainable means of support or assistance to make up for these lost benefits; and who can demonstrate that they are engaged in the process of becoming United States citizens or are seeking an exemption thereto. The total amount of temporary income assistance provided to an individual shall not exceed half of the supplemental security income (SSI) and/or food stamps benefits for which they have become ineligible. The Department shall give priority to disabled persons, persons who as a direct result of losing their federal benefits may lose their permanent housing, and person living in public or rent-assisted housing.

The Department of Children and Families' total administrative charges for this program shall not exceed 1% of the funds provided. Administrative charges for contract service providers for this program shall not exceed 3% of the total funds provided in each service contract.

Provided, however, that should the United States Congress act to extend the implementation date of these portions of the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 applicable to services for noncitizens in order to allow states to prepare for said Act, funds provided herein may be used to provide block grants to severely impacted school districts, local governments, and community based organizations that will assist legal immigrants while in the naturalization and citizenship process or in the process of seeking an exemption thereto.

1499B LUMP SUM
CITIZENSHIP OUTREACH GRANT PROGRAM
FROM GENERAL REVENUE FUND 2,000,000

From funds provided in Specific Appropriation 1499B, the Department of State shall provide grants to community-based organizations and local governments to provide outreach and assistance to legally immigrated permanent residents seeking citizenship or an exemption thereto.

No community-based organization shall be reimbursed for any costs that exceed $10 per case (except those application fees required by the Immigration and Naturalization Services to process such applications) and shall have a documented record of providing these services to at least 5,000 individuals in the preceeding year. No community-based organization or governmental entity shall receive more than $500,000 from the Department of State under this program.

Funds from this specific appropriation shall include reimbursement to Metro-Dade County for $500,000 in contracted funds for the Immigration Reform Project, including but not limited to, necessary expenses for staffing and related costs.

1500 SPECIAL CATEGORIES
ASSOCIATION DUES
FROM GENERAL REVENUE FUND 172,900

1501 SPECIAL CATEGORIES
COUNCIL OF STATE GOVERNMENTS
FROM GENERAL REVENUE FUND 205,526

1502 SPECIAL CATEGORIES
SOUTHERN GROWTH POLICY BOARD
FROM GENERAL REVENUE FUND 50,784

SECTION 6
SPECIFIC
APPROPRIATION

1503 SPECIAL CATEGORIES
DEFICIENCY
FROM GENERAL REVENUE FUND 400,000

1504 SPECIAL CATEGORIES
EMERGENCY
FROM GENERAL REVENUE FUND 250,000

1505 SPECIAL CATEGORIES
FLORIDA LAND AND WATER ADJUDICATORY
COMMISSION - ADMINISTRATIVE APPEALS
FROM GENERAL REVENUE FUND 4,756

1507 SPECIAL CATEGORIES
TRANSFER TO PLANNING AND BUDGETING SYSTEM
TRUST FUND
FROM GENERAL REVENUE FUND 4,827,286

BANKING AND FINANCE, DEPARTMENT OF, AND
COMPTROLLER

OFFICE OF THE COMPTROLLER AND DIVISION OF
ADMINISTRATION

1508 SALARIES AND BENEFITS POSITIONS 107
FROM GENERAL REVENUE FUND 2,457,699
FROM ADMINISTRATIVE TRUST FUND 2,719,656

1509 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 44,250

1510 EXPENSES
FROM GENERAL REVENUE FUND 511,074
FROM ADMINISTRATIVE TRUST FUND 703,425

1511 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 235,630
FROM ADMINISTRATIVE TRUST FUND 252,696

1512 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE
HEARINGS
FROM ADMINISTRATIVE TRUST FUND 86,058

1513 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 8,922
FROM ADMINISTRATIVE TRUST FUND 11,934

1514 DATA PROCESSING SERVICES
STATE COMPTROLLER'S DATA CENTER -
DEPARTMENT OF BANKING AND FINANCE
FROM GENERAL REVENUE FUND 108,622
FROM ADMINISTRATIVE TRUST FUND 480,598

1514A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 7,526
FROM ADMINISTRATIVE TRUST FUND 4,062

ACCOUNTING AND AUDITING, DIVISION OF

1515 SALARIES AND BENEFITS POSITIONS 161
FROM GENERAL REVENUE FUND 5,883,425
FROM ADMINISTRATIVE TRUST FUND 115,941
FROM CONSOLIDATED PAYMENT TRUST FUND . . . 169,801

1516 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 142,104

1517 EXPENSES
FROM GENERAL REVENUE FUND 1,118,776
FROM ADMINISTRATIVE TRUST FUND 28,176
FROM CONSOLIDATED PAYMENT TRUST FUND . . . 12,159

SECTION 6
SPECIFIC
APPROPRIATION

1518 AID TO LOCAL GOVERNMENTS
FLOOD CONTROL
FROM FLOOD CONTROL TRUST FUND 12,000

1519 AID TO LOCAL GOVERNMENTS
NATIONAL FOREST MONIES TO COUNTIES
FROM FLORIDA NATIONAL FOREST TRUST FUND . 2,700,000

1520 AID TO LOCAL GOVERNMENTS
PROCEEDS FROM SALE OF TIMBER PRODUCTS
FROM U.S. MILITARY INSTALLATIONS TIMBER
PRODUCTS TRUST FUND 335,000

1521 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 31,639
FROM ADMINISTRATIVE TRUST FUND 10,000

1522 SPECIAL CATEGORIES
GRANTS AND AIDS - SMALL COUNTY TECHNICAL
ASSISTANCE
FROM GENERAL REVENUE FUND 300,000

1523 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 60,237

1523A SPECIAL CATEGORIES
PETROLEUM CLEANUP AUDITS
FROM ADMINISTRATIVE TRUST FUND 500,000

1524 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF
MANAGEMENT SERVICES
FROM GENERAL REVENUE FUND 26,967

1524A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 12,604

INFORMATION SYSTEMS, DIVISION OF

1525 SALARIES AND BENEFITS POSITIONS 169
FROM WORKING CAPITAL TRUST FUND 7,422,879

1526 OTHER PERSONAL SERVICES
FROM WORKING CAPITAL TRUST FUND 100,000

1527 EXPENSES
FROM WORKING CAPITAL TRUST FUND 7,427,794

1528 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 2,302,188

1529 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKING CAPITAL TRUST FUND 16,691

BANKING, DIVISION OF

1530 SALARIES AND BENEFITS POSITIONS 150
FROM FINANCIAL INSTITUTIONS REGULATORY
TRUST FUND 7,318,613

1531 OTHER PERSONAL SERVICES
FROM FINANCIAL INSTITUTIONS REGULATORY
TRUST FUND 21,396

1532 EXPENSES
FROM FINANCIAL INSTITUTIONS REGULATORY
TRUST FUND 1,643,921

1533 OPERATING CAPITAL OUTLAY
FROM FINANCIAL INSTITUTIONS REGULATORY
TRUST FUND 10,000

SECTION 6
SPECIFIC
APPROPRIATION

1534 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND 34,020

1535 DATA PROCESSING SERVICES
STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE
FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND 250,418

1535A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND 6,059

FINANCE, DIVISION OF

1536 SALARIES AND BENEFITS POSITIONS 127
FROM REGULATORY TRUST FUND 5,283,181

From funds provided in Specific Appropriations 1536 for the Abandoned Property Program, the department is directed to eliminate four positions and related funds by June 30, 1998. This reduction represents savings resulting from the privatization of the claims processing function of the Abandoned Property Program. If the department is unable to award a contract to privatize location and claims processing services, the department may submit a budget amendment to the Executive Office of the Governor for the necessary funding to continue administering the Abandoned Property Program within the department.

1537 OTHER PERSONAL SERVICES
FROM REGULATORY TRUST FUND 3,809,789

From funds in Specific Appropriation 1537, a reduction of $4,910,894 is contingent upon HB 441 or similar legislation becoming law, which allows contractors to remit unclaimed property to the state net of their fee for locating that property.

1538 EXPENSES
FROM REGULATORY TRUST FUND 1,388,849

1539 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM REGULATORY TRUST FUND 129,835

1540 DATA PROCESSING SERVICES
STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE
FROM REGULATORY TRUST FUND 388,145

1540A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM REGULATORY TRUST FUND 28,062

SECURITIES AND INVESTOR PROTECTION, DIVISION OF

1541 SALARIES AND BENEFITS POSITIONS 109
FROM GENERAL REVENUE FUND 4,476,355
FROM ANTI-FRAUD TRUST FUND 149,532

1542 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 25,000
FROM ANTI-FRAUD TRUST FUND 157,161

1543 EXPENSES
FROM GENERAL REVENUE FUND 715,897
FROM ANTI-FRAUD TRUST FUND 92,839

SECTION 6
SPECIFIC
APPROPRIATION

1545 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 6,433

1546 DATA PROCESSING SERVICES
STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE
FROM GENERAL REVENUE FUND 125,367

1547 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM GENERAL REVENUE FUND 49,056

1547A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 8,682

FINANCIAL INVESTIGATIONS, DIVISION OF

1548 SALARIES AND BENEFITS POSITIONS 64
FROM GENERAL REVENUE FUND 1,214,315
FROM ADMINISTRATIVE TRUST FUND 1,515,507

1550 EXPENSES
FROM GENERAL REVENUE FUND 273,453
FROM ADMINISTRATIVE TRUST FUND 331,583

1551 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 27,866
FROM ADMINISTRATIVE TRUST FUND 16,474

BUSINESS AND PROFESSIONAL REGULATION, DEPARTMENT OF

Funds in Specific Appropriation 1552 through 1618 reflect reductions to the Department of Business and Professional Regulation related to the transfer of medical professions regulation to the Agency for Health Care Administration and the Department of Health. The actual amount of reductions are contingent upon the completion of a plan to finalize the transfers, agreed to by all agencies involved, that ensures uninterrupted program administration.

OFFICE OF THE SECRETARY AND DIVISION OF ADMINISTRATION

1552 SALARIES AND BENEFITS POSITIONS 228
FROM ADMINISTRATIVE TRUST FUND 9,544,314
FROM PROFESSIONAL REGULATION TRUST FUND . 172,549

1553 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 1,121,998
FROM PROFESSIONAL REGULATION TRUST FUND . 36,581

1554 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 3,711,779
FROM PROFESSIONAL REGULATION TRUST FUND . 154,764

1555 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 824,874
FROM PROFESSIONAL REGULATION TRUST FUND . 800

1556 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND 144,228

1557 SPECIAL CATEGORIES
DEPARTMENTAL STAFF DEVELOPMENT AND TRAINING
FROM ADMINISTRATIVE TRUST FUND 249,339

SECTION 6
SPECIFIC
APPROPRIATION

1558 SPECIAL CATEGORIES
OPERATION AND MAINTENANCE OF PATROL VEHICLES
FROM ADMINISTRATIVE TRUST FUND 3,800

1559 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 35,456
FROM PROFESSIONAL REGULATION TRUST FUND . 316

1560 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ADMINISTRATIVE TRUST FUND 2,240

1561 SPECIAL CATEGORIES
STATE EMPLOYEES' CHILD CARE CENTER OPERATION
FROM ADMINISTRATIVE TRUST FUND 64,000

1562 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM ADMINISTRATIVE TRUST FUND 582,039

1563 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM ADMINISTRATIVE TRUST FUND 5,714

1563A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM ADMINISTRATIVE TRUST FUND 223,255

PROFESSIONAL REGULATION, DIVISION OF

1564 SALARIES AND BENEFITS POSITIONS 444
FROM PROFESSIONAL REGULATION TRUST FUND . 15,675,140

Funds in Specific Appropriations 1564, 1566, and 1570 reflect reductions to the Department of Business and Professional Regulation based on the privatization of computer based testing. The reductions are contingent upon legislation becoming law authorizing the privatization and computerization of professional license exams and the successful award of a contract to private providers.

1565 OTHER PERSONAL SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND . 2,509,408

1566 EXPENSES
FROM PROFESSIONAL REGULATION TRUST FUND . 5,632,901

1567 OPERATING CAPITAL OUTLAY
FROM PROFESSIONAL REGULATION TRUST FUND . 111,540

1568 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM PROFESSIONAL REGULATION TRUST FUND . 279,000

1569 SPECIAL CATEGORIES
LEGAL SERVICES CONTRACT
FROM PROFESSIONAL REGULATION TRUST FUND . 836,283

1570 SPECIAL CATEGORIES
EXAMINATION TESTING SERVICES FOR PROFESSIONAL REGULATION
FROM PROFESSIONAL REGULATION TRUST FUND . 2,662,751

1571 SPECIAL CATEGORIES
UNLICENSED ACTIVITIES
FROM PROFESSIONAL REGULATION TRUST FUND . 1,580,050

SECTION 6
SPECIFIC
APPROPRIATION

1572 SPECIAL CATEGORIES
CLAIMS PAYMENTS FROM CONSTRUCTION RECOVERY FUND
FROM PROFESSIONAL REGULATION TRUST FUND . 1,200,000

1573 SPECIAL CATEGORIES
CLAIMS PAYMENT/AUCTIONEER RECOVERY FUND
FROM PROFESSIONAL REGULATION TRUST FUND . 200,000

1574 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM PROFESSIONAL REGULATION TRUST FUND . 397,611

1575 SPECIAL CATEGORIES
CONTINUING EDUCATION
FROM PROFESSIONAL REGULATION TRUST FUND . 20,500

1576 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PROFESSIONAL REGULATION TRUST FUND . 519,044

1577 FINANCIAL ASSISTANCE PAYMENTS
SCHOLARSHIPS AND REAL ESTATE RECOVERY FUND
FROM PROFESSIONAL REGULATION TRUST FUND . 620,000

1578 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND . 704,858

PARI-MUTUEL WAGERING, DIVISION OF

1579 SALARIES AND BENEFITS POSITIONS 85
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 3,457,275

1580 OTHER PERSONAL SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 2,862,363

Funds in Specific Appropriation 1580 include $185,000 for research that will provide specific recommendations regarding the elimination of performance altering drugs in pari-mutuel industries.

1581 EXPENSES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 998,166

1582 AID TO LOCAL GOVERNMENTS
RACING TAX TO COUNTIES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 29,915,500

1583 AID TO LOCAL GOVERNMENTS
CARDROOM TAX REVENUE DISTRIBUTED TO LOCAL GOVERNMENTS
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 157,000

1584 OPERATING CAPITAL OUTLAY
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 202,802

1585 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 24,802

1586 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE UNIVERSITY SYSTEM (INDUSTRY RESEARCH)
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 250,000

1587 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 84,724

SECTION 6
SPECIFIC
APPROPRIATION

1588 SPECIAL CATEGORIES
REGULATION OF PARI-MUTUEL INDUSTRIES (EQUALIZATION)
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 167,959

1589 SPECIAL CATEGORIES
TAX COLLECTION (EQUALIZATION)
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 60,725

1590 SPECIAL CATEGORIES
PARI-MUTUEL LABORATORY CONTRACTED SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 2,000,000

Funds in Specific Appropriation 1590 are provided to contract the day to day operations of the Pari-Mutuel Laboratory with the University of Florida, College of Veterinary Medicine for fiscal year 1997-98. The College of Veterinary Medicine shall perform a feasibility study assessing the serviceability of existing equipment, determination of backlog of samples to be tested, and the annual operating costs for the College to run the laboratory on an annual basis. The annual operating costs shall be translated into costs per sample tested. This information shall be reported to the Executive Office of the Governor and the Legislature on or before January 1, 1998.

1591 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 396,476

HOTELS AND RESTAURANTS, DIVISION OF

1592 SALARIES AND BENEFITS POSITIONS 328
FROM HOTEL AND RESTAURANT TRUST FUND . . . 12,508,274

1593 OTHER PERSONAL SERVICES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 54,080

1594 EXPENSES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 2,207,855

From the funds in Specific Appropriation 1594, $50,000 from the Hotel and Restaurant Trust Fund shall be used to support food safety training programs pursuant to s. 509.302(7), Florida Statutes.

1595 OPERATING CAPITAL OUTLAY
FROM HOTEL AND RESTAURANT TRUST FUND . . . 41,556

1596 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 346,414

1597 SPECIAL CATEGORIES
TRANSFERS TO DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES FOR EPIDEMIOLOGICAL SERVICES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 498,416

1598 SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL-TO-CAREER
FROM HOTEL AND RESTAURANT TRUST FUND . . . 100,000

1599 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HOTEL AND RESTAURANT TRUST FUND . . . 235,075

1600 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 550,109

ALCOHOLIC BEVERAGES AND TOBACCO, DIVISION OF

1601 SALARIES AND BENEFITS POSITIONS 419
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 17,865,503

From the funds provided in Specific Appropriations 1601 through 1603, at least $100,000 shall be used to enforce the provisions of Chapters 561, 562, 563, 564, 565, and 567, Florida Statutes, against persons or entities that sell or ship alcoholic beverage products directly to Florida consumers from a location outside the state.

1602 OTHER PERSONAL SERVICES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 45,658

1603 EXPENSES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 4,175,290

1604 AID TO LOCAL GOVERNMENTS
BEVERAGE LICENSE TO CITIES AND COUNTIES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 9,700,000

1605 OPERATING CAPITAL OUTLAY
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 309,528

1606 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 529,200

1607 SPECIAL CATEGORIES
LEGAL SERVICES CONTRACT
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 55,000

1608 SPECIAL CATEGORIES
OPERATION AND MAINTENANCE OF PATROL VEHICLES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 510,081

1609 SPECIAL CATEGORIES
CIGARETTE TAX STAMPS
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 851,262

1610 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 179,970

1611 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 301,415

1612 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 235,422

FLORIDA LAND SALES, CONDOMINIUMS AND MOBILE HOMES, DIVISION OF

SECTION 6
SPECIFIC
APPROPRIATION

1613 SALARIES AND BENEFITS POSITIONS 172
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 6,058,734

1614 OTHER PERSONAL SERVICES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 28,950

1615 EXPENSES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 1,558,895

1616 OPERATING CAPITAL OUTLAY
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 44,470

1617 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 106,320

1618 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 150,567

CITRUS, DEPARTMENT OF

1619 SALARIES AND BENEFITS POSITIONS 160
FROM CITRUS ADVERTISING TRUST FUND 7,877,142

1620 OTHER PERSONAL SERVICES
FROM CITRUS ADVERTISING TRUST FUND 268,000

1621 EXPENSES
FROM CITRUS ADVERTISING TRUST FUND 5,791,039

From the funds provided in Specific Appropriation 1621, the Department of Citrus may contract to reimburse the Florida Commission on Tourism/Florida Tourism Industry Marketing Corporation for an amount not to exceed $240,000 of the cost of citrus juice purchased from funds in Specific Appropriation 1649H dispensed at the Florida Welcome Stations.

1622 OPERATING CAPITAL OUTLAY
FROM CITRUS ADVERTISING TRUST FUND 1,031,500

1623 SPECIAL CATEGORIES
PAID ADVERTISING AND PROMOTION
FROM CITRUS ADVERTISING TRUST FUND 69,602,028

1625 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CITRUS ADVERTISING TRUST FUND 19,188

1626 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM CITRUS ADVERTISING TRUST FUND 20,000

1627 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM CITRUS ADVERTISING TRUST FUND 15,000

SECTION 6
SPECIFIC
APPROPRIATION

1627A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM CITRUS ADVERTISING TRUST FUND 17,005

GOVERNOR, EXECUTIVE OFFICE OF THE

GENERAL OFFICE

1627B AID TO LOCAL GOVERNMENTS
SOUTH FLORIDA SEARCH AND RESCUE
FROM GENERAL REVENUE FUND 500,000

1627C AID TO LOCAL GOVERNMENTS
PERRINE CUTLER RIDGE ECONOMIC DEVELOPMENT COUNCIL
FROM GENERAL REVENUE FUND 300,000

1627D AID TO LOCAL GOVERNMENTS
CAMACOL
FROM GENERAL REVENUE FUND 300,000

1627E AID TO LOCAL GOVERNMENTS
HIALEAH CHAMBER
FROM GENERAL REVENUE FUND 200,000

1627F AID TO LOCAL GOVERNMENTS
MIAMI PERFORMING ARTS CENTER - PLANNING
FROM GENERAL REVENUE FUND 300,000

1627G AID TO LOCAL GOVERNMENTS
METRO-DADE AIR RESCUE UPGRADES
FROM GENERAL REVENUE FUND 150,000

1628 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - EXECUTIVE/ADMINISTRATION
POSITIONS 121
FROM GENERAL REVENUE FUND 8,308,222
FROM GRANTS AND DONATIONS TRUST FUND . . . 421,245

From the funds in Specific Appropriation 1628, $50,000 from the General Revenue Fund is provided for reimbursement of travel and per diem expenses for the Public Schools Construction Study Commission, which is hereby created. The Commission shall consist of 17 members who are residents of Florida. Seven members shall be appointed by the Governor, 5 members shall be appointed by the Senate President, and 5 members shall be appointed by the Speaker of the House. It shall be the duty of the Commission to study in detail and recommend appropriate reforms related to the planning, and siting, of public schools, and reforms related to school concurrency. The Commission shall issue a written report, including recommendations for any changes in law, to the Governor, the Senate President, and the Speaker of the House, on or before January 1, 1998. Members of the Commission shall serve without compensation, but shall be entitled to receive reimbursement of travel and per diem as provided in Section 112.061, F.S., while carrying out official business of the Commission.

1629 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - OFFICE OF PLANNING AND BUDGETING
POSITIONS 91
FROM GENERAL REVENUE FUND 5,730,812
FROM GRANTS AND DONATIONS TRUST FUND . . . 84,496

1630 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - WASHINGTON OFFICE
POSITIONS 5
FROM GENERAL REVENUE FUND 417,621

SECTION 6
SPECIFIC
APPROPRIATION

1632A LUMP SUM
DISTANCE LEARNING INFRASTRUCTURE
FROM GRANTS AND DONATIONS TRUST FUND . . . 7,758,678

From the funds in Specific Appropriation 1632A, $7,758,678 shall be used to complete the development and implementation of the infrastructure for distance learning. Such infrastructure shall provide for an advisement and academic support system for students to access Florida postsecondary education information which as a first priority, shall include, but not be limited to: 1) degree shopping 2) career counseling and information 3) student financial aid network 4) student registration and fee payment system 5) student admissions. In the event funds are available after completing the above, no funds shall be used for the development of curriculum or other programs for distribution by distance learning, as defined by the Florida Distance Learning Network (FDLN), until such time as a proposed expenditure plan has been approved by FDLN.

1632B LUMP SUM
WAGES STATE BOARD
POSITIONS 3
FROM GRANTS AND DONATIONS TRUST FUND . . . 471,174

1633 LUMP SUM
LEGISLATIVE APPROPRIATION SYSTEM/PLANNING AND BUDGETING SUBSYSTEM
POSITIONS 45
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND 4,744,872

1633A LUMP SUM
INSPECTOR GENERAL/GENERAL COUNSEL
FROM GENERAL REVENUE FUND 250,000

1633B LUMP SUM
ENHANCEMENT OF PRODUCTION CAPABILITIES AT THE UNIVERSITY OF FLORIDA
FROM GENERAL REVENUE FUND 200,000

1634 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 84,352

1634A SPECIAL CATEGORIES
SUNSHINE STATE GAMES
FROM GENERAL REVENUE FUND 350,000

1634B SPECIAL CATEGORIES
FLORIDA SPORTS DEVELOPMENT CENTER
FROM GENERAL REVENUE FUND 350,000

1635 SPECIAL CATEGORIES
CONTINGENT - DISCRETIONARY
FROM GENERAL REVENUE FUND 30,000

1635A SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA COUNCIL ON INDIAN AFFAIRS
FROM GENERAL REVENUE FUND 114,987

1640 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 65,744
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,464
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND 13,864

SECTION 6
SPECIFIC
APPROPRIATION

1643 DATA PROCESSING SERVICES
STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND 44,550

1644 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND 24,000

1644A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 10,732

OFFICE OF TOURISM, TRADE AND ECONOMIC DEVELOPMENT

1649A SALARIES AND BENEFITS POSITIONS 20
FROM GENERAL REVENUE FUND 479,144
FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND 74,181
FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND 175,683
FROM TOURISM PROMOTION TRUST FUND 175,683

1649B LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - OFFICE OF TOURISM, TRADE AND ECONOMIC DEVELOPMENT
FROM GENERAL REVENUE FUND 166,855
FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND 24,641
FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND 53,368
FROM GRANTS AND DONATIONS TRUST FUND . . . 130,000
FROM TOURISM PROMOTION TRUST FUND 53,368

1649C LUMP SUM
ECONOMIC DEVELOPMENT/INTERNATIONAL TRADE AND PROMOTION
FROM GENERAL REVENUE FUND 40,771,170
FROM ECONOMIC DEVELOPMENT TRUST FUND . . . 3,375,000
FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND 5,340,525
FROM GRANTS AND DONATIONS TRUST FUND . . . 37,250,000

From funds provided in Specific Appropriation 1649C from the General Revenue Fund the following appropriations are for the named economic development initiatives:

Sister City Program/City of Clearwater	$750,000
Spaceport Florida RLV Program	$4,000,000
I-4 High Technology Corridor of Central Florida	$925,000
G/A Enterprise Florida - Operations	$6,331,668
G/A EFI-Capital, Innovation, Quick Response	$9,875,000
G/A Targeted Industry Incentive Program	$4,900,000
G/A Jobs and Education Operation	$ 283,446
Brownfields Redevelopment	$3,000,000
Microelectronics	$3,900,000
Micro Enterprise Capital	$1,000,000
Pilot Job Training Matching Grant Program	$2,000,000
Linkage Institutes	$ 300,000
Targeted Industry Reconnaissance Program	$1,000,000
Spaceport Florida Authority-Operation.	$752,844
Custom Forwarders and Facilitation	$100,000
Southern States Trade Obligations Compact Japan	$250,000
Southeast Asia Trade Operations-Vietnam Embassy Office	$270,000

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|Soldiers to Scholars Program .....$300,000|
|Florida Business Incubation Center.....$300,000|
|G/A FAVA/CA.....$533,212|

From funds provided in Specific Appropriation 1649C from the Florida International Trade and Promotion Trust Fund the following appropriations are for the named economic development initiatives:

|Trade Data Center.....$ 290,525|
|Intensive Export Assistance.....$1,500,000|
|G/A Enterprise Florida - Operation Foreign |
|Offices.....$1,700,000|
|Florida Export Finance Corp |
|Administration .....$1,850,000|

From funds provided in Specific Appropriation 1649C from the Economic Development Trust Fund the following appropriations are for the named economic development initiatives:

|G/A Targeted Industry Incentive |
| Program/Defense Reinvestment.....$1,375,000|
| |
|Economic Development Trust Fund |
|Rural Community Development Grants...$2,000,000|

From the funds in Specific Appropriation 1649C from the Grants and Donations Trust Fund for performance based programs and incentives, Enterprise Florida shall develop at least 3 geographically dispersed private demonstration programs for applied basic and work skills job training. Such programs shall be in the areas of: retraining employees displaced by contracting or obsolete industries to move from one industry to another; training for specific industries, such as seaports and construction or other related industries that support international trade; or training employees for industries expanding their employment base in Florida. Enterprise Florida shall solicit proposals that demonstrate effective management and supervision of employee learning, be transportable by geographic region, use applied technologies such as computer based applications and demonstrate the ability to train the largest number of employees within the shortest period of time during the 1997-98 fiscal year. Special preferences for training shall be offered for persons affected by the WAGES programs.

From funds provided in Specific Appropriation 1649C, the sum of $500,000 from the General Revenue Fund for Pilot Job Training Matching Grant Program is designated for the Port Training Program as provided in HB 1997 or similar legislation.

From the funds provided in Specific Appropriation 1649C the sum of $200,000 from funds appropriated for Rural Community Development Grants shall be allocated and granted to the Florida Foreign Trade Association for purposes of increasing exports from rural areas of the state by assisting Florida businesses from counties with populations of 75,000 persons or fewer to participate in major international trade shows in this hemisphere.

From funds provided in specific Appropriation 1649C, the Office of Tourism Trade and Economic Development shall in conjunction with its contracted partnerships develop "Program Work Plans" for 1997-98 incorporating contractual performance measures and appropriated resources. These plans shall be due on or before July 1, 1997, and

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submitted to the Senate Ways and Means Committee Chairman and to the House Fiscal Responsibility Council Chairman. The plan shall be designed to reflect quarterly goals and objectives. On October 1, 1997 and quarterly thereafter, a report shall be made to the above Chairs which compares the actual quarterly accomplishments to the "Program Work Plan" submitted on July 1st or before. Where a variance occurs, the contracted partnership must provide written justification for the difference at the time of the quarterly report.

1649D	SPECIAL CATEGORIES GRANTS AND AIDS - BLACK BUSINESS INVESTMENT BOARD FROM GENERAL REVENUE FUND	454,705	
1649E	SPECIAL CATEGORIES GRANTS AND AIDS - FLORIDA SPORTS FOUNDATION FROM PROFESSIONAL SPORTS DEVELOPMENT TRUST FUND		2,500,000
1649F	SPECIAL CATEGORIES PORTS PROGRAM FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND		209,475
1649G	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	208	
1649H	SPECIAL CATEGORIES GRANTS AND AIDS - FLORIDA COMMISSION ON TOURISM FROM TOURISM PROMOTION TRUST FUND		20,000,000
1649I	SPECIAL CATEGORIES ENTERPRISE FLORIDA - JOBS AND EDUCATION SERVICES FROM GRANTS AND DONATIONS TRUST FUND . . .		414,805
1649J	SPECIAL CATEGORIES ENTERTAINMENT FLORIDA FROM TOURISM PROMOTION TRUST FUND		200,411
1649K	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS ECONOMIC DEVELOPMENT TRANSPORTATION PROJECTS FROM GENERAL REVENUE FUND	1,500,000	
	FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND		19,000,000

From General Revenue Funds included in Specific Appropriation 1649K, $1,000,000 is for construction of a service road to SR 85 in Crestview.

From General Revenue Funds included in Specific Appropriation 1649K, $500,000 is to be provided to Putnam County on an equal match basis from non-state funds to assist in project site preparation and building construction for the purpose of enhancing business and industry development including improvements to SR 207 and U.S. Highway 17.

From the Economic Development Transportation Trust Fund included in Specific Appropriation 1649K, $3,000,000 is for construction of an Overpass at Maitland Boulevard and Forest City Road.

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HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF

OFFICE OF EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATIVE SERVICES

1650	SALARIES AND BENEFITS POSITIONS	425	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		12,636,896
	FROM GRANTS AND DONATIONS TRUST FUND . . .		82,101
	FROM LAW ENFORCEMENT TRUST FUND		96,455
1651	OTHER PERSONAL SERVICES		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		91,785
	FROM GRANTS AND DONATIONS TRUST FUND . . .		70,000
1652	EXPENSES		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		1,573,560
	FROM GRANTS AND DONATIONS TRUST FUND . . .		205,400
	FROM LAW ENFORCEMENT TRUST FUND		7,460
1653	OPERATING CAPITAL OUTLAY		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		93,695
	FROM GRANTS AND DONATIONS TRUST FUND . . .		12,000
1654	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND	25,406	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		55,380
1655	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		152,099
1656	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		501
1657	DATA PROCESSING SERVICES		
	KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	317,534	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		579,677
	FROM LAW ENFORCEMENT TRUST FUND		3,437
1657A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	49,312	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		107,543

FLORIDA HIGHWAY PATROL, DIVISION OF

It is the intent of the Legislature that the Office of Program Policy Analysis and Government Accountability review the Florida Highway Patrol's traffic and investigation activities on local roads in order to assist the Legislature in the evaluation of the performance of their operations.

1658	SALARIES AND BENEFITS POSITIONS	2,207	
	FROM GENERAL REVENUE FUND	91,758,545	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		8,666,641
	FROM GAS TAX COLLECTION TRUST FUND		183,513
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,310,018
	FROM LAW ENFORCEMENT TRUST FUND		829,452
1659	LUMP SUM		
	HIGHWAY SAFETY PROGRAM		
	FROM GENERAL REVENUE FUND	13,322,160	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		12,474,562
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,099,453
	FROM LAW ENFORCEMENT TRUST FUND		228,203

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From the Funds in Specific Appropriation 1658 and 1659, the Florida Highway Patrol will meet the following standards as required by the Government Performance and Accountability Act of 1994, in providing highway safety in Florida through law enforcement, preventive patrol and public education.

Performance Measures	1997-98 Standards
OUTCOMES:	
Annual percentage change and actual compliance rate of safety belt use statewide and compared to national average	+6%/68%/67%
Annual mileage death rate on patrolled highways per 100,000,000 vehicle miles of travel compared to national average	1.7 nat'l/2.2 FL
Annual alcohol-related mileage death rate per 100,000,000 vehicle miles of travel	0.8%
Annual percent change and actual number of reported crashes on patrolled highways	+6%/194,644
Percent of recruits retained by the FHP for one year after completion of training	N/A
OUTPUTS:	
Actual number of hours spent on criminal investigations and the number of cases resolved	54,631/788
Actual number of hours spent on professional compliance investigations and the number of cases resolved	19,527/156
Actual number and hours spent on traffic safety presentations to the public and number of persons receiving those presentations	1,470/7,280
Actual average response time to calls for crashes or assistance from the motoring public	16.37 min
Number of law enforcement officer duty hours and percent of time spent on preventive patrol	1,125,135/144%
Number of law enforcement officer duty hours and percent of time spent on crash investigation	331,569/13%
Number of law enforcement officer duty hours and percent of time spent on assistance rendered and number of motorists assisted	127,527/5%
Actual number of hours spent on traffic homicide investigations (THI) and number of investigations successfully resolved	122,821/1,688
Actual number of training courses offered to FHP recruits and personnel and number of students successfully completing the course	21-N/A

1660	SPECIAL CATEGORIES	
	PAYMENT OF DEATH AND DISMEMBERMENT CLAIMS	
	FROM HIGHWAY PATROL INSURANCE TRUST FUND .	152,000

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1661	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	2,130,604	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		166,010
1662	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	1,168,097	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		580,368
	FROM GRANTS AND DONATIONS TRUST FUND . . .		15,600
1663	SPECIAL CATEGORIES		
	TRANSFER TO HIGHWAY PATROL INSURANCE TRUST FUND		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		152,000
1664	DATA PROCESSING SERVICES		
	KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		215,735

DRIVER LICENSES, DIVISION OF

1666	SALARIES AND BENEFITS POSITIONS	1,492	
	FROM GENERAL REVENUE FUND	79,581	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		40,900,209
	FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND		292,623
1667	OTHER PERSONAL SERVICES		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		967,016
	FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND		143,467
	FROM GRANTS AND DONATIONS TRUST FUND . . .		159,064
1668	EXPENSES		
	FROM GENERAL REVENUE FUND	89,761	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		8,802,674
	FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND		81,604
	FROM GRANTS AND DONATIONS TRUST FUND . . .		191,228
1669	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	56,000	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		80,323
	FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND		7,769
	FROM GRANTS AND DONATIONS TRUST FUND . . .		176,132
1671	SPECIAL CATEGORIES		
	PAYMENT TO OUTSIDE CONTRACTOR		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		500,000
1672	SPECIAL CATEGORIES		
	PURCHASE OF DRIVER LICENSES		
	FROM GENERAL REVENUE FUND	208,066	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		2,225,149
1673	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		993,155
	FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND		4,648
1674	DATA PROCESSING SERVICES		
	KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	3,113,395	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		8,147,114

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MOTOR VEHICLES, DIVISION OF

1675	SALARIES AND BENEFITS POSITIONS	627	
	FROM GENERAL REVENUE FUND	58,500	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		15,894,631
	FROM GAS TAX COLLECTION TRUST FUND		2,445,167
1676	OTHER PERSONAL SERVICES		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		109,516
	FROM GAS TAX COLLECTION TRUST FUND		11,438
	FROM GRANTS AND DONATIONS TRUST FUND . . .		50,000
1677	EXPENSES		
	FROM GENERAL REVENUE FUND	11,672	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		4,116,353
	FROM GAS TAX COLLECTION TRUST FUND		498,162
	FROM GRANTS AND DONATIONS TRUST FUND . . .		360,626
1678	AID TO LOCAL GOVERNMENTS		
	DISTRIBUTION TO SCHOOLS - MOBILE HOME DECAL REVENUE		
	FROM LICENSE TAX COLLECTION TRUST FUND . .		10,500,000
1679	AID TO LOCAL GOVERNMENTS		
	DISTRIBUTION TO COUNTIES - MOBILE HOME DECAL REVENUE		
	FROM LICENSE TAX COLLECTION TRUST FUND . .		7,632,000
1680	AID TO LOCAL GOVERNMENTS		
	DISTRIBUTION TO CITIES - MOBILE HOME DECAL REVENUE		
	FROM LICENSE TAX COLLECTION TRUST FUND . .		3,368,000
1681	OPERATING CAPITAL OUTLAY		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		160,165
	FROM GAS TAX COLLECTION TRUST FUND		5,001
	FROM GRANTS AND DONATIONS TRUST FUND . . .		145,656
1682	SPECIAL CATEGORIES		
	GRANTS AND AIDS - PURCHASE OF LICENSE PLATES		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		7,531,999
1683	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		181,744
	FROM GAS TAX COLLECTION TRUST FUND		38,096
1684	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF ENVIRONMENTAL PROTECTION EMISSIONS PROGRAM		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		250,000
1685	DATA PROCESSING SERVICES		
	ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER		
	FROM GENERAL REVENUE FUND	153,672	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		144,696
1686	DATA PROCESSING SERVICES		
	KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	1,925,790	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		7,322,540
	FROM GAS TAX COLLECTION TRUST FUND		514,697

KIRKMAN DATA CENTER

1687	SALARIES AND BENEFITS POSITIONS	225	
	FROM WORKING CAPITAL TRUST FUND		8,109,152
1688	OTHER PERSONAL SERVICES		
	FROM WORKING CAPITAL TRUST FUND		1,738,723

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1689 EXPENSES
FROM WORKING CAPITAL TRUST FUND 7,824,609

1690 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 952,796

1691 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKING CAPITAL TRUST FUND 33,929

1692 SPECIAL CATEGORIES
TAX COLLECTOR NETWORK - COUNTY SYSTEMS
FROM WORKING CAPITAL TRUST FUND 3,936,434

INSURANCE, DEPARTMENT OF, AND TREASURER

OFFICE OF THE TREASURER AND DIVISION OF ADMINISTRATION

1693 SALARIES AND BENEFITS POSITIONS 144
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 6,154,020

1694 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 344,121

1695 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 1,118,405

1696 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 19,300

1697 LUMP SUM
MITIGATING COASTAL HOMES - PILOT PROGRAM
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 1,400,000

Funds in Specific Appropriation 1697 shall be used to develop a Mitigating Coastal Homes Pilot Program contingent upon legislation becoming law authorizing this program. The Department of Insurance shall develop a Mitigating Coastal Homes component plan in conjunction with the Department of Community Affairs comprehensive plan for the distribution of funds received from the Florida Hurricane Catastrophe Trust Fund. At a minimum the department's component plan should include criteria for monitoring and evaluating the projects to determine the effectiveness of reducing property damage to coastal residential structures. All funds will remain in lump sum until the department's component plan has been incorporated into the Department of Community Affairs comprehensive plan, and approved by the Executive Office of the Governor.

1698 LUMP SUM
HAZARD RESISTANT CONSTRUCTION MATERIALS
AND METHODS - PILOT PROGRAM
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 1,100,000

Funds in Specific Appropriation 1698 shall be used to develop a Hazard Resistant Construction Materials and Methods Pilot Program contingent upon legislation becoming law authorizing this program. The Department of Insurance shall develop a Hazard Resistant Construction Materials and Methods component plan in conjunction with the Department of Community Affairs comprehensive plan for the distribution of funds received from the Florida

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Hurricane Catastrophe Trust Fund. At a minimum the department's component plan should include criteria for monitoring and evaluating the projects to determine the effectiveness of reducing property damage to new residential structures and retrofitted older residential structures. All funds will remain in lump sum until the department's component plan has been incorporated into the Department of Community Affairs comprehensive plan, and approved by the Executive Office of the Governor.

1701 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 65,592

1702 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 2,400

1703 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF
MANAGEMENT SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 7,783

1703A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 10,683

TREASURY, DIVISION OF

1704 SALARIES AND BENEFITS POSITIONS 76
FROM TREASURER'S ADMINISTRATIVE AND
INVESTMENT TRUST FUND 2,958,028

1705 OTHER PERSONAL SERVICES
FROM TREASURER'S ADMINISTRATIVE AND
INVESTMENT TRUST FUND 9,000

1706 EXPENSES
FROM TREASURER'S ADMINISTRATIVE AND
INVESTMENT TRUST FUND 2,208,404

1707 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM TREASURER'S ADMINISTRATIVE AND
INVESTMENT TRUST FUND 7,216

1707A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM TREASURER'S ADMINISTRATIVE AND
INVESTMENT TRUST FUND 4,014

AGENTS AND AGENCIES SERVICES, DIVISION OF

1708 SALARIES AND BENEFITS POSITIONS 139
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 4,610,610

1709 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 3,370,781

1710 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 1,302,609

1711 AID TO LOCAL GOVERNMENTS
INSURANCE LICENSE TAX TO COUNTIES
FROM AGENTS AND SOLICITORS COUNTY
LICENSE TAX TRUST FUND 3,600,000

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1712 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 6,200

1713 SPECIAL CATEGORIES
FINGERPRINTING OF APPLICANTS
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,200,000

1714 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 50,252

1714A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 3,965

INSURER SERVICES, DIVISION OF

1715 SALARIES AND BENEFITS POSITIONS 308
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 13,152,265

1716 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 570,000

From the funds in Specific Appropriation 1716, $75,000 is provided for the Florida Commission on Integrated Health Care Delivery Systems to conduct an analysis of various health care providers, and is contingent on Senate Bill 2066 or similar legislation becoming law.

From the funds in Specific Appropriation 1716, $100,000 is provided for the department to hire expert consultants to develop appropriate territorial mapping and related hurricane risk factors associated with various coastal territories of the state, and is contingent on Senate Bill 794, House Bill 1815 or similar legislation becoming law.

1717 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 3,103,253

Funds in Specific Appropriations 1715 and 1717 reflect the reduction of 5.0 positions, $180,843 in salaries and benefits, and $110,000 in expense, associated with a four-year initiative to privatize market conduct examinations. Implementation of this initiative is contingent on legislation becoming law which authorizes market conduct exams to be performed by contracted examiners.

1718 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 16,050

1719 SPECIAL CATEGORIES
FINGERPRINTING OF APPLICANTS
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 64,524

1720 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 35,212

1720A DATA PROCESSING SERVICES
SAMAS USER CHARGE

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FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 8,638

REHABILITATION AND LIQUIDATION, DIVISION OF

1721 SALARIES AND BENEFITS POSITIONS 13
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 741,158

1722 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 300,000

1723 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 513,170

1724 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 76,530

1724A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 332

INSURANCE CONSUMER SERVICES, DIVISION OF

1725 SALARIES AND BENEFITS POSITIONS 160
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 5,379,158

1726 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 175,000

1727 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,519,595

1728 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 68,215

1729 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 40,897

1729A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 4,109

STATE FIRE MARSHAL, DIVISION OF

1730 SALARIES AND BENEFITS POSITIONS 230
FROM FIRE COLLEGE TRUST FUND 1,199,523
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 8,260,697

1731 OTHER PERSONAL SERVICES
FROM FIRE COLLEGE TRUST FUND 115,630
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 270,531

1732 EXPENSES
FROM FIRE COLLEGE TRUST FUND 637,756
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 2,119,120

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1733 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 991,907

1734 LUMP SUM
FIRE COLLEGE DISTANCE LEARNING PILOT PROGRAM
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 824,303

Funds in Specific Appropriation 1734 shall be used to develop a Fire College Distance Learning Pilot Program in conjunction with the University of Florida and the Department of Management Services. All funds will remain in lump sum until a plan has been developed and approved by the Executive Office of the Governor.

Upon approval of the plan, the Department of Insurance shall transmit a quarterly progress report on the results to the Executive Office of the Governor. No later than September 15,1998, the department shall provide an annual report evaluating the results of the plan to the Executive Office of the Governor, the Department of Management Services, the Speaker of the House, and the President of the Senate and the Minority Leaders of the House and Senate.

1735 SPECIAL CATEGORIES
FINGERPRINTING OF APPLICANTS
FROM FIRE COLLEGE TRUST FUND 150,000

1736 SPECIAL CATEGORIES
ON-CALL FEES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 251,141

1737 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 95,306

1738 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 79,098

1739 SPECIAL CATEGORIES
SUPPLEMENTAL FIREFIGHTERS COMPENSATION
FROM FIRE COLLEGE TRUST FUND 17,500
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 20,500

1739A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM FIRE COLLEGE TRUST FUND 3,446
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 5,170

1739B FIXED CAPITAL OUTLAY
FLORIDA'S FIRE/RESCUE TRAINING AND EDUCATION SYSTEM UPGRADE - DMS MGD
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 992,727

RISK MANAGEMENT, DIVISION OF

1740 SALARIES AND BENEFITS POSITIONS 106
FROM CASUALTY INSURANCE TRUST FUND 3,565,829
FROM FIRE INSURANCE TRUST FUND 241,722

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1741 OTHER PERSONAL SERVICES
FROM CASUALTY INSURANCE TRUST FUND 5,000
FROM FIRE INSURANCE TRUST FUND 250,000

1742 EXPENSES
FROM CASUALTY INSURANCE TRUST FUND 883,813
FROM FIRE INSURANCE TRUST FUND 35,545

1743 OPERATING CAPITAL OUTLAY
FROM CASUALTY INSURANCE TRUST FUND 29,855

1744 SPECIAL CATEGORIES
EXCESS INSURANCE AND CLAIM SERVICE
FROM CASUALTY INSURANCE TRUST FUND 11,130,000
FROM FIRE INSURANCE TRUST FUND 6,750,000

1745 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CASUALTY INSURANCE TRUST FUND 14,385

1745A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM CASUALTY INSURANCE TRUST FUND 3,264
FROM FIRE INSURANCE TRUST FUND 363

INSURANCE FRAUD, DIVISION OF

1746 SALARIES AND BENEFITS POSITIONS 133
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 5,839,812

1747 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 120,000

1748 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,335,310

1749 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 392,580

1750 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 37,277

1751 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 146,260

1751A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 3,558

TREASURER'S MANAGEMENT INFORMATION CENTER

1752 SALARIES AND BENEFITS POSITIONS 65
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 2,951,777

1753 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 890,000

1754 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 2,987,340

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1755 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 500,000

1756 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 15,737

1757 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 252,000

1757A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 5,852

LEGAL SERVICES, DIVISION OF

1758 SALARIES AND BENEFITS POSITIONS 75
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 3,370,808

1759 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 298,235

1760 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 938,357

1761 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 8,200

1762 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 449,723

1763 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 61,670

1763A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,454

LABOR AND EMPLOYMENT SECURITY, DEPARTMENT OF

OFFICES OF THE SECRETARY AND ADMINISTRATIVE SERVICES

1764 SALARIES AND BENEFITS POSITIONS 365
FROM GENERAL REVENUE FUND 1,292,408
FROM ADMINISTRATIVE TRUST FUND 11,761,279
FROM REVOLVING TRUST FUND 747,739

From the positions in Specific Appropriation 1764 one full-time equivalent shall be designated for the purpose of supporting quality improvement initiatives in state government.

1765 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 100,000
FROM ADMINISTRATIVE TRUST FUND 402,492
FROM REVOLVING TRUST FUND 487,946

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1766 EXPENSES
FROM GENERAL REVENUE FUND 228,265
FROM ADMINISTRATIVE TRUST FUND 3,049,887
FROM REVOLVING TRUST FUND 3,568,915
FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND 45,880

1767 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 208,129
FROM REVOLVING TRUST FUND 185,176

1768 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM ADMINISTRATIVE TRUST FUND 30,000

1769 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND 57,372

1770 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 277,494

1771 DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY
FROM GENERAL REVENUE FUND 1,640
FROM ADMINISTRATIVE TRUST FUND 589,780

1771A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 636
FROM ADMINISTRATIVE TRUST FUND 33,878

1772 FIXED CAPITAL OUTLAY
REED ACT BUILDINGS PROJECTS - STATEWIDE
FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND 1,174,000

1773 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM ADMINISTRATIVE TRUST FUND 93,777

PUBLIC EMPLOYEES RELATIONS COMMISSION

1774 SALARIES AND BENEFITS POSITIONS 42
FROM GENERAL REVENUE FUND 2,519,339

1775 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 134,640
FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND 5,000

1776 EXPENSES
FROM GENERAL REVENUE FUND 524,066
FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND 48,648

1777 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,189

1778 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 6,295

1779 DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY
FROM GENERAL REVENUE FUND 30,448

1779A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 2,389

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OFFICE OF THE JUDGES OF COMPENSATION CLAIMS

1780 SALARIES AND BENEFITS POSITIONS 196
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 10,913,920

1781 OTHER PERSONAL SERVICES
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 893,362

1782 EXPENSES
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 2,370,380

1783 OPERATING CAPITAL OUTLAY
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 60,049

1784 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 343,446

1785 DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT
OF LABOR AND EMPLOYMENT SECURITY
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 50,000

1785A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 8,934

SAFETY AND WORKERS' COMPENSATION

The measurements of the activities of the Divisions of Safety and Workers' Compensation shall be jointly used to assess governmental performance and accountability for the Workers' Compensation Program.

1786 SALARIES AND BENEFITS POSITIONS 798
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 28,506,696
FROM WORKERS' COMPENSATION SPECIAL
DISABILITY TRUST FUND 969,502

1787 LUMP SUM
WORKERS' COMPENSATION LUMP SUM
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 12,861,888
FROM WORKERS' COMPENSATION SPECIAL
DISABILITY TRUST FUND 699,327

1788 SPECIAL CATEGORIES
REIMBURSEMENT OF EMPLOYERS
FROM WORKERS' COMPENSATION SPECIAL
DISABILITY TRUST FUND 125,609,261

1789 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 209,288

1790 SPECIAL CATEGORIES
TRANSFER TO HEALTH CARE AGENCY
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 645,408

1791 SPECIAL CATEGORIES
TRANSFER TO THE DEPARTMENT OF INSURANCE
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 4,353,607

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1792 FINANCIAL ASSISTANCE PAYMENTS
PAYMENTS TO CLAIMANTS
FROM SELF INSURANCE ASSESSMENT TRUST
FUND 500,000

1793 FINANCIAL ASSISTANCE PAYMENTS
SUPPLEMENTAL WORKERS' COMPENSATION
BENEFITS
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 23,920,026

1794 DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT
OF LABOR AND EMPLOYMENT SECURITY
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 1,980,847

1794A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 47,679

From the funds provided in Specific Appropriations 1786, 1787, 1788, 1790, 1791, 1792, 1793, 1794 and 1794A, the Divisions of Safety & Workers' Compensation will meet the following standards as required by the Government Performance and Accountability Act. The purposes of meeting these standards are to empower individuals with work related injuries to maximize their economic self-sufficiency and independence; to pursue vocational rehabilitative services; and to provide safe working conditions for all of Florida's private and public employees.

Performance Measures	1997-98 Standards
OUTCOMES:	
Actual vs. projected premium rates in Florida	321
Percentage of injured workers returning to work at 80 percent or more of previous average weekly wage for at least 1 quarter the year following injury	60.0%
Percentage of initial payments made on time by insurance carriers	91.8%
Percent of total supplemental benefits paid to injured workers timely and accurately	99.0%
Number of workers newly protected by workers' compensation coverage per fiscal year as a result of compliance efforts	13,897
Number of investigated disputes totally resolved by the Employee Assistance Office	23,622
Percent of investigated disputes totally resolved by the Employee Assistance Office	30.2%
Average closure time for disputed issues through efforts of EAO (in days)	24
Percent of non-complying carriers in compliance after division intervention	78.0%
Percent of cases closed during fiscal year in which a worker returns to work	60.0%

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Number of employers brought into compliance through investigations	2,995
Estimated amount of insurance premium dollars newly generated due to compliance	$ 9,740,524
Estimated cost avoidance to workers' compensation system from EAO resolution of disputes.	$ 54,082,261
Average total cost per 4-year old case	$18,946
OUTPUTS:	
Number of private sector employers directly receiving services	1,571
Number of public sector employers directly receiving services	2,836
Number of services provided (hazard identification, safety program assistance and training)	15,540
Number of individual self-insureds' documents processed	1,658
Number of individual self-insureds' applications reviewed	15
Number of individual self-insureds' applications approved	6
Number of permanent total supplemental benefits mailed or electronically processed by the program	42,240
Number of employer coverage documents processed, including exemptions from coverage filed by construction employers	621,694
Number of notices and penalty assessments served on non-complying employers	3,014
Number of stop work orders served to employers failing to comply after penalty	21
Number of employer investigations conducted for compliance with workers' compensation law	22,758
Number of requests for assistance within the jurisdiction of the Employee Assistance Office that were investigated	78,135
Number of applicants screened for re-employment services	1,921
Number of program applicants provided re-employment services	1,164
Percentage of program applicants provided re-employment services	62.0%
Number of cases created from the DWC-1 form	80,000
Number of carriers audited annually	95
Percentage of carriers found in compliance on initial audit	30.0%

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JOBS AND BENEFITS, DIVISION OF

1795	SALARIES AND BENEFITS POSITIONS 2,775		
	FROM GENERAL REVENUE FUND	1,296,794	
	FROM CREW CHIEF REGISTRATION TRUST FUND		858,831
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		87,196,147
1796	OTHER PERSONAL SERVICES		
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		2,133,171
1797	EXPENSES		
	FROM GENERAL REVENUE FUND	243,053	
	FROM CREW CHIEF REGISTRATION TRUST FUND		165,657
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		21,772,607
1798	OPERATING CAPITAL OUTLAY		
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		618,530

From amounts in Specific Appropriations 1795, 1796, and 1798, the department is directed to enter into contracts collaboratively with the Department of Children and Family Services in consultation with the WAGES Board for joint pilot projects to demonstrate the feasibility of privatizing all service delivery functions associated with the WAGES program in no fewer than three locations that are in separate regions and are representative of service centers in inner city, suburban and rural settings. The WAGES State Board shall participate in project design, site selection, proposal development and bid evaluation for all pilot projects. Requests for proposals for all three pilot project sites must be issued no later than December 31, 1997, and all providers must be selected for all sites no later than March 1, 1998. Implementation activities in all pilot project sites must commence no later than April 1, 1998. The department is authorized to use funds from Specific Appropriations 1795, 1796, and 1798 for costs associated with developing and issuing requests for proposals for the pilot projects and for evaluating proposals received. The department, in cooperation with the WAGES state board, is required to submit quarterly progress reports on pilot project implementation and operation to the President of the Senate and Speaker of the House beginning September 30, 1997. The Office of Program Policy Analysis and Governmental Accountability is directed to submit an evaluation of startup and early implementation activities to the President of the Senate and Speaker of the House by December 31, 1998, and an evaluation of pilot project outcomes by December 31, 1999.

1798A	LUMP SUM	
	INTEGRATED CLIENT COMMON INTAKE	
	FROM GENERAL REVENUE FUND	600,000

In accordance with the Integrated Workforce Development System goal identified in the department's Agency Strategic Plan, funds in Specific Appropriation 1798A, $600,000 shall be used by the department and the Palm Beach County Workforce Development Board to develop and establish a pilot Integrated Client Common Intake and Client Services Tracking System. This system shall be designed to allow agencies participating in the One-Stop Career Centers initiatives the ability to create efficiencies in service delivery. The department shall submit a report to the House Fiscal Responsibility Council and the Senate Ways and Means

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Committee by January 1, 1998 on the progress of the pilot.

1799 LUMP SUM
ONE-STOP CENTERS INITIATIVE
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 12,558,704

From funds in Specific Appropriation 1799, $295,235 shall be used by the Florida Community Opportunity Partnership Center at the University of South Florida to expand its pilot program to provide a total of five one-stop job development centers in west central Florida.

Funds in Specific Appropriation 1799 must be expended in accordance with the plan approved by the Jobs and Education Partnership. The plan shall include goals, incentives and performance benchmarks for One Stop Center Activities. The plan for the expenditure of these funds must be submitted by state agencies for approval by the Jobs and Education Partnership (JEP) and notification to the Executive Office of the Governor no later than June 2, 1997 and must be approved by JEP no later than June 25, 1997. Wherever appropriate, activities are to be delivered at a local level and coordinated through chartered Jobs and Education Partnership Regional Boards.

1800 LUMP SUM
HIGH SKILL/HIGH WAGE INITIATIVE
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 34,347,941

Funds in Specific Appropriation 1800 must be expended in accordance with the plan approved by the Jobs and Education Partnership. The plan shall include goals, incentives and performance benchmarks for High Skill / High Wage Activities. The plan for the expenditure of these funds must be submitted by state agencies for approval by the Jobs and Education Partnership (JEP) and notification to the Executive Office of the Governor no later than June 2, 1997 and must be approved by JEP no later than June 25, 1997. Wherever appropriate, activities are to be delivered at a local level and coordinated through chartered Jobs and Education Partnership Regional Boards.

1801 LUMP SUM
SCHOOL-TO-WORK INITIATIVE
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 51,163,823

Funds in Specific Appropriation 1801 must be expended in accordance with the plan approved by the Jobs and Education Partnership. The plan shall include goals, incentives and performance benchmarks for School to Work Activities. The plan for the expenditure of these funds must be submitted by state agencies for approval by the Jobs and Education Partnership (JEP) and notification to the Executive Office of the Governor no later than June 2, 1997 and must be approved by JEP no later than June 25, 1997. Wherever appropriate, activities are to be delivered at a local level and coordinated through chartered Jobs and Education Partnership Regional Boards.

1802 LUMP SUM
WELFARE-TO-WORK INITIATIVE
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 45,644,105

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Funds in Specific Appropriation 1802 must be expended in accordance with the plan approved by the Jobs and Education Partnership. The plan shall include goals, incentives and performance benchmarks for Welfare to Work Activities. The plan for the expenditure of these funds must be submitted by state agencies for approval by the Jobs and Education Partnership (JEP) and notification to the Executive Office of the Governor no later than June 2, 1997 and must be approved by JEP no later than June 25, 1997. Wherever appropriate, activities are to be delivered at a local level and coordinated through chartered Jobs and Education Partnership Regional Boards.

From funds provided in Specific Appropriation 1802, the chartered Jobs and Education Partnership Regional Boards may utilize $3.2 million in Title IIA funds to provide on-the-job training for WAGES parents participating in the Certified-Teacher-Aide Welfare Transition Program, after approval of the Jobs and Education Partnership.

1803 SPECIAL CATEGORIES
GRANTS AND AIDS - JOB TRAINING PARTNERSHIP
ACT SERVICE DELIVERY AREA ALLOTMENTS
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 11,535,922

From funds provided in Specific Appropriation 1803, $2,000,000 will be used on an annual basis for dislocated worker services provided by the State of Florida's Dislocated Worker Unit and $2,000,000 will be used for contracted rapid response services for dislocated workers. The State of Florida Dislocated Worker Unit will be responsible for all services received by dislocated workers in Florida.

1804 SPECIAL CATEGORIES
CONTRACT PAYMENTS
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 825,000

1805 SPECIAL CATEGORIES
GRANTS AND AIDS - WORKFORCE DEVELOPMENT
BOARDS/WAGES COALITIONS ALLOTMENTS
FROM GENERAL REVENUE FUND 500,000
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 92,111,506

From funds in Specific Appropriation 1805, $6,000,000 from the Employment Security Administration Trust Fund may be used for the purpose of operating the performance-based incentive program (Chapter 239.249, F.S.). The funds will be earned by school districts and community colleges under a performance-based funding approach, structured as incentives to vocational programs for producing trained workers in occupations identified in the Occupational Forecasting Conference (Section 216.136, F.S.) and for enrolling, training and placing WAGES participants.

From funds in Specific Appropriation 1805, each local WAGES coalition is authorized to fund community-based welfare prevention and reduction initiatives that increase the support provided by noncustodial parents to their welfare-dependent children and are consistent with program and financial guidelines developed by the state WAGES Board and the Commission on Responsible Fatherhood. These initiatives may include, but not be limited to, improved paternity establishment, work activities for noncustodial parents, and programs

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aimed at decreasing out-of-wedlock pregnancies, encouraging the involvement of fathers with their children, and increasing child support payments.

1806 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 595,547

1807 SPECIAL CATEGORIES
GRANTS AND AIDS - PROJECT INDEPENDENCE SUPPORT SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 1,878,973

1808 DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 4,450,935

1809 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 152,500

1809A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 177,653

UNEMPLOYMENT COMPENSATION, DIVISION OF

1810 SALARIES AND BENEFITS POSITIONS 912
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 29,785,860

1811 OTHER PERSONAL SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 1,408,527
FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND 2,042,790

1812 EXPENSES
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 9,581,722
FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND 348,469

1813 OPERATING CAPITAL OUTLAY
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 1,339,688
FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND 872,747

1814 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 572,139

1815 FINANCIAL ASSISTANCE PAYMENTS
UNEMPLOYMENT COMPENSATION BENEFITS
FROM UNEMPLOYMENT COMPENSATION BENEFIT TRUST FUND 1604,608,909

1816 DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 4,445,022
FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND 246,500

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1816A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 62,117

INFORMATION MANAGEMENT CENTER

1817 SALARIES AND BENEFITS POSITIONS 142
FROM WORKING CAPITAL TRUST FUND 5,935,227

1818 EXPENSES
FROM WORKING CAPITAL TRUST FUND 6,230,193

1819 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 562,902

1820 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKING CAPITAL TRUST FUND 17,062

1820A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM WORKING CAPITAL TRUST FUND 6,780

VOCATIONAL REHABILITATION, DIVISION OF

1821 SALARIES AND BENEFITS POSITIONS 1,132
FROM GENERAL REVENUE FUND 7,701,600
FROM FEDERAL REHABILITATION TRUST FUND . . 28,670,499
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND 1,304,865

1822 LUMP SUM
VOCATIONAL REHABILITATION PROGRAM
FROM GENERAL REVENUE FUND 14,745,059
FROM FEDERAL REHABILITATION TRUST FUND . . 68,500,134
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND 17,723,287

From funds in Specific Appropriation 1822, $500,000 in the General Revenue Fund shall be provided each eligible quarter for incentive funding. One-third shall be released by the Office of Planning and Budgeting for use by the Rehabilitation Program in providing employee bonuses, incentive pay or other productivity enhancements upon demonstration by the Rehabilitation Program that it has achieved the following standards for two consecutive quarters:

1) An average time lapse in days between application and eligibility determination for Vocational Rehabilitation customers of no more than 60 days (excluding federally authorized exceptions),

2) An average time lapse in days between eligibility determination for the Vocational Rehabilitation Program and the beginning of planned services of 90 days or less, and

3) A percentage of most severely disabled customers gainfully employed for at least 60 days of at least 57 percent.

In the event that these funds will reduce future federal funding for the Rehabilitation Program based on federal requirements for maintenance of effort, the state funds for incentives shall be placed in reserve by the Office of Planning and Budgeting.

1823 SPECIAL CATEGORIES
VOCATIONAL REHABILITATION SERVICES
FROM GENERAL REVENUE FUND 1,265,036
FROM FEDERAL REHABILITATION TRUST FUND . . 2,504,617

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1824	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM FEDERAL REHABILITATION TRUST FUND . .		294,467
	FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND		15,158
1825	DATA PROCESSING SERVICES		
	INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY		
	FROM GENERAL REVENUE FUND	208,930	
	FROM FEDERAL REHABILITATION TRUST FUND . .		648,007
	FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND		74,878
1825A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	3,629	
	FROM ADMINISTRATIVE TRUST FUND		1,372
	FROM FEDERAL REHABILITATION TRUST FUND . .		1,019,248
	FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND		41,627
	FROM U.S. TRUST FUND		134,186

From funds provided in Specific Appropriations 1821, 1822, 1824, 1825, and 1825A, the Division of Vocational Rehabilitation (VR) will meet the following standards as required by the Government Performance and Accountability Act. The purposes of meeting these standards is to empower individuals with disabilities to maximize their employment, economic self-sufficiency and independence; and to ensure the referral of persons with moderate to severe brain or spinal cord injuries to a coordinated rehabilitation program for services that will enable them to return to an appropriate level of functioning in their communities.

Performance Measures	1997-98 Standards
OUTCOMES:	
Rate (and no.) of customers gainfully employed (rehabilitated) at least 90 days	56% (8,017)
a. of VR severely disabled	47.5% (1,723)
b. of VR most severely disabled	57.4% (4,771)
c. of BSCI customers referred to VR	33.4% (74)
d. of all other VR disabled	62.7% (1,523)
Rate (and no.) of VR customers placed in competitive employment	97.1% (7,785)
Rate (and no.) of VR customers retained in employment after one year	62% (5,000)
Projected average annual earnings of VR customers at placement	$13,248
Average annual earnings of VR customers after one year	$13,075
Rate (and no.) of BSCI customers returned (reintegrated) to their communities at an appropriate level of functioning for their injuries	84% (507)
Rate (and no.) receiving temporary family assistance at VR closure	
a. of gainfully employed	1.7% (142)
b. of other VR closures	2.3% (168)
Percentage reduction in temporary family assistance for gainfully employed VR customers at closure	75.5%
Percentage of case costs covered by third-party payers	32%
Average cost of case life (to Division)	
a. for severely disabled VR customers	$4,269
b. for most severely disabled VR customers	$3,676
c. for all other disabled VR customers	$455
d. for brain injured BSCI customers	$2,021
e. for spinal cord injured BSCI customers	$5,230
OUTPUTS:	
No. of customers reviewed for eligibility	31,920
No. of individualized written plans for services	17,700
No. of customers served	76,716
Average time lapse (in days) between	
a. application and eligibility determination for VR customers	64
b. referral and eligibility determination for brain and spinal cord injured customers	51
Average time lapse (in days) between eligibility determination for the VR Program and the beginning of planned services	94
Customer caseload per counseling/case management team member	136

OFFICE OF DISABILITY DETERMINATIONS

1826	SALARIES AND BENEFITS POSITIONS	936	
	FROM GENERAL REVENUE FUND	350,545	
	FROM ADMINISTRATIVE TRUST FUND		352,798
	FROM U.S. TRUST FUND		31,636,146
1827	LUMP SUM		
	DISABILITY DETERMINATION PROGRAM		
	FROM GENERAL REVENUE FUND	338,792	
	FROM ADMINISTRATIVE TRUST FUND		375,884
	FROM U.S. TRUST FUND		31,938,404
1828	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	3,031	
	FROM ADMINISTRATIVE TRUST FUND		3,032
	FROM U.S. TRUST FUND		220,480
1829	DATA PROCESSING SERVICES		
	INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY		
	FROM U.S. TRUST FUND		50,000

From funds provided in Specific Appropriations 1826, 1827, 1828, and 1829 the Office of Disability Determination will meet the following standards as required by the Government and Performance

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Accountability Act. The purposes of meeting these standards is to make timely and accurate disability determinations under the Medically Needy Program and Titles II (20 CFR 404.1610) and XVI (20 CFR 416.1010) of the Social Security Act. The Office of Disability Determination has a contract with the Department of Children and Family Services to make disability decisions for Floridians applying for Medicaid benefits under the Medically Needy Program. Title II, the Social Security Disability Insurance Program, provides cash benefits for disabled workers and their dependents who have contributed to the Social Security Trust Fund through the FICA tax on their earnings. Title XVI, the Supplemental Security Income (SSI) Program, provides benefits because of financial need, as defined in the law.

Performance Measures	1997-98 Standards
OUTCOMES:	
Ave. no. of days required to complete initial disability determinations under Title II	70
under Title XVI	80
Ave. no. of days required to complete initial Medically Needy decisions	111
Percentage of disability decisions completed accurately as measured by the Social Security Administration	90.6%
Percentage of Medically Needy decisions completed accurately, as measured by the internal ODD quality assurance section	90.6%
Cost per case (Titles II and XVI)	$248
Cost per case (Medically Needy)	$188
OUTPUTS:	
No. of disability decisions completed	240,000
No. of Titles II and XVI claims processed per FTE	300
No. of Medically Needy decisions completed	7,682
No. of Medically Needy claims processed per FTE	343

BLIND SERVICES, DIVISION OF

1830	SALARIES AND BENEFITS POSITIONS 310		
	FROM GENERAL REVENUE FUND	3,088,998	
	FROM FEDERAL REHABILITATION TRUST FUND . .		6,600,582
1831	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	12,591	
	FROM ADMINISTRATIVE TRUST FUND		29,000
	FROM FEDERAL REHABILITATION TRUST FUND . .		86,479
1832	EXPENSES		
	FROM GENERAL REVENUE FUND	492,100	
	FROM ADMINISTRATIVE TRUST FUND		95,047
	FROM FEDERAL REHABILITATION TRUST FUND . .		3,216,134

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1833	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - COMMUNITY REHABILITATION FACILITIES		
	FROM ADMINISTRATIVE TRUST FUND		1,259,121
	FROM FEDERAL REHABILITATION TRUST FUND . .		3,536,053
1835	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	16,347	
	FROM ADMINISTRATIVE TRUST FUND		123,536
	FROM FEDERAL REHABILITATION TRUST FUND . .		501,785
1836	FOOD PRODUCTS		
	FROM FEDERAL REHABILITATION TRUST FUND . .		79,920
1837	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM FEDERAL REHABILITATION TRUST FUND . .		50,000
1838	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CLIENT SERVICES		
	FROM GENERAL REVENUE FUND	738,050	
	FROM ADMINISTRATIVE TRUST FUND		563,277
1839	SPECIAL CATEGORIES		
	GRANTS AND AIDS - VOCATIONAL REHABILITATION		
	FROM GENERAL REVENUE FUND	3,451,911	
	FROM FEDERAL REHABILITATION TRUST FUND . .		2,043,414
1840	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	183,132	
	FROM FEDERAL REHABILITATION TRUST FUND . .		340,103
1841	SPECIAL CATEGORIES		
	VENDING STANDS - EQUIPMENT AND SUPPLIES		
	FROM ADMINISTRATIVE TRUST FUND		895,000
	FROM FEDERAL REHABILITATION TRUST FUND . .		1,002,707
1842	DATA PROCESSING SERVICES		
	KNOTT DATA CENTER - DEPARTMENT OF EDUCATION		
	FROM GENERAL REVENUE FUND	19,216	
	FROM FEDERAL REHABILITATION TRUST FUND . .		410,576
1843	DATA PROCESSING SERVICES		
	INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY		
	FROM FEDERAL REHABILITATION TRUST FUND . .		10,000
1844	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM FEDERAL REHABILITATION TRUST FUND . .		166,900
1845	DATA PROCESSING SERVICES		
	REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM		
	FROM GENERAL REVENUE FUND	4,162	
	FROM FEDERAL REHABILITATION TRUST FUND . .		115,838
1846	FIXED CAPITAL OUTLAY		
	INTERSTATE VENDING PAVILIONS - STATEWIDE - DMS MGD		
	FROM ADMINISTRATIVE TRUST FUND		400,000
1846A	FIXED CAPITAL OUTLAY		
	DIVISION OF BLIND SERVICES - CAPITAL PROJECTS		
	FROM ADMINISTRATIVE TRUST FUND		306,056

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UNEMPLOYMENT APPEALS COMMISSION

1847 SALARIES AND BENEFITS POSITIONS 37
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 1,702,544

1848 OTHER PERSONAL SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 53,600

1849 EXPENSES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 351,902

1850 OPERATING CAPITAL OUTLAY
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 62,990

1851 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 32,187

1851A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 1,591

LEGISLATIVE BRANCH

The amount of $40,000 per day is hereby appropriated from the General Revenue Fund to supplement the amounts provided in Specific Appropriations 1852 and 1853 for each day of any special, extended, or extra session of the Legislature, pursuant to the provisions of Chapter 11, Florida Statutes.

From the amounts provided in Specific Appropriations 1852 and 1853, $1,500 shall be paid to each member of the Florida Legislature each month during Fiscal Year 1997-98 as the intradistrict expense allowance and, in addition to the funds contained in any other proviso, $250 shall be paid to the President of the Florida Senate and the Speaker of the House of Representatives each month during Fiscal Year 1997-98 as an additional supplemental intradistrict expense allowance. This expense allowance and additional supplement was approved by the Joint Legislative Management Committee pursuant to s. 11.13(4), Florida Statutes.

In addition to the specific dollar amounts set in the foregoing paragraph, the amount for each intradistrict expense allowance, and the President's and Speaker's additional supplemental intradistrict expense allowances, shall all be adjusted automatically effective July 1, 1997 by the percentage change in the Consumer Price Index, all Urban Consumers (CPI-U), over the previous twelve months based on data available from the U.S. Bureau of Labor Statistics on June 15th of each year. The change index shall be calculated as the sum of the monthly index numbers for the twelve monthly figures available on June 15th divided by the sum of the monthly index numbers for the same twelve months of the previous year.

If the Speaker of the House of Representatives and the President of the Senate agree, they may shift funds between the budget entities of the Legislative Branch contained in Specific Appropriations 1852 through 1872.

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SENATE

1852 LUMP SUM
SENATE
FROM GENERAL REVENUE FUND 27,893,476

From the amount provided in Specific Appropriation 1852, $250 shall be paid each month during Fiscal Year 1997-98 as a supplemental intradistrict expense allowance to each member of the Florida Senate who, in addition to two full time district staff positions, has been authorized a third district staff position in any such month. An additional $250 shall be paid each month during Fiscal Year 1997-98 as an additional supplemental intradistrict expense allowance to each member of the Florida Senate who, in addition to three full time district staff positions, has a fourth district staff position authorized in any such month. These supplements were approved by the Joint Legislative Management Committee pursuant to s. 11.13(4), Florida Statutes.

From the amount provided in Specific Appropriation 1852, an additional constituent service workload supplement of $500 per month shall be paid to each member of the Florida Senate for expenses associated with the larger number of constituents in Senate districts. This constituent service workload supplement was approved by the Joint Legislative Management Committee pursuant to s 11.13(4), Florida Statutes.

In addition to the specific amounts set in Specific Appropriation 1852 for the supplemental intradistrict expense allowance and the additional supplemental intradistrict expense allowance, they shall be adjusted automatically effective July 1, 1997 by the percentage change in the Consumer Price Index, all Urban Consumers (CPI-U), over the previous twelve months based on data available from the U.S. Bureau of Labor Statistics on June 15th of each year. The change index shall be calculated as the sum of the monthly index numbers for the twelve monthly figures available on June 15th divided by the sum of the monthly index numbers for the same twelve months of the previous year.

HOUSE OF REPRESENTATIVES

1853 LUMP SUM
HOUSE
FROM GENERAL REVENUE FUND 50,162,204

JOINT MANAGEMENT

1854 LUMP SUM
LOBBY REGISTRATION
FROM LEGISLATIVE LOBBYIST REGISTRATION
TRUST FUND 192,000

1855 LUMP SUM
JLMC
FROM GENERAL REVENUE FUND 2,518,662

1856 LUMP SUM
JOINT LEGISLATIVE MANAGEMENT COMMITTEE
FROM GENERAL REVENUE FUND 23,331,595

From the funds provided in Specific Appropriation 1856, the Office of Economic and Demographic Research shall coordinate a workgroup consisting of representatives of the Department of Education, the Department of the Lottery, the Executive Office of

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the Governor and the Legislature to develop a list of possible ways to enhance revenues generated by the lottery. The workgroup's review should identify the technical advantages and disadvantages of each proposal, suggest implementation and operational alternatives and include estimates as to the economic impact of each alternative. The Office shall report the findings of the workgroup by February 1, 1998 to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives and the minority leaders of both legislative bodies.

1857 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 188,000

1857A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 41,800

ADMINISTRATIVE PROCEDURES COMMITTEE

1858 LUMP SUM
ADMINISTRATIVE PROCEDURES
FROM GENERAL REVENUE FUND 1,282,789

LEGISLATIVE INFORMATION TECHNOLOGY RESOURCE COMMITTEE

1859 LUMP SUM
INFORMATION TECHNOLOGY RESOURCE
FROM GENERAL REVENUE FUND 522,011

INTERGOVERNMENTAL RELATIONS, LEGISLATIVE COMMITTEE ON

1860 LUMP SUM
LEGISLATIVE COMMITTEE ON INTERGOVERNMENTAL RELATIONS
FROM GENERAL REVENUE FUND 712,373

OFFICE OF PUBLIC COUNSEL

1861 LUMP SUM
PUBLIC COUNSEL
FROM GENERAL REVENUE FUND 2,670,703

ETHICS, COMMISSION ON

1862 LUMP SUM
LOBBY REGISTRATION
FROM EXECUTIVE BRANCH LOBBY REGISTRATION TRUST FUND 114,935

1863 LUMP SUM
ETHICS COMMISSION
FROM GENERAL REVENUE FUND 1,494,374

1864 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 35,457

NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

1865 EXPENSES
FROM GENERAL REVENUE FUND 62,340

PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY, OFFICE OF

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1866 LUMP SUM
PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY
FROM GENERAL REVENUE FUND 6,289,899

1867 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 11,743

AUDITOR GENERAL

1868 LUMP SUM
AUDITOR GENERAL
FROM GENERAL REVENUE FUND 37,720,528
FROM FEDERAL REIMBURSEMENT TRUST FUND . . 3,561,135
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,000,000

From the funds provided in Specific Appropriation 1868, $5,000,000 from the Grants and Donations Trust Fund is provided for the Auditor General to enter into contracts with certified public accountants to audit applications for reimbursement (including supporting documentation) for cleanup of petroleum contamination sites. The auditing program shall provide that audit procedures include determination of the reasonableness and allowability of costs submitted for reimbursement. The Auditor General is authorized to establish three positions for the administration of this program, one of which shall be an engineer designated for site inspections.

1869 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 502,108
FROM FEDERAL REIMBURSEMENT TRUST FUND . . 14,367

1869A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 45,002

AUDITING COMMITTEE

1870 LUMP SUM
JUVENILE JUSTICE ADVISORY BOARD
FROM GENERAL REVENUE FUND 755,753
FROM GRANTS AND DONATIONS TRUST FUND . . . 125,000

1871 LUMP SUM
AUDITING COMMITTEE
FROM GENERAL REVENUE FUND 296,780

1872 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 401

LOTTERY, DEPARTMENT OF THE

1873 SALARIES AND BENEFITS POSITIONS 730
FROM ADMINISTRATIVE TRUST FUND 28,339,364

1874 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 1,437,863

1875 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 15,770,208

1876 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 1,941,350

1876A LUMP SUM
PUBLIC RELATIONS SUPPORT
POSITIONS 5
FROM ADMINISTRATIVE TRUST FUND 235,000

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Funds and positions in Specific Appropriation 1876A are provided to promote and increase the visibility of the Lottery's contributions to education at the local level. The department shall ensure that advertising contracts and promotional initiatives contain provisions to direct all radio, print, television and any other lottery advertisements to include space and/or airtime promoting the use of lottery dollars to enhance education, including emphasis on lottery contributions for the Bright Futures scholarship program.

1878 SPECIAL CATEGORIES
INSTANT TICKET PURCHASE
FROM ADMINISTRATIVE TRUST FUND 10,793,100

1879 SPECIAL CATEGORIES
PAID ADVERTISING AND PROMOTION
FROM ADMINISTRATIVE TRUST FUND 31,992,961

1880 SPECIAL CATEGORIES
ONLINE GAMES CONTRACT
FROM ADMINISTRATIVE TRUST FUND 31,111,500

1881 SPECIAL CATEGORIES
LOTTERY INSTANT TICKET VENDING MACHINES
FROM ADMINISTRATIVE TRUST FUND 1,200,000

Funds in Specific Appropriation 1881 continue the lease of the original 500 Instant Ticket Vending Machines (ITVM's) for months 7 through 18 of the pilot project scheduled for completion by June 30, 1998. No later than September 30, 1997 the department shall provide the Executive Office of the Governor, the Speaker of the House, the President of the Senate and the Minority Leaders of the House and Senate with a report of the preliminary results for the first 8 months of ITVM sales.

1882 SPECIAL CATEGORIES
RETAILER INCENTIVES
FROM ADMINISTRATIVE TRUST FUND 2,500,000

1883 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 259,181

1884 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ADMINISTRATIVE TRUST FUND 19,583

1885 SPECIAL CATEGORIES
TRANSFER TO EDUCATIONAL ENHANCEMENT TRUST FUND
FROM ADMINISTRATIVE TRUST FUND 19,000,962

Funds in Specific Appropriation 1885 represent estimated administrative funds unallocated for department operations. The department shall transfer these funds to the Educational Enhancement Trust Fund. However, if lottery sales fall below official estimates for fiscal year 1997-98, the department may proportionately reduce said transfer to a level necessary to meet its appropriated operating requirements.

1886 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM ADMINISTRATIVE TRUST FUND 6,498

1886A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM ADMINISTRATIVE TRUST FUND 77,256

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MANAGEMENT SERVICES, DEPARTMENT OF

OFFICE OF THE SECRETARY AND DIVISION OF ADMINISTRATION

1887	SALARIES AND BENEFITS POSITIONS	125	
	FROM GENERAL REVENUE FUND	242,149	
	FROM ADMINISTRATIVE TRUST FUND		5,055,612
	FROM GRANTS AND DONATIONS TRUST FUND . . .		272,111
1888	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	20,000	
	FROM ADMINISTRATIVE TRUST FUND		8,700
1889	EXPENSES		
	FROM GENERAL REVENUE FUND	350,478	
	FROM ADMINISTRATIVE TRUST FUND		766,665
1890	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND		79,260
1891	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM ADMINISTRATIVE TRUST FUND		25,063
1892	SPECIAL CATEGORIES		
	CORRECTIONAL PRIVATIZATION COMMISSION		
	FROM GENERAL REVENUE FUND	226,747	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		90,054
1893	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	2,349	
	FROM ADMINISTRATIVE TRUST FUND		29,498
1894	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		49,930
1894A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	285	
	FROM ADMINISTRATIVE TRUST FUND		4,444
	FROM GRANTS AND DONATIONS TRUST FUND . . .		68

INFORMATION RESOURCE COMMISSION

1895	SALARIES AND BENEFITS POSITIONS	14	
	FROM GENERAL REVENUE FUND	936,516	
1896	EXPENSES		
	FROM GENERAL REVENUE FUND	136,977	
1897	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,470	
1897A	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		550,000
1898	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	1,350	
1898A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	855	

Funds and positions in Specific Appropriation 1895 through 1898A may be reallocated by the Executive

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Office of the Governor as necessary between the Department of Management Services and the Executive Office of the Governor in the event that HB 827 or similar legislation becomes law, subject to the notice and review provisions in section 216.177, F.S.

WORKFORCE PROGRAM

1899	SALARIES AND BENEFITS POSITIONS	172	
	FROM PRETAX BENEFITS TRUST FUND		971,403
	FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND		67,939
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND		2,272,632
	FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND		36,157
	FROM STATE PERSONNEL SYSTEM TRUST FUND . .		4,302,539
1900	LUMP SUM		
	WORKFORCE PROGRAM		
	FROM GENERAL REVENUE FUND	21,618	
	FROM PRETAX BENEFITS TRUST FUND		831,323
	FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND		24,871
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND		1,296,627
	FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND		40,750
	FROM STATE PERSONNEL SYSTEM TRUST FUND . .		1,620,428

From funds in Specific Appropriations 1899 and 1900 the department will meet the following standards as required by the Government Performance and Accountability Act to contribute to a productive workforce, representative of the labor market, by providing cost-effective personnel services, employee insurance and flexible benefits.

Performance Measures	1997-98 Standards
OUTCOMES:	
Administrative Cost per FTE	
- Personnel Management Service (PMS)	
COPES Cost	$42.84
Admin Cost Net of COPES	$36.01
Total Admin Cost per FTE	$78.85
-Comparable States	$166.83
Customer Feedback Ranking (PMS) - 10 Point Scale	
- Improve Employee Knowledge, Skills and Abilities through Training	6.5
- Maintain Fair/Equitable Employment Practices	7.9
- Attract and Retain Employees	8.84
- Provide Quality Child Care	9.39
- Motivate Employees Through the Meritorious Service Awards Program	7.30
- Personnel Staff Technical Assistance	7.95
Customer Feedback Ranking (DSEI) - Out of a Possible 10 Points	6.5
Percent of claims reaching final action within 30 days of receipt	95.00%
Overall payment and procedural error rate	5.00%
Telephone queue time (minutes)	45
Unprocessed original claims inventory	30,000
Average Annual Cost Per Contract to Administer Insurance Programs	$15.09
Percent of agencies at or above EEO parity with available labor market	49.78%

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Funds in Specific Appropriations 1899 and 1900, from the State Personnel System Trust Fund, are based upon a personnel assessment of $59 per person.

From the funds in Specific Appropriations 1899 and 1900, $255,816 from the State Employees Health Insurance Trust Fund and 3 positions are provided to the Insurance Benefits Program to enhance activities associated with monitoring the State self-insured third-party administrator. With these and other approved appropriations, the Insurance Benefits Program shall develop a unit capable of detailed monitoring and auditing of the third-party administrator and conducting research and development on insurance issues. The Department of Management Services shall report monthly to the Office of Planning and Budgeting, the Senate Ways and Means Committee, and the House Fiscal Responsibility Council as to the third-party administrator's performance and progress in accomplishing the standards established in the request for proposal.

1901	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND		15,026
1902	SPECIAL CATEGORIES		
	TRANSFER TO AGENCY FOR HEALTH CARE FOR HEALTH CARE ADMINISTRATION		
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND		664,590
1903	SPECIAL CATEGORIES		
	ADMINISTRATIVE SERVICES ONLY CONTRACT FOR HEALTH INSURANCE		
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND		11,872,439
1904	SPECIAL CATEGORIES		
	PRESCRIPTION DRUG CLAIMS ADMINISTRATION		
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND		942,903
1905	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM PRETAX BENEFITS TRUST FUND		2,623
	FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND		181
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND		4,729
	FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND		90
	FROM STATE PERSONNEL SYSTEM TRUST FUND . .		25,156
1906	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM GENERAL REVENUE FUND	1,276,276	
	FROM PRETAX BENEFITS TRUST FUND		305,520
	FROM STATE EMPLOYEES LIFE INSURANCE		

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	TRUST FUND	28,215
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND	681,685
	FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND	52,272
	FROM STATE PERSONNEL SYSTEM TRUST FUND . .	3,743,561
1906A	DATA PROCESSING SERVICES SAMAS USER CHARGE	
	FROM PRETAX BENEFITS TRUST FUND	1,437
	FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND	82
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND	11,752
	FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND	89
	FROM STATE PERSONNEL SYSTEM TRUST FUND . .	5,298

FACILITIES PROGRAM

1907	SALARIES AND BENEFITS POSITIONS	737	
	FROM GENERAL REVENUE FUND	181,075	
	FROM ARCHITECTS INCIDENTAL TRUST FUND . .		2,551,171
	FROM SUPERVISION TRUST FUND		18,402,207
1908	LUMP SUM FACILITIES PROGRAM		
	FROM GENERAL REVENUE FUND	642,680	
	FROM ARCHITECTS INCIDENTAL TRUST FUND . .		734,698
	FROM SUPERVISION TRUST FUND		23,359,733

From funds in Specific Appropriations 1907 and 1908, the department will meet the following standards as required by the Government Performance and Accountability Act in providing the best value office facilities considering the total cost of constructing, managing and maintaining office facilities, and compared to comparable industry standards.

Performance Measures	1997-98 Standards
OUTCOMES:	
Construction cost of office facilities - cost per gross square foot:	
DMS	$75.92
Private-industry average	$87.07
New office building percent efficiency: net square foot/gross square foot	87.00%
Full service rent - cost per net square foot:	
DMS (actual)	$14.74
Private-industry average	$15.65
Operations and maintenance cost - cost per maintained square foot:	
DMS	$4.83
Private-industry average	$6.27
Criminal Incidents--number per 100,000 gross square feet	5.10
Criminal Incidents--number per 1,000 employees	21.86
OUTPUTS:	
Gross square feet completed--office facilities	221,959
Net square feet of office space occupied by state agencies	
State Owned (includes non-DMS owned facilities)	7,180,960
Private	10,666,917
Number of square feet maintained by	
DMS	5,266,724
Private Contracts	1,195,349
Gross square feet monitored for security purposes	7,070,993
Number of investigations	210

Funds in Specific Appropriations 1907 and 1908 from the Architects Incidental Trust Fund for the operation of the Facilities Program, are based on an assessment against each fixed capital outlay appropriation in which the division serves as owner-representative on behalf of the state. The assessments for appropriations made for the 1997-98 Fiscal Year shall be calculated in accordance with the formula submitted by the department to the Executive Office of the Governor on October 7, 1991, as required by Chapter 91-193, Laws of Florida.

1909	SPECIAL CATEGORIES CONTRACTED SERVICES		
	FROM ARCHITECTS INCIDENTAL TRUST FUND . .		250,000
1910	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	2,911	
	FROM ARCHITECTS INCIDENTAL TRUST FUND . .		10,924
	FROM SUPERVISION TRUST FUND		479,819
1911	DATA PROCESSING SERVICES BURNS DATA CENTER - DEPARTMENT OF TRANSPORTATION		
	FROM ARCHITECTS INCIDENTAL TRUST FUND . .		26,730
1912	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM ARCHITECTS INCIDENTAL TRUST FUND . .		10,993
	FROM SUPERVISION TRUST FUND		79,421
1912A	DATA PROCESSING SERVICES SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	119	
	FROM ARCHITECTS INCIDENTAL TRUST FUND . .		4,319
	FROM SUPERVISION TRUST FUND		42,340
1913	FIXED CAPITAL OUTLAY LIFE SAFETY CODE COMPLIANCE PROJECTS STATEWIDE - DMS MGD		
	FROM GENERAL REVENUE FUND	168,092	
	FROM SUPERVISION TRUST FUND		1,557,932
1914	FIXED CAPITAL OUTLAY BUILDING SITE REPAIRS AND IMPROVEMENTS - DMS MGD		
	FROM SUPERVISION TRUST FUND		372,395
1915	FIXED CAPITAL OUTLAY PARKING LOT REPAIRS AND PAVING - DMS MGD		
	FROM GENERAL REVENUE FUND	61,321	
1916	FIXED CAPITAL OUTLAY ELECTRICAL SYSTEMS MAINTENANCE AND REPAIR		

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STATEWIDE - DMS MGD
FROM GENERAL REVENUE FUND 22,215
FROM SUPERVISION TRUST FUND 1,136,295

1917 FIXED CAPITAL OUTLAY
BUILDING ENVELOPE MAINTENANCE AND REPAIR
STATEWIDE - DMS MGD
FROM GENERAL REVENUE FUND 14,935
FROM SUPERVISION TRUST FUND 422,095

1918 FIXED CAPITAL OUTLAY
BUILDING INTERIOR MAINTENANCE AND REPAIR
STATEWIDE - DMS MGD
FROM GENERAL REVENUE FUND 649,727
FROM SUPERVISION TRUST FUND 909,917

1919 FIXED CAPITAL OUTLAY
MECHANICAL SYSTEMS MAINTENANCE AND REPAIR
STATEWIDE - DMS MGD
FROM SUPERVISION TRUST FUND 3,160,379

1920 FIXED CAPITAL OUTLAY
PLUMBING SYSTEM MAINTENANCE AND REPAIR
STATEWIDE - DMS MGD
FROM SUPERVISION TRUST FUND 177,471

1921 FIXED CAPITAL OUTLAY
ROOF REPAIRS/REPLACEMENT STATEWIDE - DMS MGD
FROM SUPERVISION TRUST FUND 46,139

1922 FIXED CAPITAL OUTLAY
SPECIALIZED BUILDING EQUIPMENT MAINTENANCE AND REPAIR STATEWIDE - DMS MGD
FROM GENERAL REVENUE FUND 111,554
FROM SUPERVISION TRUST FUND 268,372

1923 FIXED CAPITAL OUTLAY
BUILDING STRUCTURAL SYSTEMS MAINTENANCE AND REPAIR STATEWIDE - DMS MGD
FROM SUPERVISION TRUST FUND 24,254

1923A FIXED CAPITAL OUTLAY
RENOVATION OF COLLINS BUILDING - NEW TENANTS - DMS MGD
FROM GENERAL REVENUE FUND 750,000

1924 FIXED CAPITAL OUTLAY
INTERIOR REPAIRS AND MAINTENANCE OF POOL FACILITIES - LEASED SPACE
FROM SUPERVISION TRUST FUND 1,689,109

1924A FIXED CAPITAL OUTLAY
REGIONAL SERVICE CENTER - OPA LOCKA - DMS MGD
FROM GENERAL REVENUE FUND 60,000

1925 FIXED CAPITAL OUTLAY
OFFICE BUILDING #2B - SATELLITE CENTER - LEON COUNTY - DMS MGD
FROM SUPERVISION TRUST FUND 320,000

1926 FIXED CAPITAL OUTLAY
INFRASTRUCTURE CONSTRUCTION - SATELLITE CENTER - LEON COUNTY - DMS MGD
FROM GENERAL REVENUE FUND 4,000,000

1927 FIXED CAPITAL OUTLAY
STATEWIDE CAPITAL DEPRECIATION - GENERAL - DMS MGD
FROM GENERAL REVENUE FUND 117,772
FROM SUPERVISION TRUST FUND 754,665

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1928 FIXED CAPITAL OUTLAY
SUPPLEMENTAL CONTRACTS - PROJECTS LESS THAN $100,000 STATEWIDE - DMS MGD
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 1,500,000

1929 FIXED CAPITAL OUTLAY
OFFICE BUILDING - NUMBERS THREE AND FOUR - SATELLITE CENTER - LEON COUNTY - DMS MGD
FROM GENERAL REVENUE FUND 1,173,181
FROM PUBLIC FACILITIES FINANCING TRUST FUND 10,240,000

1930 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM GENERAL REVENUE FUND 5,264,300
FROM FLORIDA FACILITIES POOL CLEARING TRUST FUND 22,178,733

1931 FIXED CAPITAL OUTLAY
DEBT SERVICE NEW ISSUES
FROM GENERAL REVENUE FUND 535,000

SUPPORT PROGRAM

1932 SALARIES AND BENEFITS POSITIONS 131
FROM GENERAL REVENUE FUND 2,421,388
FROM BUREAU OF AIRCRAFT TRUST FUND 853,192
FROM GRANTS AND DONATIONS TRUST FUND . . . 645,345
FROM MOTOR VEHICLE OPERATING TRUST FUND . 548,804
FROM SURPLUS PROPERTY REVOLVING TRUST FUND 710,690

1933 LUMP SUM
SUPPORT PROGRAM
FROM GENERAL REVENUE FUND 767,414
FROM BUREAU OF AIRCRAFT TRUST FUND 1,067,955
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,073,641
FROM MOTOR VEHICLE OPERATING TRUST FUND . 1,965,928
FROM SURPLUS PROPERTY REVOLVING TRUST FUND 775,900

From funds in Specific Appropriations 1932 and 1933, the department will meet the following standards as required by the Government Performance and Accountability Act to provide government entities access to best value commodities and services through centralized procurement, federal property assistance, and fleet management.

Performance Measures	1997-98 Standards
OUTCOMES:	
Percent of state term contracts savings	31%
State term contracts cost avoidance	$146,570,000
Average percent below private sector fleet maintenance/retail parts	13/26%
Average percent state rental vehicles below state rental contract rates	45%
Passenger load factor, large corporation/DMS	3.3/4.0
Cost per flight hour: DMS aircraft pool	$973
Percent of active federal property donees	42.5%
Federal property distribution rate	80%
Estimated percent of disposal net return	

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| above published wholesale..... 15%|
|
|OUTPUTS:
|-------
|
|Commodities/services on term contracts.... 182,500|
|Number/percent of agencies using SPURS... 33/78.5%|
|Federal property orders processed..... 2,150|
|Vehicle maintenance service hours..... 8,900|
|Days/miles of state rental
| vehicle service provided..... 44,620/1,758,108|
|Flights by executive aircraft pool..... 1,850|
==========|

1934 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

FROM GENERAL REVENUE FUND	13,093	
FROM BUREAU OF AIRCRAFT TRUST FUND		118,740
FROM GRANTS AND DONATIONS TRUST FUND . . .		4,179
FROM MOTOR VEHICLE OPERATING TRUST FUND .		26,251
FROM SURPLUS PROPERTY REVOLVING TRUST FUND		2,617

1935 SPECIAL CATEGORIES
TRANSFER TO BUREAU OF AIRCRAFT TRUST FUND

FROM GENERAL REVENUE FUND	1,166,097	

1936 DATA PROCESSING SERVICES
STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE

FROM GENERAL REVENUE FUND	3,465	

1937 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES

FROM GENERAL REVENUE FUND	88,956	
FROM BUREAU OF AIRCRAFT TRUST FUND		9,494
FROM GRANTS AND DONATIONS TRUST FUND . . .		664,800
FROM MOTOR VEHICLE OPERATING TRUST FUND .		370,158
FROM SURPLUS PROPERTY REVOLVING TRUST FUND		5,808

1937A DATA PROCESSING SERVICES
SAMAS USER CHARGE

FROM GENERAL REVENUE FUND	7,865	
FROM BUREAU OF AIRCRAFT TRUST FUND		3,700
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,792
FROM MOTOR VEHICLE OPERATING TRUST FUND .		3,973
FROM SURPLUS PROPERTY REVOLVING TRUST FUND		2,312

1938 FIXED CAPITAL OUTLAY
BUILDING SITE REPAIRS AND IMPROVEMENTS - DMS MGD

FROM GENERAL REVENUE FUND	20,713	
FROM SURPLUS PROPERTY REVOLVING TRUST FUND		12,101

1939 FIXED CAPITAL OUTLAY
BUILDING ENVELOPE MAINTENANCE AND REPAIR STATEWIDE - DMS MGD

FROM SURPLUS PROPERTY REVOLVING TRUST FUND		1,964

1940 FIXED CAPITAL OUTLAY
ROOF REPAIRS/REPLACEMENT STATEWIDE - DMS MGD

FROM SURPLUS PROPERTY REVOLVING TRUST FUND		574,055

1941 FIXED CAPITAL OUTLAY
BUILDING STRUCTURAL SYSTEMS MAINTENANCE AND REPAIR STATEWIDE - DMS MGD

FROM SURPLUS PROPERTY REVOLVING TRUST FUND		1,161

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1942 FIXED CAPITAL OUTLAY
REPLACE MOTOR VEHICLE SERVICE GARAGE - STARKE - DMS MGD

FROM SURPLUS PROPERTY REVOLVING TRUST FUND		443,946

RETIREMENT, DIVISION OF

1943 SALARIES AND BENEFITS POSITIONS 234

FROM OPERATING TRUST FUND		8,714,292
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND		42,509
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND		463,750
FROM RETIREE HEALTH INSURANCE SUBSIDY TRUST FUND		30,497

1944 LUMP SUM
RETIREMENT BENEFITS PROGRAM

FROM FLORIDA RETIREMENT SYSTEM TRUST FUND		9,642
FROM INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES SUPPLEMENTAL RETIREMENT TRUST FUND		10,000
FROM OPERATING TRUST FUND		10,155,650
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND		45,249
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND		77,543
FROM RETIREE HEALTH INSURANCE SUBSIDY TRUST FUND		12,461

From funds in Specific Appropriations 1943 and 1944, the division will meet the following standards as required by the Government Performance and Accountability Act of 1994, in providing quality and cost effective retirement services.

Performance Measures	1997-98 Standards
OUTCOMES:	
Percentage of participating agencies/members satisfied with retirement information:	
Agencies	98.5%
Members	
Active	70.0%
Recent Retired	91.0%
Other Retired	94.0%
Percentage of agency payroll transactions correctly reported	98.5%
Percentage of retirement services offered by FRS compared to comparable programs	77.0%
Percentage of participating agencies/members satisfied with retirement services	
Agencies	98.5%
Members	
Active	70.0%
Recent Retired	91.5%
Other Retired	94.0%
Administrative cost per active and retired member	$30.58
Ratio of active and retired members to division FTE	3,382:1

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Funding ratio of FRS assets to liabilities	82.0%
Percentage of local retirement systems funded on a sound actuarial basis	98.0%
OUTPUTS:	
Number of retirements	14,113
Number of retirement benefit estimates	72,000
Number of changes processed	48,899
Number of benefit payments issued	1,944,177
Number of local pension plan valuations and impact statements reviewed	590

Funds in Specific Appropriations 1943 and 1944 from the Optional Retirement Program Trust Fund are based on an assessment of .01 percent of the participants' salaries and shall be used only for administration of the Optional Retirement Program.

From the funds in Specific Appropriation 1944 from the Operating Trust Fund, $7,357,224 is provided to begin Phase III of the Reengineering Improvement Modernization project.

From funds in Specific Appropriation 1944, $100,000 from the Operating Trust Fund shall be used for special project monitoring pursuant to 282.322, Florida Statutes.

From the funds in Specific Appropriation 1944, the Division of Retirement shall contract for a study of an innovative, efficient retirement and benefits program to review various benefit plans as applied in the private sector and recommend objectives of minimizing cost while maximizing motivation and work initiative among public employees; identifying and recommending appropriate personnel administrative policy relating to technical, professional and managerial personnel; and reviewing and recommending specific alternative benefit plans for nonpermanent employees in the public sector.

1944A LUMP SUM
DEFERRED RETIREMENT OPTION PLAN
POSITIONS 14
FROM OPERATING TRUST FUND 815,000

Funds provided in Specific Appropriation 1944A are for planning and system development for the implementation of the Deferred Retirement Option Plan. These funds are contingent upon Senate Bill 748 or similar legislation becoming law.

1945 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM OPERATING TRUST FUND 4,051

1946 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM OPERATING TRUST FUND 34,323
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND 157
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND 1,566
FROM RETIREE HEALTH INSURANCE SUBSIDY TRUST FUND 157

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1947 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM OPERATING TRUST FUND 1,499,091
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND 20,000
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND 9,416

1947A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM OPERATING TRUST FUND 21,841

1948 PENSIONS AND BENEFITS
DISABILITY BENEFITS TO JUSTICES AND JUDGES
FROM GENERAL REVENUE FUND 258,015

1949 PENSIONS AND BENEFITS
FLORIDA NATIONAL GUARD
FROM GENERAL REVENUE FUND 4,622,775

1950 PENSIONS AND BENEFITS
MEMBERS BENEFITS
FROM FLORIDA RETIREMENT SYSTEM TRUST FUND 1809,289,931
FROM INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES SUPPLEMENTAL RETIREMENT TRUST FUND 598,865
FROM RETIREE HEALTH INSURANCE SUBSIDY TRUST FUND 108,329,491

1951 PENSIONS AND BENEFITS
SPECIAL PENSIONS AND RELIEF ACTS
FROM GENERAL REVENUE FUND 9,775

1952 PENSIONS AND BENEFITS
STATE OFFICERS AND EMPLOYEES (NON-CONTRIBUTORY)
FROM GENERAL REVENUE FUND 1,968,944

1953 PENSIONS AND BENEFITS
TEACHER'S SPECIAL PENSIONS
FROM GENERAL REVENUE FUND 18,990

TECHNOLOGY PROGRAM

1954 SALARIES AND BENEFITS POSITIONS 274
FROM GENERAL REVENUE FUND 2,103,860
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 3,930,168
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 1,420,781
FROM WORKING CAPITAL TRUST FUND 5,254,002

1955 LUMP SUM
INFORMATION TECHNOLOGY PROGRAM
FROM GENERAL REVENUE FUND 1,465,518
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 1,949,087
FROM GRANTS AND DONATIONS TRUST FUND . . . 140,000
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 13,036,566
FROM WORKING CAPITAL TRUST FUND 6,891,450

From funds in Specific Appropriations 1954 and 1955, the department will meet the following standards as required by the Government Performance and Accountability Act to effectively and efficiently satisfy customer needs for using, sharing and managing information technology resources.

1997-98

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Performance Measures	Standards
OUTCOMES:	
Percent of Utilization	
- Unisys/IBM	88%/23.5%
Percent of Availability	
- Unisys/IBM	99.5%/99.5%
Cost of Communications Engineering Services (Hourly Rate):	
- Private	$92.07
- State	$41.63
Percent of the State Covered by the Joint Task Force Radio System	36%
Percent of Statewide Joint Task Force Law Enforcement Personnel Using the Joint Radio System	39.3%
Percent SUNCOM Discount from Commercial Tariff Rates:	
- Voice Local Service	50.0%
- Voice Long Distance	40.0%
- Data Service	25.0%
Percent SUNCOM Service Growth:	
Voice Local Service	17.0%
Voice Long Distance Service	3.0%
Data Service	9.0%
Customer Feedback Ranking (Technology Resource Center)	
Operations and Maintenance	8.5
Planning and Development	8.5
OUTPUTS:	
Number of engineering projects and approvals handled for state/local governments	136/550
Number of Joint Task Force Radio Systems Operated and Maintained	
-Fixed Sites	81
-Mobile Equipment	6,203
Long Distance - Number of SUNCOM Billable Minutes	226,678,100
Local Service - Number of SUNCOM Local Service Main Stations	1,974,380
SUNCOM Locations Served	9,268
TRC Research/Consulting/ Development Projects Completed	13/5/750

Funds in Specific Appropriations 1954 and 1955, from the Working Capital Trust Fund may be adjusted by the Executive Office of the Governor to provide services to users of the Technology Resource Center as appropriate. The department shall submit a budget amendment to the Executive Office of the Governor by October 15, 1997 to request amendments necessary to balance the funds budgeted in Specific Appropriations 1954 and 1955 to those appropriations made to user agencies.

From funds in Specific Appropriation 1955 from the Law Enforcement Radio System Trust Fund, the following amounts shall be transferred only as needed for the purchase of radios and contract maintenance as required for the Statewide Law Enforcement Radio System:

Florida Department of Law Enforcement.....$684,108
Department of Corrections.....500,000
Department of Highway Safety.....2,332,382
Department of Environmental Protection....1,676,268
Game and Fish Commission.....1,355,698

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From the amounts specified, any funds not needed for 800MHz radios and associated maintenance shall remain in the Law Enforcement Radio Trust Fund. Any funds received by an agency in excess of the amount required for this specific purpose shall be returned to the Law Enforcement Radio Trust Fund in the Department of Management Services.

1956	SPECIAL CATEGORIES CENTREX AND SUNCOM PAYMENTS FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND		96,804,544
1957	SPECIAL CATEGORIES VIDEO TELECONFERENCING INCENTIVE AND CREDIT (TELECREDIT) PILOT PROGRAM FROM GENERAL REVENUE FUND	220,000	

From the funds in Specific Appropriation 1957, the Department of Management Services is authorized to create a Teleconferencing Incentive Program that is designed to reduce statewide travel costs. The department shall, in consultation with the Office of Planning and Budgeting in the Executive Office of the Governor, determine which agencies have the greatest potential to reduce travel expenses through the use of video teleconferencing. Based on these findings, the Incentive Program shall offer appropriate pricing incentives to those agencies for using video teleconferencing services in the Department of Management Services. The funds provided are intended to allow the department to recover operating cost in exchange for offering price discounts to encourage use of its video teleconferencing facility.

1958	SPECIAL CATEGORIES DATA CENTER RESEARCH AND DEVELOPMENT FROM WORKING CAPITAL TRUST FUND		750,000
1960	SPECIAL CATEGORIES MAINTENANCE OF EXISTING LAW ENFORCEMENT RADIO SYSTEM FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND		200,000
1961	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	5,416	
	FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND		7,602
	FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND		2,221
	FROM WORKING CAPITAL TRUST FUND		19,257
1961A	SPECIAL CATEGORIES 911 SERVICE ENHANCEMENT GRANTS AND IMPROVEMENTS FROM GENERAL REVENUE FUND	200,000	

Funds provided in Specific Appropriation 1961A are for enhanced 911 systems in the following counties:

Baker.....$17,000
Calhoun..... 35,000
Gilchrist..... 10,000
Glades..... 10,000
Hamilton..... 14,000
Hendry..... 30,000
Holmes..... 10,000
Jefferson..... 12,000
Lafayette..... 38,000
Liberty..... 10,000
Union.....14,000

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1962 SPECIAL CATEGORIES
MANAGEMENT OF SATELLITE TRANSPONDER
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 300,000

Funds in Specific Appropriation 1962 are provided to the Department of Management Services for administrative expenses associated with managing the satellite transponder. These administrative costs shall be reimbursed by the first $300,000 in revenues from leasing the satellite transponder.

1963 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM GENERAL REVENUE FUND 2,000
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 1,028,162

1964 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 950

1964A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 2,273
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 71,134
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 29,879
FROM WORKING CAPITAL TRUST FUND 7,416

1964B FIXED CAPITAL OUTLAY
STATEWIDE LAW ENFORCEMENT RADIO SYSTEM - DMS MGD
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 18,000,000

Funds in Specific Appropriation 1964B shall be used for the purpose of enhancing and completing Phase II of the statewide law enforcement radio system to include mobile and portable radio coverage as set forth by the recommendations contained in the November 27, 1997 report from the Joint Task Force on State Agency Law Enforcement Communications and as specifically depicted in Attachment G, of the March 18, 1994 Coverage Map.

COMMISSION ON HUMAN RELATIONS

1965 SALARIES AND BENEFITS POSITIONS 48
FROM GENERAL REVENUE FUND 1,383,015
FROM GRANTS AND DONATIONS TRUST FUND . . . 488,292

1966 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 25,190
FROM GRANTS AND DONATIONS TRUST FUND . . . 77,040

1967 EXPENSES
FROM GENERAL REVENUE FUND 149,255
FROM GRANTS AND DONATIONS TRUST FUND . . . 158,677

1968 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,736
FROM GRANTS AND DONATIONS TRUST FUND . . . 96,000

1969 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 178,525

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1970 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 36,000

1971 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 13,427
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,992

1971A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 993
FROM GRANTS AND DONATIONS TRUST FUND . . . 461

ADMINISTRATIVE HEARINGS, DIVISION OF

1972 SALARIES AND BENEFITS POSITIONS 66
FROM ADMINISTRATIVE TRUST FUND 4,785,262

1973 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 204,742

1974 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 686,413

From funds in Specific Appropriations 1972 through 1974, the division shall be reimbursed for administrative law judge services by the following entities: water management districts, regional planning councils, school districts, community colleges, the Division of Community Colleges, universities, the Board of Regents, the Florida School for the Deaf and Blind, the State Board of Independent Colleges and Universities, and the State Board of Independent Vocational, Technical, Trade, and Business Schools. Reimbursement for administrative law judge services shall be made by these entities at a rate not less than the contract rate in effect on July 1, 1997. Reimbursement for administrative law judge travel expenses attributable to hearings conducted on behalf of these entities shall be made by these entities.

1975 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 71,550

1976 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 9,939

1977 SPECIAL CATEGORIES
TRANSFER TO CITRUS ADVERTISING TRUST FUND
FROM ADMINISTRATIVE TRUST FUND 41,129

1977A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM ADMINISTRATIVE TRUST FUND 4,343

MILITARY AFFAIRS, DEPARTMENT OF

GENERAL ACTIVITIES

1978 SALARIES AND BENEFITS POSITIONS 222
FROM GENERAL REVENUE FUND 4,333,795
FROM ARMORY BOARD TRUST FUND 3,373,312

1979 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 223,000
FROM ARMORY BOARD TRUST FUND 580,300

1980 EXPENSES
FROM GENERAL REVENUE FUND 4,207,782
FROM ARMORY BOARD TRUST FUND 5,854,532

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1981	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	78,290	
	FROM ARMORY BOARD TRUST FUND		110,000
1982	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	66,000	
1983	SPECIAL CATEGORIES		
	NATIONAL GUARD TUITION ASSISTANCE		
	FROM GENERAL REVENUE FUND	174,150	

The funds in Specific Appropriation 1983 are provided for tuition benefits to members of the Florida National Guard and are contingent upon the legislation becoming law authorizing changes in the program.

1985	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	93,524	
1985A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	10,446	
1986	FIXED CAPITAL OUTLAY		
	COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT		
	FROM GENERAL REVENUE FUND	180,000	
1987	FIXED CAPITAL OUTLAY		
	ASBESTOS ABATEMENT - PLANNING/REMOVAL - AGENCYWIDE - DMS MGD		
	FROM GENERAL REVENUE FUND	128,000	

CAMP BLANDING MANAGEMENT

1988	SALARIES AND BENEFITS POSITIONS	26	
	FROM CAMP BLANDING MANAGEMENT TRUST FUND .		722,254
1989	OTHER PERSONAL SERVICES		
	FROM CAMP BLANDING MANAGEMENT TRUST FUND .		125,918
1990	EXPENSES		
	FROM CAMP BLANDING MANAGEMENT TRUST FUND .		560,004
1991	OPERATING CAPITAL OUTLAY		
	FROM CAMP BLANDING MANAGEMENT TRUST FUND .		157,013
1992	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM CAMP BLANDING MANAGEMENT TRUST FUND .		693,500
1993	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM CAMP BLANDING MANAGEMENT TRUST FUND .		61,428
1993A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM CAMP BLANDING MANAGEMENT TRUST FUND .		2,444

PUBLIC SERVICE COMMISSION

1994	SALARIES AND BENEFITS POSITIONS	380	
	FROM REGULATORY TRUST FUND		18,821,460
1995	OTHER PERSONAL SERVICES		
	FROM REGULATORY TRUST FUND		349,638
1996	EXPENSES		
	FROM REGULATORY TRUST FUND		4,643,791

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1997	OPERATING CAPITAL OUTLAY		
	FROM REGULATORY TRUST FUND		270,228
1998	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM REGULATORY TRUST FUND		72,791
1999	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM REGULATORY TRUST FUND		3,928
2000	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM REGULATORY TRUST FUND		67,235
2001	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM REGULATORY TRUST FUND		78,548
2001A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM REGULATORY TRUST FUND		11,762

REVENUE, DEPARTMENT OF

ADMINISTRATIVE SERVICES PROGRAM

2002	SALARIES AND BENEFITS POSITIONS	358	
	FROM GENERAL REVENUE FUND	8,369,158	
	FROM ADMINISTRATIVE TRUST FUND		4,483,291
	FROM CORPORATION TAX ADMINISTRATION TRUST FUND		16,371
	FROM GRANTS AND DONATIONS TRUST FUND . . .		3,247,923
2003	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		105,960
2004	EXPENSES		
	FROM GENERAL REVENUE FUND	475,725	
	FROM ADMINISTRATIVE TRUST FUND		1,975,838
	FROM GRANTS AND DONATIONS TRUST FUND . . .		173,641
2005	AID TO LOCAL GOVERNMENTS		
	CIGARETTE TAX TO MUNICIPALITIES		
	FROM MUNICIPAL FINANCIAL ASSISTANCE TRUST FUND		23,500,000
2006	AID TO LOCAL GOVERNMENTS		
	COUNTY REVENUE SHARING		
	FROM COUNTY REVENUE SHARING TRUST FUND . .		321,400,000
2007	AID TO LOCAL GOVERNMENTS		
	MUNICIPAL REVENUE SHARING		
	FROM MUNICIPAL REVENUE SHARING TRUST FUND		205,100,000
2008	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND		299,493
2009	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM ADMINISTRATIVE TRUST FUND		288,410
2010	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	14,220	
	FROM ADMINISTRATIVE TRUST FUND		59,252
	FROM GRANTS AND DONATIONS TRUST FUND . . .		5,530
2011	DATA PROCESSING SERVICES		
	REVENUE MANAGEMENT INFORMATION CENTER		

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FROM GENERAL REVENUE FUND	1,378	
FROM ADMINISTRATIVE TRUST FUND		1,021,599
FROM GRANTS AND DONATIONS TRUST FUND . . .		132

2011A DATA PROCESSING SERVICES
SAMAS USER CHARGE

FROM GENERAL REVENUE FUND	3,287	
FROM ADMINISTRATIVE TRUST FUND		18,314
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,879

PROPERTY TAX ADMINISTRATION PROGRAM

2012 SALARIES AND BENEFITS POSITIONS 140
FROM INTANGIBLE TAX TRUST FUND 6,072,905

2013 LUMP SUM
PROPERTY TAX ADMINISTRATION
FROM INTANGIBLE TAX TRUST FUND 2,521,413

From funds provided in Specific Appropriations 2012 and 2013, the Property Tax Administration Program will meet the following standards as required by the Government Performance and Accountability Act to enhance equity in property assessments and taxation throughout the state, and to facilitate equalization of the distribution of required local effort millage.

Performance Measures	1997-98 Standards
OUTCOMES:	
Percent of classes studied found to have a level of at least 90%	97%
Taxroll uniformity (average for coefficient of dispersion)	12%
Percent of taxing authorities in total or substantial truth in millage compliance on initial submission	97%
Percentage of refund and tax certificate applications processed within 30 days of receipt	71%
Refund request per 100,000 parcels	32.8
OUTPUTS:	
Number of subclasses of property studied with feedback to property appraisers	5,000
Number of tax roll review notices issued	7
Total number of tax roll defects found	12
Number of truth in millage compliance letters sent to taxing authorities	472
Number of truth in millage compliance letters sent to taxing authorities with minor infractions	121
Number of property tax refund requests processed	3,000
Number of tax certificates cancellations/ corrections processed	1,960
Number of taxpayers audited on behalf of county property appraisers (TPP)	225
Student training hours provided to property appraisers and their staff (TPP)	3,800

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2014 SPECIAL CATEGORIES
PROPERTY APPRAISER AND TAX COLLECTOR
CERTIFICATION PROGRAM
FROM CERTIFICATION PROGRAM TRUST FUND . . 300,000

2015 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INTANGIBLE TAX TRUST FUND 8,140

2016 DATA PROCESSING SERVICES
REVENUE MANAGEMENT INFORMATION CENTER
FROM INTANGIBLE TAX TRUST FUND 184,541

2016A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM INTANGIBLE TAX TRUST FUND 14,503

CHILD SUPPORT ENFORCEMENT PROGRAM

The Department of Revenue is to develop baseline data concerning the following, and is to report this data to the President of the Senate and the Speaker of the House of Representatives, on or before January 1, 1998:

Performance Measures
I. Effectiveness of child support enforcement program:
1. Average percent of all child support obligations collected;
2. For pre-1997 Cases:
(a) Number of unobligated cases by year;
(b) Percent of collections of newly obligated pre-1997 cases;
3. Percent of children with paternity established; and
4. Percent of children with court order for support.
II. Timeliness of Enforcement Actions:
1. Average time to establish paternity and support for cases requiring establishment of both paternity and support;
2. Average time to establish support for cases requiring the establishment of support only;
3. Average time from delinquency to initial payment towards delinquency:
(a) Average time from delinquency to commencement of enforcement; and
(b) Average time from commencement of enforcement to initial payment towards delinquency.
III. Efficiency of Enforcement Actions:
1. Ratio of AFDC collections to CSE's total administrative cost; and
2. Ratio of non-AFDC collections to CSE's total administrative costs.

2017 SALARIES AND BENEFITS POSITIONS 2,078

FROM GENERAL REVENUE FUND	11,508,754	
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		9,936,839
FROM GRANTS AND DONATIONS TRUST FUND . . .		41,634,253

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2018	EXPENSES		
	FROM GENERAL REVENUE FUND	3,125,310	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		2,623,099
	FROM CLERK OF THE COURT CHILD SUPPORT ENFORCEMENT COLLECTION SYSTEM TRUST FUND		50,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		11,158,681
2019	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	280,538	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		2,793
	FROM GRANTS AND DONATIONS TRUST FUND . . .		549,995
2019A	LUMP SUM		
	IMPLEMENT FEDERAL PROVISIONS FOR CHILD SUPPORT ENFORCEMENT		
	POSITIONS	325	
	FROM GENERAL REVENUE FUND	9,750,000	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		11,500,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		41,250,000

From funds in Specific Appropriation 2019A, $9,750,000 in General Revenue is provided to the Department of Revenue to implement federal requirements for the Child Support Enforcement Program. Funds and positions included in Specific Appropriation 2019A shall be placed in reserve by the Executive Office of the Governor until such time as the Department of Revenue submits a detailed program plan of expenditures including goals, objectives and program measures.

The plan submitted by the department shall fund the most critical requirements of welfare reform while emphasizing privatization as a means of addressing the growing backlog of child support cases. The plan shall also provide funds for the assignment of senior judges, child support hearing officers, and associated expenses to address related workload needs of the State Courts System. The release of resources included in Specific Appropriation 2019A is subject to the notice, review and objection procedures included in section 216.177, Florida Statutes.

2020	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF HEALTH		
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		29,936
	FROM GRANTS AND DONATIONS TRUST FUND . . .		58,110
2021	SPECIAL CATEGORIES		
	PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT		
	FROM GENERAL REVENUE FUND	5,158,571	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		6,679,573
	FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND USER FEE TRUST FUND . . .		251,551
	FROM CLERK OF THE COURT CHILD SUPPORT ENFORCEMENT COLLECTION SYSTEM TRUST FUND		4,300,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		31,636,096
2022	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	76,430	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		148,364
2022A	FINANCIAL ASSISTANCE PAYMENTS		
	CHILD SUPPORT INCENTIVE PAYMENTS - POLITICAL SUBDIVISIONS		
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		900,000
2023	FINANCIAL ASSISTANCE PAYMENTS		
	CHILD SUPPORT PAYMENTS		
	FROM CHILD SUPPORT CLEARING TRUST FUND . .		453,100,000
	FROM SECURITY DEPOSIT TRUST FUND		50,000

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2024	DATA PROCESSING SERVICES		
	HEALTH AND REHABILITATIVE SERVICES TECHNOLOGY CENTER		
	FROM GENERAL REVENUE FUND	783,478	
	FROM CLERK OF THE COURT CHILD SUPPORT ENFORCEMENT COLLECTION SYSTEM TRUST FUND		10,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		7,873,010
2024A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	34,106	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		66,206

GENERAL TAX ADMINISTRATION PROGRAM

2025	SALARIES AND BENEFITS POSITIONS	2,371	
	FROM GENERAL REVENUE FUND	61,690,053	
	FROM ADMINISTRATIVE TRUST FUND		24,438,519
	FROM CORPORATION TAX ADMINISTRATION TRUST FUND		1,396,956
	FROM GRANTS AND DONATIONS TRUST FUND . . .		144,937
2026	AID TO LOCAL GOVERNMENTS		
	CONTINUATION OF SOLID MINERAL SEVERANCE TAX TO COUNTIES		
	FROM SEVERANCE TAX SOLID MINERAL TRUST FUND		4,734,000
2027	AID TO LOCAL GOVERNMENTS		
	DISTRIBUTION TO COUNTIES - OIL AND GAS TAX		
	FROM OIL AND GAS TAX TRUST FUND		1,061,000
2028	AID TO LOCAL GOVERNMENTS		
	DISTRIBUTION OF LOCAL GOVERNMENT HALF-CENT SALES TAX		
	FROM LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TRUST FUND		1063,492,440
2029	AID TO LOCAL GOVERNMENTS		
	EMERGENCY DISTRIBUTIONS		
	FROM LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TRUST FUND		5,314,602
2030	AID TO LOCAL GOVERNMENTS		
	INMATE SUPPLEMENTAL DISTRIBUTION		
	FROM LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TRUST FUND		592,958
2031	AID TO LOCAL GOVERNMENTS		
	FIFTH & SIXTH CENT SBA/COUNTY/MOTOR FUEL		
	FROM GAS TAX COLLECTION TRUST FUND		162,150,000
2032	AID TO LOCAL GOVERNMENTS		
	SEVENTH CENT/COUNTIES/MOTOR FUEL		
	FROM GAS TAX COLLECTION TRUST FUND		63,980,000
2033	LUMP SUM		
	GENERAL TAX ADMINISTRATION		
	FROM GENERAL REVENUE FUND	12,557,149	
	FROM ADMINISTRATIVE TRUST FUND		17,373,729
	FROM CORPORATION TAX ADMINISTRATION TRUST FUND		261,559
	FROM GRANTS AND DONATIONS TRUST FUND . . .		50,701

From funds provided in Specific Appropriation 2025 and 2033, for the General Tax Administration Program, the department will meet the following standards as required by the Government Performance and Accountability Act to effectively administer and enforce tax laws and process revenue.

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| 1997-98 |

SECTION 6
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Performance Measures	Standards
OUTCOMES:	
Average days from receipt of payment to deposit (sales, corp, intangibles, fuel)..	68
Number of days between initial distribution of funds and final adjustments (sales, corp, intangibles, fuel).....	72
Percent of sales tax returns filed substantially error free and on time....	79%
Percent of sales tax returns that did not result in a notice of apparent filing error or late return.....	90.1%
Percent of sales tax returns filed substantially error free and on time by 1st time filers.....	63.9%
Average time in days between the processing of a sales tax return and the first notification to the taxpayer of an apparent filing error or late return.....	42
Dollars collected as a percentage of actual liability of notices sent for apparent sales tax return filing errors or late returns.....	59.5%
Percent of delinquent sales tax return and filing error or late return notices issued accurately to taxpayer.....	89.5%
Percentage of delinquent tax return and filing error or late return notices sent to taxpayers that had to be revised (department or taxpayer error).....	17.9%
Percentage of final audit assessment amounts collected (tax only).....	84.1%
Final audit assessment amounts as a percentage of initial assessment amounts (tax only).....	70.1%
Dollars collected voluntarily as a percentage of total dollars collected.....	97.2%
Average number of days to resolve a dispute of an audit assessment.....	175
Return on investment (total involuntary collections per dollar spent).....	4.60
Return on investment (total collections per dollar spent).....	143.20
OUTPUTS:	
Total voluntary collections (taxes, penalties and interest in millions).....	20,292.0
Total involuntary collections (taxes, penalties and interest in millions)....	581.3
Number of delinquent tax return notices issued to taxpayers.....	756,000
Number of notices sent to taxpayers for apparent tax return filing errors or late return.....	580,000

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2034	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	350,705	
	FROM ADMINISTRATIVE TRUST FUND		428,639
2035	DATA PROCESSING SERVICES REVENUE MANAGEMENT INFORMATION CENTER FROM GENERAL REVENUE FUND	11,942	
	FROM ADMINISTRATIVE TRUST FUND		2,078,867
2035A	DATA PROCESSING SERVICES SAMAS USER CHARGE FROM GENERAL REVENUE FUND	79,363	
	FROM ADMINISTRATIVE TRUST FUND		103,712
	FROM CORPORATION TAX ADMINISTRATION TRUST FUND		2,416
	FROM GRANTS AND DONATIONS TRUST FUND . . .		372
	REVENUE MANAGEMENT INFORMATION CENTER		
2036	SALARIES AND BENEFITS POSITIONS 36 FROM WORKING CAPITAL TRUST FUND		1,174,909
2037	OTHER PERSONAL SERVICES FROM WORKING CAPITAL TRUST FUND		17,680
2038	EXPENSES FROM WORKING CAPITAL TRUST FUND		2,415,465
2039	OPERATING CAPITAL OUTLAY FROM WORKING CAPITAL TRUST FUND		1,420,005
2040	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM WORKING CAPITAL TRUST FUND		1,777
2041	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM WORKING CAPITAL TRUST FUND		354,573
2041A	DATA PROCESSING SERVICES SAMAS USER CHARGE FROM WORKING CAPITAL TRUST FUND		7,944
	INFORMATION SERVICES PROGRAM		
2042	SALARIES AND BENEFITS POSITIONS 119 FROM GENERAL REVENUE FUND	3,425,708	
	FROM ADMINISTRATIVE TRUST FUND		1,328,968
	FROM CORPORATION TAX ADMINISTRATION TRUST FUND		387,863
	FROM GRANTS AND DONATIONS TRUST FUND . . .		106,378
2043	OTHER PERSONAL SERVICES FROM ADMINISTRATIVE TRUST FUND		95,628
2044	EXPENSES FROM GENERAL REVENUE FUND	331,065	
	FROM ADMINISTRATIVE TRUST FUND		522,815
	FROM CORPORATION TAX ADMINISTRATION TRUST FUND		46,617
	FROM GRANTS AND DONATIONS TRUST FUND . . .		14,187

SECTION 6 SPECIFIC APPROPRIATION		
2045 OPERATING CAPITAL OUTLAY		
FROM ADMINISTRATIVE TRUST FUND		4,327
2046 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	7,033	
FROM ADMINISTRATIVE TRUST FUND		12,510
2047 DATA PROCESSING SERVICES		
REVENUE MANAGEMENT INFORMATION CENTER		
FROM GENERAL REVENUE FUND	583	
FROM ADMINISTRATIVE TRUST FUND		2,774,701
2047A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	2,897	
FROM ADMINISTRATIVE TRUST FUND		4,718
FROM CORPORATION TAX ADMINISTRATION TRUST FUND		414
FROM GRANTS AND DONATIONS TRUST FUND . . .		249

STATE, DEPARTMENT OF, AND SECRETARY OF STATE

OFFICE OF THE SECRETARY AND DIVISION OF ADMINISTRATIVE SERVICES

2048 SALARIES AND BENEFITS POSITIONS	76	
FROM GENERAL REVENUE FUND	2,954,690	
FROM CORPORATIONS TRUST FUND		130,529
FROM DIVISION OF LICENSING TRUST FUND . .		119,178
FROM GRANTS AND DONATIONS TRUST FUND . . .		164,743
2049 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	1,850	
2050 EXPENSES		
FROM GENERAL REVENUE FUND	344,216	
FROM GRANTS AND DONATIONS TRUST FUND . . .		185,257
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		181,873
2051 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	13,691	
2052 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	17,000	
2053 SPECIAL CATEGORIES		
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
FROM GENERAL REVENUE FUND	69,777	
2054 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	53,173	
2055 DATA PROCESSING SERVICES		
OTHER DATA PROCESSING SERVICES		
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		43,173

ELECTIONS, DIVISION OF

2056 SALARIES AND BENEFITS POSITIONS	47	
FROM GENERAL REVENUE FUND	1,563,618	
FROM PUBLICATIONS REVOLVING TRUST FUND . .		308,128
2057 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	3,150	
FROM PUBLICATIONS REVOLVING TRUST FUND . .		17,018

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2058 EXPENSES		
FROM GENERAL REVENUE FUND	734,185	
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		615,217
FROM PUBLICATIONS REVOLVING TRUST FUND . .		410,310
2058A AID TO LOCAL GOVERNMENTS		
PETITION SIGNATURE VERIFICATION		
FROM GENERAL REVENUE FUND	75,000	
2059 AID TO LOCAL GOVERNMENTS		
SPECIAL ELECTIONS		
FROM GENERAL REVENUE FUND	100,000	
2060 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	115,762	
2061 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	32,358	

HISTORICAL RESOURCES, DIVISION OF

2064 SALARIES AND BENEFITS POSITIONS	95	
FROM GENERAL REVENUE FUND	2,892,926	
FROM GRANTS AND DONATIONS TRUST FUND . . .		296,093
FROM OPERATING TRUST FUND		238,295
2065 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	27,626	
FROM GRANTS AND DONATIONS TRUST FUND . . .		726,141
FROM OPERATING TRUST FUND		699,922
2066 EXPENSES		
FROM GENERAL REVENUE FUND	1,507,089	
FROM GRANTS AND DONATIONS TRUST FUND . . .		341,450
FROM OPERATING TRUST FUND		718,609
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		7,155
2067 OPERATING CAPITAL OUTLAY		
FROM GRANTS AND DONATIONS TRUST FUND . . .		27,000
FROM OPERATING TRUST FUND		68,418
2068 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		48,000
FROM OPERATING TRUST FUND		23,000
2069 SPECIAL CATEGORIES		
GRANTS AND AIDS - HISTORIC MUSEUM GRANTS		
FROM OPERATING TRUST FUND		1,500,000
2070 SPECIAL CATEGORIES		
HISTORIC PRESERVATION GRANTS		
FROM OPERATING TRUST FUND		2,849,276
2071 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	19,083	
FROM OPERATING TRUST FUND		59,024
2072 DATA PROCESSING SERVICES		
OTHER DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	34,746	
2072A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS		
GRANTS AND AIDS - SPECIAL CATEGORIES - ACQUISITION, RESTORATION OF HISTORIC PROPERTIES		
FROM GENERAL REVENUE FUND	12,011,824	

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Funds in Specific Appropriation 2072A are provided to fund the historic preservation projects that were selected in accordance with Chapter 1A-35.008(4), Florida Administrative Code, and included in the Department of State's legislative budget request for 1997-1998.

2072B	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANT AND AID - CAPE ST. GEORGE LIGHTHOUSE FROM GENERAL REVENUE FUND	120,000	
2072C	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS BISCAYNE PARK PUBLIC FACILITIES FROM GENERAL REVENUE FUND	125,000	
CORPORATIONS, DIVISION OF			
2073	SALARIES AND BENEFITS POSITIONS 192 FROM CORPORATIONS TRUST FUND		6,173,958
2074	EXPENSES FROM CORPORATIONS TRUST FUND		3,625,848
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		180,000
2075	OPERATING CAPITAL OUTLAY FROM CORPORATIONS TRUST FUND		280,498
2076	SPECIAL CATEGORIES RICO ACT - ALIEN CORPORATIONS FROM CORPORATIONS TRUST FUND		514,702
2077	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM CORPORATIONS TRUST FUND		37,464
LIBRARY AND INFORMATION SERVICES, DIVISION OF			
2078	SALARIES AND BENEFITS POSITIONS 117 FROM GENERAL REVENUE FUND	2,547,317	
	FROM LIBRARY SERVICES TRUST FUND		608,305
	FROM RECORDS MANAGEMENT TRUST FUND		989,121
2079	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - LIBRARY COOPERATIVES FROM GENERAL REVENUE FUND	1,200,000	
2080	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - LIBRARY GRANTS FROM GENERAL REVENUE FUND	29,000,000	
	FROM LIBRARY SERVICES TRUST FUND		3,890,043
2081	LUMP SUM LIBRARY, ARCHIVES, AND INFORMATION PROGRAM FROM GENERAL REVENUE FUND	2,298,452	
	FROM LIBRARY SERVICES TRUST FUND		711,520
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		635,996
	FROM RECORDS MANAGEMENT TRUST FUND		738,601

From funds in Specific Appropriation 2078 and 2081, the department will meet the following standards as required by the Government Performance and Accountability Act to ensure access to information of past, present and future value for the educational and cultural benefit of the people of Florida, for the efficient and effective management and development of information services.

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Performance Measures	Standards
OUTCOMES:	
Increase in use of local public library service	2%
Increased access for library patrons to materials from other sources	3%
Increase in usage of research collections	3%
Cost avoidance achieved by government agencies through records storage, disposition and micrographics	57,000,000
OUTPUTS:	
Number of items loaned by public libraries	67,053,675
Number of public library customer visits	35,485,095
Number of public library reference requests	25,513,309
Number of public library registered borrowers	6,288,046
Number of persons attending public library programs	2,432,485
Number of volumes in public library collections	21,734,378
Number of records added to the statewide library holdings database	1,315,070
Number of interlibrary loan requests filled by Florida libraries	238,041
Number of new users (State Library, State Archives)	5,547
Number of reference requests handled (State Library, State Archives)	120,736
Number of items used on-site (State (Library, State Archives)	45,163
Number of database searches conducted (State Library, State Archives)	241,456
Number of items loaned (State Library, State Archives)	91,435
Cubic feet of obsolete public records approved for disposal at the Records Center	450,000
Cubic feet of non-current records stored at the Records Center	200,000
Number of microfilm images created, processed or duplicated at the Records Center	200,170,000

2082	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM RECORDS MANAGEMENT TRUST FUND		41,592
2083	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	22,126	
2084	FIXED CAPITAL OUTLAY LIBRARY CONSTRUCTION GRANTS FROM GENERAL REVENUE FUND	1,200,000	
	FROM LIBRARY CONSTRUCTION TRUST FUND . . .		919,368

Funds in Specific Appropriation 2084 are to be expended for library construction projects that are in compliance with s. 257.191, Florida Statutes, and s. 1B-3.002 through IB-3.010, Florida Administrative Code, except that $350,000 from the General Revenue

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Fund, shall be provided to Pinellas County contingent upon the county providing an equal match, and $50,000 from the General Revenue Fund shall be provided to the Broward County Division of Libraries.

CULTURAL AFFAIRS, DIVISION OF

2085	SALARIES AND BENEFITS POSITIONS 20		
	FROM GENERAL REVENUE FUND	542,435	
	FROM FINE ARTS COUNCIL TRUST FUND		237,581
2086	OTHER PERSONAL SERVICES		
	FROM FINE ARTS COUNCIL TRUST FUND		20,600
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		79,500
2087	EXPENSES		
	FROM GENERAL REVENUE FUND	118,613	
	FROM COCONUT GROVE PLAYHOUSE TRUST FUND .		218,255
	FROM FINE ARTS COUNCIL TRUST FUND		210,622
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		111,967
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		3,300
2087A	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - TREASURE COAST OPERA SOCIETY		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		50,000
2088	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - COCONUT GROVE PLAYHOUSE		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		500,000
2089	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - ARTS GRANTS		
	FROM FINE ARTS COUNCIL TRUST FUND		220,279
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		2,700,000
2090	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - SCIENCES GRANTS		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		500,000
2091	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - ARTS IN EDUCATION GRANTS		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		250,000
2092	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - LOCAL ARTS AGENCIES/ STATE SERVICE ORGANIZATIONS		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		400,000
2093	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - YOUTH AND CHILDREN'S MUSEUMS GRANTS		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		250,000
2094	OPERATING CAPITAL OUTLAY		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		6,000
2094A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - FINE ARTS ENDOWMENT		
	FROM GENERAL REVENUE FUND	960,000	
2095	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHALLENGE GRANTS		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		300,000
2096	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CULTURAL EXCHANGE PROGRAM		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		250,000

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2097	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CULTURAL INSTITUTIONS		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		6,495,872
2098	SPECIAL CATEGORIES		
	GRANTS AND AIDS - FLORIDA ENDOWMENT FOR THE HUMANITIES		
	FROM GENERAL REVENUE FUND	128,655	
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		151,345
2099	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	216,915	
2100	SPECIAL CATEGORIES		
	GRANTS AND AIDS - STATE TOURING PROGRAM		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		200,000
2101	SPECIAL CATEGORIES		
	GRANTS AND AIDS - FLORIDA ARTS LICENSE PLATES		
	FROM FINE ARTS COUNCIL TRUST FUND		500,000
2101A	FIXED CAPITAL OUTLAY		
	REHABILITATION OF THE GOVERNOR MARTIN HOUSE - DMS MGD		
	FROM GENERAL REVENUE FUND	50,000	
2101B	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS		
	GRANTS AND AIDS - SPECIAL CATEGORIES - CULTURAL FACILITIES PROGRAM		
	FROM GENERAL REVENUE FUND	5,851,253	

Funds in Specific Appropriation 2101B are provided to fund the cultural facilities projects that were selected in accordance with the provisions of Chapter 1T-5, Florida Administrative Code, and included in the Department of State's legislative budget request for fiscal year 1997-98.

2101C	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS		
	GRANTS AND AIDS - COCONUT GROVE PLAYHOUSE REPAIRS		
	FROM GENERAL REVENUE FUND	500,000	
2101D	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS		
	ORMOND MEMORIAL ART MUSEUM AND GARDEN		
	FROM GENERAL REVENUE FUND	200,000	

LICENSING, DIVISION OF

2102	SALARIES AND BENEFITS POSITIONS 131		
	FROM DIVISION OF LICENSING TRUST FUND . .		4,367,389
2103	OTHER PERSONAL SERVICES		
	FROM DIVISION OF LICENSING TRUST FUND . .		191,073
2104	EXPENSES		
	FROM DIVISION OF LICENSING TRUST FUND . .		5,016,042
2105	OPERATING CAPITAL OUTLAY		
	FROM DIVISION OF LICENSING TRUST FUND . .		22,296
2106	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM DIVISION OF LICENSING TRUST FUND . .		68,890
2107	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM DIVISION OF LICENSING TRUST FUND . .		58,323

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HISTORIC PRESERVATION BOARDS

HISTORIC PENSACOLA PRESERVATION BOARD

2108	SALARIES AND BENEFITS POSITIONS	14	
	FROM GENERAL REVENUE FUND	457,038	
2109	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	53,304	
2110	EXPENSES		
	FROM GENERAL REVENUE FUND	16,485	
	FROM OPERATING TRUST FUND		156,978
2111	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	3,067	

HISTORIC ST AUGUSTINE PRESERVATION BOARD

2112	SALARIES AND BENEFITS POSITIONS	24	
	FROM GENERAL REVENUE FUND	618,345	
	FROM OPERATING TRUST FUND		147,569
2113	OTHER PERSONAL SERVICES		
	FROM OPERATING TRUST FUND		134,210
2114	EXPENSES		
	FROM OPERATING TRUST FUND		198,261
2115	OPERATING CAPITAL OUTLAY		
	FROM OPERATING TRUST FUND		27,315
2116	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM OPERATING TRUST FUND		10,767

From the funds in Specific Appropriation 2112 through 2116, the Department of State is authorized to use unexpended balances as of January 1, 1998 to enter into contracts with the City of St. Augustine to continue operations and maintenance of historic properties.

HISTORIC TALLAHASSEE PRESERVATION BOARD

2117	SALARIES AND BENEFITS POSITIONS	5	
	FROM GENERAL REVENUE FUND	176,354	
	FROM OPERATING TRUST FUND		5,731
2118	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	4,275	
2119	EXPENSES		
	FROM GENERAL REVENUE FUND	2,828	
	FROM OPERATING TRUST FUND		109,048
2120	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM OPERATING TRUST FUND		1,763

HISTORIC FLORIDA KEYS PRESERVATION BOARD

2121	SALARIES AND BENEFITS POSITIONS	2	
	FROM GENERAL REVENUE FUND	87,124	
	FROM OPERATING TRUST FUND		11,319
2122	EXPENSES		
	FROM GENERAL REVENUE FUND	3,003	
	FROM OPERATING TRUST FUND		137,139
2123	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	524	

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HISTORIC TAMPA/HILLSBOROUGH COUNTY PRESERVATION BOARD

2124	SALARIES AND BENEFITS POSITIONS	5	
	FROM GENERAL REVENUE FUND	137,184	
	FROM OPERATING TRUST FUND		37,094
2125	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	2,000	
	FROM OPERATING TRUST FUND		38,214
2126	EXPENSES		
	FROM GENERAL REVENUE FUND	44,443	
	FROM OPERATING TRUST FUND		93,894
2127	OPERATING CAPITAL OUTLAY		
	FROM OPERATING TRUST FUND		500

HISTORIC PALM BEACH COUNTY PRESERVATION BOARD

2128	SALARIES AND BENEFITS POSITIONS	2	
	FROM GENERAL REVENUE FUND	57,846	
	FROM OPERATING TRUST FUND		11,970
2129	EXPENSES		
	FROM GENERAL REVENUE FUND	12,317	
	FROM OPERATING TRUST FUND		8,475
2130	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	500	
2131	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	524	

RINGLING MUSEUM OF ART, BOARD OF TRUSTEES OF THE JOHN AND MABLE

2132	SALARIES AND BENEFITS POSITIONS	60	
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		1,871,311
2133	SPECIAL CATEGORIES		
	RESTORATION/CONSERVATION - ART ACQUISITION - JOHN AND MABLE RINGLING MUSEUM OF ART		
	FROM INVESTMENT TRUST FUND		200,000
2134	FIXED CAPITAL OUTLAY		
	EMERGENCY REPAIRS - DMS MGD		
	FROM GENERAL REVENUE FUND	1,400,000	
	TOTAL OF SECTION 6 POSITIONS	26,473	
	FROM GENERAL REVENUE FUND	784,679,985	
	FROM TRUST FUNDS		8274,074,093
	TOTAL ALL FUNDS		9058,754,078

SECTION 7 - JUDICIAL BRANCH

The moneys contained herein are appropriated from the named funds to the State Courts System as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay.

STATE COURT SYSTEM

In the event of a general revenue shortfall in an amount which requires the Chief Justice to make budget reductions pursuant to s. 216, Florida Statutes, funds in Specific Appropriations 2135 through 2175, appropriated for payment of the salaries of judges, their personal staff, court

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reporter services, juror meals and lodging, juror and witness payments, and retired judges shall be deducted from the total amount of judicial branch general revenue monies against which an across the board percentage reduction may be applied pursuant to s. 216.221 (3), Florida Statutes.

SUPREME COURT

2135	SALARIES AND BENEFITS POSITIONS 192		
	FROM GENERAL REVENUE FUND	8,507,054	
	FROM COURT EDUCATION TRUST FUND		399,694
	FROM MEDIATION AND ARBITRATION TRUST FUND		258,150
	FROM GRANTS AND DONATIONS TRUST FUND . . .		329,437
2136	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	184,906	
	FROM COURT EDUCATION TRUST FUND		146,500
	FROM MEDIATION AND ARBITRATION TRUST FUND		160,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		20,000

From the funds in Specific Appropriation 2136, $30,000 is provided for the Office of the State Courts Administrator, through the Family Court Steering Committee, to coordinate an evaluation of parenting courses for divorcing parents implemented in the various circuits, pursuant to s. 61.21, Florida Statutes, and the Supreme Court's Family Court initiative. The evaluation shall include the development of outcome measures and curriculum standards for such courses. Consideration should be given to the manner in which such courses can be made available in rural areas and the feasibility of the development of companion courses for children.

2137	EXPENSES		
	FROM GENERAL REVENUE FUND	1,610,719	
	FROM COURT EDUCATION TRUST FUND		1,151,005
	FROM MEDIATION AND ARBITRATION TRUST FUND		212,495
	FROM APPELLATE OPINION DISTRIBUTION TRUST FUND		12,249
	FROM GRANTS AND DONATIONS TRUST FUND . . .		296,632

No General Revenue funds in Specific Appropriation 2137 shall be used for out-of-state educational programs for judges/justices. General Revenue funds may be used to fund attendance of judicial delegates of the Chief Justice at any national conference or judicial meeting.

From the funds in Specific Appropriation 2137, $10,000 is provided for the Dade County Recidivism Project. The funds shall be used to perform a study and prepare a written report of the projects effectiveness in reducing the number of DUI repeat offenders. The report shall be submitted to the Office of the State Courts Administrator by March 31, 1998.

2137A	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - DADE COUNTY INDIGENCY SCREENING POSITIONS 4		
	FROM GENERAL REVENUE FUND	218,410	

The funds in Specific Appropriation 2137A are provided for criminal indigency screening for the 11th Circuit. Dade County is required to match this appropriation to extend indigency verification to include misdemeanor and juvenile defendants.

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2138	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	31,225	
	FROM COURT EDUCATION TRUST FUND		9,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		5,167
2139	SPECIAL CATEGORIES DISCRETIONARY FUNDS OF THE CHIEF JUSTICE		
	FROM GENERAL REVENUE FUND	5,000	

Funds in Specific Appropriation 2139 may be expended at the discretion of the Chief Justice in carrying out the official duties of the court. These funds shall be disbursed by the Comptroller upon receipt of vouchers authorized by the Chief Justice.

2140	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	26,695	
2141	SPECIAL CATEGORIES SUPREME COURT LAW LIBRARY		
	FROM GENERAL REVENUE FUND	314,597	
2142	SPECIAL CATEGORIES COMPUTER SUBSCRIPTION SERVICES		
	FROM GENERAL REVENUE FUND	197,500	
2144	DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	485,766	
2144A	DATA PROCESSING SERVICES SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	50,079	
2144B	FIXED CAPITAL OUTLAY SUPREME COURT SECURITY SYSTEM ENHANCEMENTS - DMS MGD		
	FROM GENERAL REVENUE FUND	73,100	
2144C	FIXED CAPITAL OUTLAY INDEPENDENT AIR CONDITIONING AND LOCALIZED AIR CONDITIONING CONTROL - DMS MGD		
	FROM GENERAL REVENUE FUND	60,000	
2144D	FIXED CAPITAL OUTLAY CLIMATE CONTROLLED LIBRARY STORAGE IN THE SUPREME COURT BUILDING		
	FROM GENERAL REVENUE FUND	30,000	

ADMINISTERED FUNDS - JUDICIAL

2144E	AID TO LOCAL GOVERNMENTS SMALL COUNTY COURTHOUSE FACILITIES		
	FROM GENERAL REVENUE FUND	3,000,000	

From the funds in Specific Appropriation 2144E, $3,000,000 from General Revenue is provided to the following counties:

Baker	$1,572,500
Bradford	225,000
Calhoun	50,000
Columbia	40,500
Dixie	60,000
Gadsden	350,000
Gilchrist	40,500
Jackson	40,500
Liberty	40,500
Wakulla	40,500
Union	540,000

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for consulting or architectural studies related to the improvement of courthouse facilities, improving court facilities to assure compliance with the Americans with Disabilities Act and other federal or state requirements, other renovations in court facilities, improvements in court security and other costs paid by the county pursuant to s. 27.006, s. 34.171 or s. 43.28, Florida Statutes, and any other court-ordered improvements.

2145 LUMP SUM
FAMILY COURTS
FROM GENERAL REVENUE FUND 10,000

The funds in Specific Appropriation 2145 must be used by the Institute for Family Violence Studies at Florida State University for staffing and technical assistance to the Florida Family Visitation Network.

2145A LUMP SUM
CERTIFICATION OF NEW JUDGESHIPS
FROM GENERAL REVENUE FUND 75,000

The funds in Specific Appropriation 2145A shall be used for the Office of Program Policy and Government Accountability to study, through its staff or by contract with a vendor, the judicial efficiency and cost effectiveness of Florida's two-tiered trial court system and the jurisdictional distinctions between county and circuit courts. Alternatives, such as full or part-time magistrates for small claims and civil traffic infractions, changes in jurisdiction, and a unified trial court system, should be included in the study. This study should also include an examination of the state case reporting system currently used by the Florida Supreme Court to determine judicial workload. The study must be completed and submitted to the President of the Senate, the Speaker of the House of Representatives, the Chief Justice, and the Governor no later than January 31, 1998.

2146A LUMP SUM
COURT IMPROVEMENTS
POSITIONS 15
FROM GENERAL REVENUE FUND 1,180,944

2147 SPECIAL CATEGORIES
COMPENSATION TO RETIRED JUDGES
FROM GENERAL REVENUE FUND 2,004,968

The funds in Specific Appropriation 2147 are calculated at a rate of $250 per judge day. The Chief Justice shall report quarterly to the chairs of the House Fiscal Responsibility Council and Senate Ways and Means Committee any exercise of his discretion pursuant to 91-256, Laws of Florida, compensating retired judges in the courts at a rate higher than $250 per day. The report shall include the rate paid per judge per day, the number of days purchased, and the calculation of any corresponding reduction in the ability to purchase judge days.

Of the funds provided in Specific Appropriation 2147, $65,000 is provided to fund 260 additional retired judge days in Broward County.

2148 SPECIAL CATEGORIES
JUDICIAL NOMINATING COMMISSION - EXPENSES
FROM GENERAL REVENUE FUND 13,690

2149 SPECIAL CATEGORIES
GRANTS AND AIDS - PAYMENT TO JURORS AND WITNESSES
FROM GENERAL REVENUE FUND 5,136,910

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Funds in Specific Appropriation 2149 shall be used solely for the payment of jurors and witnesses.

2150 SPECIAL CATEGORIES
MEALS AND LODGING FOR JURORS
FROM GENERAL REVENUE FUND 240,825

2151 SPECIAL CATEGORIES
FLORIDA CASES SOUTHERN 2ND REPORTER
FROM GENERAL REVENUE FUND 389,685

From the funds in Specific Appropriation 2151, $15,500 is contingent upon passage of legislation authorizing new judgeships.

2152 SPECIAL CATEGORIES
STATEWIDE GRAND JURY - EXPENSES
FROM GENERAL REVENUE FUND 158,772

DISTRICT COURTS OF APPEAL

2154 SALARIES AND BENEFITS POSITIONS 403
FROM GENERAL REVENUE FUND 26,894,245

2155 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 446,304

2156 EXPENSES
FROM GENERAL REVENUE FUND 1,661,684

2157 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 169,123

2158 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 30,153

2159 SPECIAL CATEGORIES
DISTRICT COURT OF APPEAL LAW LIBRARY
FROM GENERAL REVENUE FUND 625,362

2159A FIXED CAPITAL OUTLAY
REPLACEMENT OF AIR CONDITIONING CHILLERS - THIRD DISTRICT COURT OF APPEALS
FROM GENERAL REVENUE FUND 56,620

2159B FIXED CAPITAL OUTLAY
WALLPAPER, PAINTING AND CARPET MAINTENANCE - FIFTH DISTRICT COURT OF APPEAL - DMS MGD
FROM GENERAL REVENUE FUND 80,280

CIRCUIT COURTS

2160 SALARIES AND BENEFITS POSITIONS 1,485
FROM GENERAL REVENUE FUND 107,196,763
FROM GRANTS AND DONATIONS TRUST FUND . . . 172,135
FROM FAMILY COURTS TRUST FUND 3,351,980

2161 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 137,505
FROM GRANTS AND DONATIONS TRUST FUND . . . 362,385

2162 EXPENSES
FROM GENERAL REVENUE FUND 1,314,492
FROM GRANTS AND DONATIONS TRUST FUND . . . 16,750
FROM FAMILY COURTS TRUST FUND 278,376

No General Revenue funds in Specific Appropriation 2162 shall be used for out-of-state educational programs for judges/justices. General Revenue funds may be used to fund attendance of judicial delegates of the Chief Justice at any national conference or judicial meeting.

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2163 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - TRUANCY PROGRAM
FROM GENERAL REVENUE FUND 200,000

2164 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - MATCH FUNDS FOR THE NEIGHBORHOOD JUSTICE CENTER PROGRAM
FROM GENERAL REVENUE FUND 60,000

2165 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 194,740
FROM FAMILY COURTS TRUST FUND 34,815

From the funds in Specific Appropriations 2160, 2162 and 2165, 16 FTE and $654,551, $44,643 and $68,140 from the General Revenue Fund respectively, are contingent upon passage of legislation authorizing new judgeships.

2165A LUMP SUM
CHILD SUPPORT ENFORCEMENT STAFFING
POSITIONS 34
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,439,562

The funds in Specific Appropriation 2165A shall be used for workload needs of the State Courts System related to implementation of federal requirements for Child Support Enforcement. The funds shall be used for the assignment of senior judges, child support hearing officers, and associated expenses needed to process the increase in unobligated child support cases resulting from enforcement activities. The State Courts System shall provide a proposed allocation of funds to the Department of Revenue for inclusion in its work plan submitted to the Executive Office of the Governor.

2166 SPECIAL CATEGORIES
GRANTS AND AIDS - FAMILY COURTS
FROM FAMILY COURTS TRUST FUND 29,246

2167 SPECIAL CATEGORIES
GRANTS AND AIDS - PUBLIC GUARDIANSHIP
FROM GENERAL REVENUE FUND 102,252

2168 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 483,792

2169 SPECIAL CATEGORIES
CIRCUIT COURT LAW LIBRARY
FROM GENERAL REVENUE FUND 2,000

2170 SPECIAL CATEGORIES
GRANTS AND AIDS - COURT REPORTER SERVICES
FROM GENERAL REVENUE FUND 3,525,887

The funds in Specific Appropriation 2170 are to be granted to the counties to support the reporting of depositions and court proceedings which are required by law to be covered at public expense. The funds shall be distributed to the counties using a pro-rata distribution based on Fiscal Year 1995/96 felony filings per county.

2170A DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM FAMILY COURTS TRUST FUND 1,000,000

COUNTY COURTS

2171 SALARIES AND BENEFITS POSITIONS 526
FROM GENERAL REVENUE FUND 44,388,496

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2172 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 72,225

2173 EXPENSES
FROM GENERAL REVENUE FUND 99,780

No funds in Specific Appropriation 2173 shall be used for out-of-state judicial educational programs for judges/justices. General Revenue funds may be used to fund attendance of judicial delegates of the Chief Justice at any national conference or judicial meeting.

2173A OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 26,490

From the funds in Specific Appropriations, 2171, 2173, and 2173A, 6 FTE and $239,793, $16,395 and $26,490 from the General Revenue Fund respectively, are contingent upon passage of legislation authorizing judgeships.

2174 SPECIAL CATEGORIES
ADDITIONAL COMPENSATION FOR COUNTY JUDGES
FROM GENERAL REVENUE FUND 305,855

Funds are provided in Specific Appropriation 2174 for county judges assigned to active judiciary service in any of the courts created by Article V of the State Constitution. Such funds shall be paid as additional compensation for such service, and shall be computed based on the salary then currently paid to a judge of the court to which the assignment is made, and shall be computed on the basis of an eight hour day, or major fraction thereof.

2175 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 59,491

JUDICIAL QUALIFICATIONS COMMISSION

2176 SALARIES AND BENEFITS POSITIONS 2
FROM GENERAL REVENUE FUND 93,878

2177 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 145,342

2178 EXPENSES
FROM GENERAL REVENUE FUND 84,067

2179 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,706

2180 LUMP SUM
LITIGATION EXPENSES
FROM GENERAL REVENUE FUND 133,300

Funds in Specific Appropriation 2180 are to be used only for case expenditures associated with the filing and prosecution of formal charges. These costs shall consist of attorney fees, court reporting fees, investigators fees, and similar charges associated with the adjudicatory process.

2181 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 3,463

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TOTAL OF SECTION 7	POSITIONS 2,661	
FROM GENERAL REVENUE FUND	212,601,140	
FROM TRUST FUNDS		9,685,578
TOTAL ALL FUNDS		222,286,718

SECTION 8 - SALARIES AND BENEFITS - Fiscal Year 1997-98

Statement of Purpose

This section provides instructions for implementing the Fiscal Year 1997-98 salary and benefit increases provided in Specific Appropriation 1492. All allocations and distributions of these funds are to be made in strict accordance with the provisions of this act. All references to "base salary" in this section refer to salaries as of June 30, 1996, inclusive of the 1996-97 fiscal year appropriated salary increases, for the purpose of calculating and distributing allocations to agencies. References to "eligible" employees refer to employees who are, at a minimum, meeting their required performance standards. If an ineligible employee achieves performance standards subsequent to the salary increase implementation date, the employee may receive an increase; however, such increase shall be effective on the date the employee becomes eligible but not retroactively.

I. SALARY INCREASES

A. CAREER SERVICE AND EMPLOYEES SUBJECT TO THE CAREER SERVICE

Funds are provided in Specific Appropriation 1492 for salary increases for all eligible employees represented by: (1) the Florida Police Benevolent Association, Inc., (2) the Florida Nurses Association, and (3) the American Federation of State, County and Municipal Employees, Council 79, as well as all other eligible Career Service employees not included in a represented collective bargaining unit. The Specific Appropriation includes funds to implement the ruling by the Circuit Court in Florida Police Benevolent Association, Inc., Florida Nurses Association and AFSCME Council 79 v State of Florida, Lawton Chiles, Governor of the State of Florida and the Department of Administration. Prior to the distribution of any funds contained in these specific appropriations the Executive Office of the Governor shall determine all direct and administrative costs of implementing the ruling for Career Service employees represented by the Florida Police Benevolent Association and the AFSCME Council 79. As noticed in the state's wage proposals to the Florida Police Benevolent Association and the AFSCME Council 79, funds in Specific Appropriation 1492 which would have otherwise been distributed to Career Service employees represented by the Florida Police Benevolent Association and the AFSCME Council 79 shall be reduced by the amounts of the direct and administrative costs of implementing the ruling. Funds are to be distributed as follows:

1) All eligible Career Service employees represented by the Florida Police Benevolent Association, Inc. and the AFSCME Council 79 shall receive the following increases to the December 31, 1997 base rate of pay, effective January 1, 1998:

(a) All eligible Career Service employees represented by AFSCME shall receive an annualized increase of $780.

(b) All eligible Career Service employees represented by the Florida Police Benevolent Association, Inc. shall receive an annualized increase of $810.

In the event that a settlement agreement is reached between the State of Florida and either the Florida Police Benevolent Association or AFSCME Council 79 before July 1, 1997, then the funds shall be distributed as provided for all other eligible unit Career Service employees as described in paragraph (3) below.

2) For all eligible unit and non-unit employees assigned to the professional health care pay plan, funds are provided to grant a three percent (3%) competitive pay adjustment on each employee's base salary

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to be effective on the employee's anniversary date, in accordance with the negotiated collective bargaining agreement. Additionally, funds are provided for eligible employees to receive longevity salary increases pursuant to the negotiated collective bargaining agreement.

3) For all eligible unit and non-unit Career Service employees other than those employees represented by the Florida Police Benevolent Association and the AFSCME Council 79 as well as the unit and non-unit professional health care pay plans, funds are provided for the following increases to the December 31, 1997 base rate of pay, effective January 1, 1998:

(a) Employees with annual salaries of $20,000 or less shall receive an annualized increase of $1,200.

(b) Employees with annual salaries from $20,001 to $36,000 shall receive an annualized increase of $1,000.

(c) Employees with annual salaries of $36,001 or more shall receive an annualized increase of 2.78%.

B. BOARD OF REGENTS

1) For all eligible University Support Personnel System (USPS), Administrative and Professional (A&P), and General Faculty unit and non-unit employees, funds are provided in Specific Appropriation 173 through 176 and 186 for the following increases to the December 31, 1997 base rate of pay, effective January 1, 1998:

(a) Employees with annual salaries of $20,000 or less shall receive an annualized increase of $1,200.

(b) Employees with annual salaries from $20,001 to $36,000 shall receive an annualized increase of $1,000.

(c) Employees with annual salaries of $36,001 or more shall receive an annualized increase of 2.78%.

These funds shall be distributed to eligible employees subject to reopener negotiations.

2) Funds are provided in Specific Appropriation 173 through 176 and 186 for an overall average 2.78% increase on the base stipends of graduate assistants and graduate health professions assistants, effective January 1, 1998. These funds shall be distributed to eligible employees subject to reopener negotiations.

C. EXEMPT FROM CAREER SERVICE

1) Elected officers and full time members of Commissions:

Specific Appropriation 1492 includes funding to provide salary increases on base salary, effective January 1, 1998. The following officers shall be paid at the annual rate shown below for the period indicated, however, these salaries may be reduced on a voluntary basis:

	7/1/97	1/1/98
Governor	107,961	110,962
Lieutenant Governor	103,415	106,290
Secretary of State	106,870	109,841
Comptroller	106,870	109,841
Treasurer	106,870	109,841
Attorney General	106,870	109,841
Education, Commissioner of	106,870	109,941
Agriculture, Commissioner of	106,870	109,841
Supreme Court Justice	133,600	137,314
Judges - District Courts of Appeal	120,240	123,583
Judges - Circuit Courts	107,758	110,754
Judges - County Courts	95,785	98,448
Commissioner - Public Service Commission	107,758	110,754
Public Employees Relations Commission Chrm.	77,130	79,274

Public Employees Relations Commission

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Commissioners.....	72,987	75,016
Commissioner - Parole and Probation.....	72,987	75,016

State Attorneys:

Circuits with 1,000,000 Population or less.....	107,758	110,754
Circuits over 1,000,000.....	120,240	123,583

Public Defenders:

Circuits with 1,000,000 Population or less.....	101,629	104,454
Circuits over 1,000,000	115,430	118,639

All population figures relating to the state attorneys' and public defenders' salaries shall be based on the most recent population estimates prepared pursuant to the provisions of s. 186.901, F.S. These population estimates shall become effective July 1, 1997 and shall not be adjusted subsequently.

None of the officers whose salaries have been fixed in this section shall receive any supplemental salary or benefits from any county or municipality.

2) Senior Management Service and Selected Exempt Service:

a. For all eligible Senior Management Service and non-unit Selected Exempt Service employees, funds are provided in Specific Appropriation 1492 for the following increases to the December 31, 1997 base rate of pay, effective January 1, 1998. Otherwise, these increases shall be been fixed in this section shall receive any supplemental salary or benefits from any county or municipality.

(1) Employees with annual salaries of $20,000 or less shall receive an annualized increase of $1,200.

(2) Employees with annual salaries from $20,001 to $36,000 shall receive an annualized increase of $1,000.

(3) Employees with annual salaries of $36,001 or more shall receive an annualized increase of 2.78%.

b. For all eligible unit employees represented by the Florida Federation of Physicians and Dentists in the Selected Exempt Service, funds are provided in Specific Appropriation 1492 for the following increases to the December 31, 1997 base rate of pay, effective January 1, 1998. Otherwise, these increases shall be distributed at the discretion of the agency head, but shall be effective and provided January 1, 1998. The funds are provided as follows:

(1) Employees with annual salaries of $20,000 or less shall receive an annualized increase of $1,200.

(2) Employees with annual salaries from $20,001 to $36,000 shall receive an annualized increase of $1,000.

(3) Employees with annual salaries of $36,001 or more shall receive an annualized increase of 2.78%.

3) Career Service Exempt and the Florida National Guard:

For all eligible Career Service Exempt and Florida National Guard employees, funds are provided in Specific Appropriation 1492 for the following increases to the December 31, 1997 base rate of pay, effective January 1, 1998. The funds shall be distributed as follows:

(a) Employees with annual salaries of $20,000 or less shall receive an annualized increase of $1,200.

(b) Employees with annual salaries from $20,001 to $36,000 shall receive an annualized increase of $1,000.

(c) Employees with annual salaries of $36,001 or more shall receive an annualized increase of 2.78%.

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D. JUDICIAL

1) Funds are provided in Specific Appropriation 1492 to grant the following increases on each eligible employee's base salary on December 31, 1997, effective January 1, 1998. The funds shall be distributed as follows:

(a) Employees with annual salaries of $20,000 or less shall receive an annualized increase of $1,200.

(b) Employees with annual salaries from $20,001 to $36,000 shall receive an annualized increase of $1,000.

(c) Employees with annual salaries of $36,001 or more shall receive an annualized increase of 2.78%.

E. LOTTERY

1) For all eligible Lottery unit and non-unit employees, funds are provided in Specific Appropriation 1492 for the following increases to the December 31, 1997 base rate of pay, effective January 1, 1998. Otherwise, the Lottery Senior Staff increases shall be distributed at the discretion of the agency head, but shall be effective and provided January 1, 1998. The funds are provided as follows:

(a) Employees with annual salaries of $20,000 or less shall receive an annualized increase of $1,200.

(b) Employees with annual salaries from $20,001 to $36,000 shall receive an annualized increase of $1,000.

(c) Employees with annual salaries of $36,001 or more shall receive an annualized increase of 2.78%. base salary, effective January 1, 1997.

F. CORRECTIONAL EDUCATION PROGRAM (CEP)

Funds are provided in Specific Appropriation 1492 to grant a salary increases to each eligible employee's December 31, 1997 base rate of pay in the Classified and Managerial Pay Plans and for all instructional and professional employees within CEP. These increases shall be effective and provided January 1, 1998 as follows:

(1) Employees with annual salaries of $20,000 or less shall receive an annualized increase of $1,200.

(2) Employees with annual salaries from $20,001 to $36,000 shall receive an annualized increase of $1,000.

(3) Employees with annual salaries of $36,001 or more shall receive an annualized increase of 2.78%

It is the intent of the Legislature that the administrative and professional and managerial pay plans 43 and 44 shall be retained and all positions in these pay plans shall remain. Instructional and classified pay plans 41 and 42 shall be retained until such time as the Department of Management Services and the Department of Corrections reach agreement on the transfer of positions in these pay plans to positions within the career service system after which these pay plans shall be abolished.

G. FLORIDA SCHOOL FOR THE DEAF AND THE BLIND:

1) For all eligible unit and non-unit non-Career Service employees of the School for the Deaf and the Blind, funds are provided in Specific Appropriation 1492 for the following increases to the December 31, 1997 base rate of pay, effective January 1, 1998:

(a) Employees with annual salaries of $20,000 or less shall receive an annualized increase of $1,200.

(b) Employees with annual salaries from $20,001 to $36,000 shall receive an annualized increase of $1,000.

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(c) Employees with annual salaries of $36,001 or more shall receive an annualized increase of 2.78%.

Distribution of the funds to non-unit employees shall be at the discretion of the Board of Trustees.

2. CRITICAL CLASS ADJUSTMENTS

$6,400,000 is provided in Specific Appropriation 1492 for the purpose of addressing critical salary needs in classes experiencing excessive turnover and inability to recruit and hire qualified employees. $300,000 of this $6,400,000 is provided for critical pay issues of the State Courts System, as described in its 1997 pay plan request. The Department of Management Services shall review requests made by Executive Branch Agencies for pay grade adjustments and make recommendations to the Executive Office of the Governor prior to November 1, 1997. The Supreme Court will implement recommendations for the State courts System critical pay issues as approved by the Chief Justice. $500,000 of the $6,400,000 is provided to the University of Central Florida to address critical pay issues in accordance with the document, "1990-91 Pay Survey, Competitive Area Differential, Central Florida Region, State University System of Florida, Board of Regents and Department of Administration, USPS Classes."

3. BENEFITS

A. HEALTH, LIFE AND DISABILITY INSURANCE

1) Funds are provided in each agency's budget to continue paying the current state share of the State Group Health Self-Insurance premiums, approved health maintenance organizations, and life and disability insurance premiums. Additionally, employee premiums shall remain unchanged until changed by the Legislature.

Further, it is the Legislature's intent that the benefits of the State Group Health Self-Insurance Plan which have been approved by the Legislature shall be incorporated into the Group Health Self-Insurance Plan Benefit Document and shall remain in effect during Fiscal Year 1997-98 and shall not be amended without appropriate legislative approval in accordance with s. 110.123(5), F.S.

2) Under the Prescription Drug Program co-payments and supply limits are to continue as provided in s. 110.12315, F.S.

3) The current pharmacy dispensing program shall remain in effect as provided in s. 110.12315(3), F.S.

4) Any proposed changes in the benefits provided under the state employee group health self-insurance plan shall be accompanied by a statement signed by an actuary indicating the amount by which monthly premiums would need to change if the proposal were enacted and the benefit changes were to be exclusively funded by a change in plan premiums, unless the Economic Estimating Conference determines that the plan modification is minor enough that such a statement is not necessary.

5) The $100 per calendar year physical examination benefit shall be limited to active employees covered under the State Group Health Self-Insurance Plan.

4. OTHER PROVISIONS

The following items shall be implemented in accordance with the provisions of this Act and with the negotiated collective bargaining agreements between the Governor and the respective bargaining units, except as noted:

A. Continue to provide up to six (6) credit hours of tuition-free courses per term at a State University to all full time employees on a space-available basis.

B. Continue to reimburse employees, at current levels, for replacement of personal property.

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C. Continue to provide, at the current level, uniform maintenance and shoe allowances.

D. Continue to pay employees on-call fees at the current level.

5. COLLECTIVE BARGAINING ISSUES AT IMPASSE

A. Collective bargaining issues at impasse between the State of Florida and AFSCME Council 79 for Career Service employees shall be resolved as follows:

1) All collective bargaining wage issues at impasse shall be resolved pursuant to the instructions provided in thisSection under Item "1. SALARY INCREASES."

B. Collective bargaining issues at impasse between the State of Florida and the Florida Police Benevolent Association, Inc. for Career Service employees shall be resolved as follows:

1) All collective bargaining wage issues at impasse shall be resolved pursuant to the instructions provided in this Section under Item "1. SALARY INCREASES."

C. Collective bargaining issues at impasse between the State of Florida and the Federation of Physicians and Dentists for Selected Exempt Service employees shall be resolved as follows:

1) All collective bargaining issues at impasse shall be resolved pursuant to the instructions provided in this Section under Item "1. SALARY INCREASES."

D. All other collective bargaining issues at impasse for the 1997-98 fiscal year which are not contained in this act shall be resolved by maintaining the status quo under the language of the current collective bargaining agreements.

6. STUDIES AND REPORTS AND OTHER PROVISIONS

A. No funds are provided to state branches, departments, or agencies which have established or approved personnel policies for employees relating to the payment of accumulated and unused annual leave. Therefore, such state branches, departments and agencies shall not provide payment which exceeds a maximum of 480 hours of actual payment to each employee for accumulated and unused annual leave.

B. No funds are provided to pay employees upon termination from the Senior Management Service, Selected Exempt Service, or positions with comparable benefits, for payments for unused annual leave credits accrued on the employee's last anniversary date greater than those prorated at the rate of one-twelfth (1/12) of the last annual amount credited for each month, or portion thereof, worked subsequent to the employee's last anniversary date.

C. From the funds appropriated to the Attorney General, he is authorized to continue to exceed the maximum of the pay range for the six Assistant Attorney General positions.

D. The approved annual salary rate for the Division of Administrative Hearings is $3,836,253 and will be adjusted pending final disposition of the collective bargaining impasse hearing to be held by the legislative body.

SECTION 9. In the event the full appropriation in Specific Appropriation 1032A, of $8,594,725 is not received from the federal government for Citrus Canker Eradication, the difference shall be appropriated for this purpose from the Working Capital Fund.

SECTION 10. The unexpended balances of appropriations in Chapter 95-429, Laws of Florida, for the Green Swamp Land Authority are hereby reappropriated.

SECTION 11. The unencumbered balance of funds provided in Specific Appropriation 1865C, Chapter 96-424, Laws of Florida, are hereby

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reappropriated for land acquisition, site preparation and to the extent that funds are sufficient, construction of a replacement surplus property warehouse and/or motor pool facility.

SECTION 12. The Executive Office of the Governor is authorized to reallocate the 1997-98 fiscal year approved General Revenue budget appropriated for the SAMAS User Fee to the Division of Information Services within the Department of Banking and Finance to implement a fund shift from the Working Capital Trust Fund to the General Revenue Fund as recommended by the Governor. The amount reallocated shall be limited to the amount of General Revenue from the SAMAS User Fee category appropriated in the 1996-97 General Appropriations Act, which totals $14,204,068. The Executive Office of the Governor shall place trust fund appropriations for the SAMAS User Fee category in unbudgeted reserve in the agency in which the appropriation was made. These actions are subject to the notice, review, and objection provisions included in section 216.177, Florida Statutes.

SECTION 13. There is hereby appropriated $111,612 from unexpended FY 1996-97 General Revenue appropriations of the General Tax Administration Program of the Department of Revenue to Nassau County for the revenue loss resulting from the delay in implementing the "ninth-cent" tax on motor fuel imposed by Ordinance No.95-27.

SECTION 14. Effective July 1, 1997, the responsibilities and authorities related to grants formerly assigned to the Department of Commerce in Specific Appropriation 2069, Chapter 94-357, Laws of Florida, and Specific Appropriations 1680AB and 1680AC, Chapter 95-429, Laws of Florida, including those authorities and responsibilities related to utilization and expenditure of funds provided for program administration, are hereby assigned to the Department of Community Affairs. The unexpended balances contained in those Specific Fixed Capital Outlay Appropriations, including grants and aids and administrative allocations, shall be transferred to the Department of Community Affairs, and shall be expended in accordance with the original proviso language related to each of the above.

SECTION 15. In the event that the level of funding provided to implement the Legal Immigrants' Temporary Income Bridge Program is inadequate to support identified needs, the Governor, subject to the provisions of Chapter 216, Florida Statutes, is hereby authorized to transfer up to $25,000,000 from the Working Capital Fund to implement the provisions of Specific Appropriation 1499A. This authority is contingent upon:

(1) the federal government officially easing restrictions on the provision of federal SSI and food stamps for legal immigrants in Florida; and

(2) the execution of contracts between the federal government and the State of Florida in which the federal government commits to reimbursing the state for costs financed with the above funds.

SECTION 16. The Comptroller is hereby authorized to transfer $276,600,000 in General Revenue Funds to the Budget Stabilization Fund for Fiscal Year 1997-98, as required by s. 19(g) Article III of the Constitution of the State of Florida.

SECTION 17. Any funds necessary to implement the provisions of the Federal Cash Management Improvement Act of 1990 shall be provided from the Working Capital Fund. The State Treasurer is authorized to submit a voucher to the Comptroller and based thereon, the Comptroller is authorized to make payment to the Federal Government in an amount necessary for the payment of interest earned on Federal Funds.

SECTION 18. The unexpended balances of funds provided by Specific Appropriation 1971B, Chapter 95-429, Laws of Florida are hereby reappropriated and $2,000,000 is hereby appropriated from the Public Facilities Financing Trust Fund for use in constructing additional and renovating existing facilities for the Department of Law Enforcement adjacent to their existing crime lab facility in Orlando.

SECTION 19. There is hereby appropriated $15,000,000 to be transferred from the Insurance Commissioner's Regulatory Trust Fund to the Working Capital Fund.

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SECTION 20. The unexpended balance of funds provided to Pensacola Junior College in Specific Appropriation 1940 of Chapter 93-184, Laws of Florida, relating to the Community Instruction Center - Milton (p) for $426,656, is hereby reappropriated to Collegewide General Renovation/Remodeling.

SECTION 21. The unexpended balance of funds provided to Palm Beach Community College in Specific Appropriation 54 of Chapter 95-249 and Section 5 of Chapter 96-421, Laws of Florida, relating to the Life Fitness/PE/Aquatic Facility/Road - Eissey partial (p,c) for $5,585,543 and $646,919 respectively, are hereby re-appropriated to Collegewide General Renovation/Remodeling.

SECTION 22. Up to $770,000 of the funds included in Specific Appropriation 208B of Chapter 96-424, Laws of Florida, relating to UF Southwest Student Recreation Fields may be expended for a Lake Wauberg Renovation and Improvement project.

SECTION 23. Funds included in Specific Appropriation 2001, Chapter 94-357 Laws of Florida, for SUS Land Acquisition and subsequently allocated to FSU in an amount of up to $750,000 may be used to purchase land for accomplishment of Call Street/Stadium Drive Intersection Improvements and Realignment/Widening of Bryan Street. FSU may reimburse the City of Tallahassee for purchase of land required for right-of-way purposes and the City may retain title to the purchased property for purposes of maintaining the road and related stormwater facility improvements. Additionally, the City of Tallahassee may proceed with accomplishment of the subject road and intersection improvements and receive reimbursement from future appropriations that may be provided for Stadium Drive Improvements.

SECTION 24. From funds included in Specific Appropriation 208B of Chapter 96-424, Laws of Florida, relating to the FAMU Presidential Residence Entertainment Center and the FAMU Recreational Center - Phase I, up to $1,800,000 may be expended for a Child Care Center and $821,037 may be expended for Restoration of Aquatic Center, including reimbursement for any auxiliary funds expended to initiate the projects.

SECTION 25. Funds included in Specific Appropriation 1941 of Chapter 93-184, Laws of Florida, relating to the UCF Human Factors Aviation Laboratory (p) project in the amount of $257,000, may be expended for the UCF Central Florida Boulevard Realignment project.

SECTION 26. The unexpended balance of Specific Appropriation 209A of Chapter 96-424, Laws of Florida, entitled Treeline Avenue may be expended for construction of FGCU campus roads and parking areas.

SECTION 27. Pursuant to s. 240.295, Florida Statutes, the Board of Regents is hereby authorized to construct the following facilities from non-PECO sources. This authorization is contingent upon the individual university agreeing not to request GR operating funds. Each individual project may be considered alone.

1. University of Florida - Ornamental Genetics Greenhouse at the Gulf Coast Research and Education Center in Manatee/Bradenton

2. University of Florida - Equipment Storage, Collier/Immokalee

3. Florida State University - National Weather Service (NWS) Meteorology Facility (Reauthorization)

4. Florida International University - Holocaust Documentation Center

SECTION 28. The Board of Regents of the State University System is hereby authorized to construct the following projects which are to be financed entirely or partially from revenue bonds issued pursuant to s. 11(d), Art. VII of the State Constitution or s. 240.2093, F.S.:

1. University of Florida - Single Student Residence Hall

2. Florida State University - Remodeling of Broward and Gilchrist Halls (Reauthorization)

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3. Florida A&M University - Housing, Phase IV (Reauthorization)

4. University of South Florida - Parking Structure II (Reauthorization)

5. University of South Florida - Sarasota/New College Residence Hall II (Reauthorization)

6. University of West Florida - Student Housing Apartments (Reauthorization)

7. University of Central Florida - Parking Garage II (Reauthorization)

8. Florida International University - Student Housing Complex and Support Service Facilities (Reauthorization)

9. Florida International University -Parking Garage II (Deck) (Reauthorization)

10. University of North Florida - Student Housing Complex, Phase VI (Reauthorization)

11. University of North Florida - Parking Garage

12. Florida Gulf Coast University - Student Residence, Ph. I (Reauthorization)

13. Florida Atlantic University - Palm Beach Campus Student Housing Facility

14. University of Central Florida Bookstore Expansion (Reauthorization)

SECTION 29. The sum of $4,416,200 is hereby appropriated from the Public Education Capital Outlay and Debt Services Trust Fund to the Broward School Board/City of Ft. Lauderdale - New World Aquarium and Broward Environmental Education Center (p,c,e) pursuant to the provisions of the former Section 236.196, Florida Statutes.

SECTION 30. Pursuant to Sections 240.277 and 240.295, F.S., the Board of Regents is authorized to accomplish the following construction projects to be financed or partially financed from private and university auxiliary sources.

1. FIU President's Residence and Events Center

2. FSU Women's Soccer/Softball and Intramural Fields Complexes

3. UWF Campus Telephone Switch System and Extension of Utilities for Housing

4. FAMU New Beginnings Child Care Center

5. UNF 400 Meter Track-Supplement

SECTION 31. The unexpended balance of funds provided to Palm Beach Community College in the Section 1 of Chapter 93-407, Laws of Florida, relating to the Adjacent land acquisition-Eissey (s,p,e,c), for $1,500,000, is hereby re-appropriated to Collegewide General Renovation/Remodeling.

SECTION 32. Pursuant to section 240.327, Florida Statutes, the specified community colleges are authorized to acquire or construct the following facilities from non-PECO sources which will require general revenue funds for operation and maintenance. If existing facilities are part of these projects, each such building or site must be certified to be free of asbestos or other hazardous materials before the stated community college may acquire or expend construction funds on the facility. If the property to be acquired is not adjacent to an existing approved center or campus, then all necessary approvals from the State Board of Community Colleges, the Postsecondary Education Planning Commission, and the State Board of Education must be received before any funds may be expended to acquire the property.

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1. Central Florida Community College - Exhibit Center Addition on Main Campus in Marion County

2. Indian River Community College - New Classroom Facility Dixon Hendry Center in Okeechobee County

3. Indian River Community College - Land and Classroom Facility from Department of Corrections adjacent to the Mueller Special Purpose Center in Vero Beach, Indian River County

SECTION 33. The unexpended balance of funds provided to Miami-Dade Community College in the Specific Appropriation Section 14 of Chapter 96-424, Laws of Florida, relating to the Science Lab Facility - N partial (p) for $1,571,000, is hereby re-appropriated to the Land Purchase/Parking Facility(s,p,c) - Wolfson Campus.

SECTION 34. The unexpended balance of funds provided to Pasco-Hernando Community College in Section 6 of Chapter 96-421, Laws of Florida, relating to the Gen ren/rem, roofs, HVAC, Fac 1 - N, Fac 9 - W, ADA, Lights for $727,037 is hereby re-appropriated to Gen ren/rem, roofs, HVAC, Fac 1 - N, Fac 6 - W, ADA, Lights for $727,037.

SECTION 35. The unexpended balance of funds provided to Daytona Beach Community College in the Specific Appropriation 54 of Chapter 95-429, Laws of Florida, relating to the Rem/ren Instructional Bldg 1 South partial for $291,824, is hereby reappropriated to Collegewide General Renovation/Remodeling.

SECTION 36. The unexpended balance of funds provided to Daytona Beach Community College in the Specific Appropriation 63 of Chapter 96-424, Laws of Florida, relating to the Allied Hlth/Sci Building Addition & Parking - Main partial (p) for $450,000, is hereby re-appropriated to Collegewide General Renovation/Remodeling.

SECTION 37. From funds included in Specific Appropriation 208B of Chapter 96-424, Laws of Florida, relating to the FIU Graham Center Supplement - University Park (E), the FIU Gregory B. Wolfe University Center Supplement - North Miami (P,C,E) project, the Recreational Fields - University Park (P,C,E) project, the Tennis Courts with Lighting - North Miami (P,C) project, and the Graham Center Second Floor Expansion (P,C,E) (Reimbursement to Auxiliary) project, up to $6,000,000 may be expended for a FIU - North Miami Student Housing Renovation/Repair or Replacement project. The purpose of the project shall be to renovate or repair the FIU - North Miami Student Apartment Facility, or replace the Student Apartment Facility, or demolish and replace the FIU North Miami Campus Student Apartment Facility. Additional funding may be provided from FIU auxiliary funds. A decision as to the appropriate solution shall be based on an architectural and engineering analysis, a student housing demand analysis, and a fiscal feasibility analysis. If these analyses indicate that the facility should not be used for housing purposes, FIU shall complete a study to determine the best use of the facility. If the architectural/engineering studies indicate the facility should be demolished, funds may be expended for demolition, provided that a replacement student housing facility is constructed and operating revenues are applied to the pre-existing debt service costs. If renovation/repair is to be accomplished, the project budget may include debt service costs during construction. These revisions to Capital Improvement Fee project appropriations shall be subject to the student consultation requirements found in Section 240.295 (3) F.S.

SECTION 38. $500,000 from the unencumbered balance from Specific Appropriation 626, Chapter 95-429, Laws of Florida shall be expended by the Department of Corrections for site acquisition and planning for a major correctional institution in Franklin County.

SECTION 39. Funds in this act may be expended for Bar dues and for legal education courses for attorneys employed by the State as legal staff.

SECTION 40. The remaining unexpended balance of $2,000,000 in General Revenue Funds as appropriated in section 42(4), Chapter 96-320, Laws of Florida, is hereby deposited into the Economic Development Trust Fund in the Executive Office of the Governor.

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SECTION 41. The unexpended balance of funds provided in Specific Appropriation 1261 of Chapter 96-424, Laws of Florida, for Contaminated Site Clean-up-Hillsborough County School System is hereby reappropriated to continue the contamination cleanup on the USF Main Campus site and the Moffitt Cancer Center site.

SECTION 42. Any unexpended balance of funds provided in Specific Appropriation 2090A of Chapter 94-357, Laws of Florida, that has not reverted for the John Ringling Tower are hereby appropriated to the Sarasota Arts Council.

SECTION 43. Any section of this act, or any Appropriation herein contained, if found to be invalid shall in no way affect other Sections or Specific Appropriations contained in this act.

SECTION 44. This act shall take effect July 1, 1997, or upon becoming law, whichever occurs later; however, if this act becomes law after July 1, 1997, then it shall operate retroactively to July 1, 1997.

TOTAL THIS GENERAL APPROPRIATION ACT POSITIONS	125,401	
FROM GENERAL REVENUE FUND	16719,571,939	
FROM TRUST FUNDS		25680,638,458
TOTAL ALL FUNDS		42400,210,397

The Conference Committee Report was read and on motion by Senator Sullivan Rule 2.19 was waived and the report was adopted. **SB 2400** passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—36

Madam President	Cowin	Hargrett	McKay
Bankhead	Crist	Harris	Meadows
Bronson	Dantzler	Holzendorf	Myers
Brown-Waite	Diaz-Balart	Horne	Rossin
Burt	Dudley	Jones	Silver
Campbell	Dyer	Kirkpatrick	Sullivan
Casas	Forman	Klein	Thomas
Childers	Grant	Kurth	Turner
Clary	Gutman	Latvala	Williams

Nays—2

Jenne	Ostalkiewicz

Vote after roll call:

Yea—Lee, Scott

MOTION

On motion by Senator Jenne, the following remarks were ordered spread upon the Journal:

Senator Jenne: Senator Myers, as Chairman of Subcommittee C, does the proviso following Specific Appropriation 426 authorize the Department of Health to regulate or to adopt any rules to regulate pediatric providers or to set standards for health care facilities for children?

Senator Myers: No. The proviso only directs the department to make recommendations with regard to pediatric providers and health care facilities for children.

Senator Jenne: Senator Myers, does the proviso have the effect of transferring to the Deparment of Health from the Agency for Health Care Administration the authority to regulate children's hospitals?

Senator Myers: No.

Senator Jenne: In 1993, in Chapter 408, Florida Statutes the Legislature directed the Agency for Health Care Administration to, "Coordinate the development, endorsement, implementation and evaluation of scientifically sound clinically relevant practice parameters in order to reduce unwarranted variation in the delivery of medical treatment and improve the quality of medical care and promote the appropriate utilization of health care service." I'm curious, does this proviso that we have in front of us have any responsibility for developing practice guidelines for medical care for children to the Department of Health?

Senator Myers: No. The responsibility for developing those guidelines still stays with the Agency for Health Care.

Senator Jenne: And also, Madam President, if I can continue, the Agency for Health Care Administration has been involved in rulemaking proceedings to regulate pediatric providers in health care facilities for children. This proviso directs the Department of Health to develop recommendations on these matters. Are the recommendations developed by the Department of Health required to be consistent with the recommendations in practice parameters recommended by the Agency for Health Care Administration?

Senator Myers: No. They are only recommendations—period. The Department of Health has Children's Medical Services in it. This language gives the Legislature their perspective on the delivery of children's health from the practitioner's point of view. That's it.

Senator Jenne: Madam President, if I may continue. The Agency for Health Care Administration is proceeding through the rulemaking process to implement the recommendations from its working group. Does this proviso affect in any way the rulemaking process on those rules?

Senator Myers: No.

Senator Jenne: Does this proviso give any special significance to the recommendations developed by the Department of Health in the rulemaking process?

Senator Myers: No. It does not.

Senator Jenne: Who or what agency is to receive the recommendations from the Department of Health under the proviso following the Specific Appropriation 426?

Senator Myers: The Legislature.

Senator Jenne: Does the proviso require the Agency for Health Care Administration to implement the recommendations it receives from the Department of Health or to amend its proposed rules to include the recommendation that it receives from the Department of Health?

Senator Myers: No. The Agency for Health Care Administration is not required by the proviso to implement any of the recommendations by the Department of Health. A.H.C.A. is not required to amend any of its rules or proposed rules to implement the recommendations from the department.

Senator Forman: Senator Myers, I wanted to make it clear that on page eleven of the strike everything amendment does not change the existing law. Existing law allows community mental health centers to be reimbursed by the medicaid program for patients' services. Does that amendment change any existing law at all?

Senator Myers: I couldn't tell. We're not on the conforming bill. We're on the budget.

STATEMENT OF INTENT

Notwithstanding the provisions of Specific Appropriations 1025, in the event it is determined that the Citrus Budwood Registration Program in the amount of $601,396 can not be funded from Citrus Inspection Trust Fund, then the Citrus Budwood Registration Program shall be funded from budget transfers within the Department of Agriculture and Consumer Services' operating budget.

s/W. D. Childers	*s/Tom Lee*
s/Rick Dantzler	*s/Katherine Harris*
s/Jack Latvala	*s/Charlie Bronson*
s/Roberto Casas	*s/James A. Scott*
s/James Hargrett	*s/Daryl L. Jones*

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2402

The Honorable Toni Jennings April 29, 1997
President of the Senate

The Honorable Daniel Webster
Speaker, House of Representatives

Dear President Jennings and Speaker Webster:

Your Conference Committee on the disagreeing votes of the two houses on House amendments to SB 2402, same being:

An act relating to implementing the fiscal year 1997-98 General Appropriations Act

having met, and after full and free conference, has agreed to recommend and do recommend to their respective Houses as follows:

1. That the House recede from its Amendment 1.

2. That the Senate and the House of Representatives adopt the Conference Committee amendment attached hereto, and by reference made a part of this report.

s/Donald C. Sullivan
Chairman
s/W. G. Bankhead
s/Charlie Bronson
s/Ginny Brown-Waite
s/Walter Campbell
s/Roberto Casas
s/W. D. Childers
s/Charlie Clary
s/Anna Cowin
s/Rick Dantzler
s/Mario Diaz-Balart
s/Fred R. Dudley
s/John H. (Buddy) Dyer
s/Howard C. Forman
s/John Grant
s/Alberto Gutman
s/James Hargrett
s/Katherine Harris
s/Betty S. Holzendorf
s/Jim Horne
s/Kenneth C. Jenne II
s/Daryl L. Jones
s/George Kirkpatrick
s/Ron Klein
s/Patsy Kurth
s/Jack Latvala
s/Tom Lee
s/John McKay
s/Matthew J. Meadows
s/William G. Myers, M.D.
s/Tom Rossin
s/James A. Scott
s/Ronald A. Silver
s/Pat Thomas

Managers on the part of the of the Senate

s/Rodolfo Garcia, Jr.
Chairman
s/George Albright
s/Stan Bainter
s/Rudolph Bradley
s/Irlo Bronson
s/Cynthia Moore Chestnut
s/D. Lee Constantine
s/George A. Crady
s/Faye B. Culp
s/Willye F. Dennis
s/Lori Edwards
s/Tom Feeney
s/Mark G. Flanagan
s/Greg Gay
s/Lars A. Hafner
s/Deborah James Horan
s/Dennis L. Jones
s/Alfred J. Lawson
s/Carl Littlefield
s/Willie F. Logan
s/Evelyn J. Lynn
s/Anne Mackenzie
s/Joseph R. Mackey
s/Sharon J. Merchant
s/Kendrick B. Meek
s/O. R. Minton, Jr.
s/Luis C. Morse
s/Bill Posey
s/Kenneth Pruitt
s/Alzo J. Reddick, Sr.
s/Debby P. Sanderson
s/Charles W. Sembler
s/Kelley R. Smith
s/Jeff Stabins
s/Robert J. Starks
s/Bill Sublette
s/John Thrasher
s/Carlos Valdes
s/J. Alex Villalobos
s/Debbie Wasserman Schultz
s/Stephen R. Wise

Managers on the part of the of the House of Representatives

Conference Committee Amendment 1 (with title amendment)—delete everything after the enacting clause and insert:

Section 1. *It is the intent of the Legislature that the implementing and administering provisions of this act apply to the General Appropriations Act for fiscal year 1997-1998.*

Section 2. In order to implement Specific Appropriations 207 through 521 of the 1997-1998 General Appropriations Act, subsection (1) of section 216.292, Florida Statutes, 1996 Supplement, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(1)(a) Funds provided in the General Appropriations Act or as otherwise expressly provided by law shall be expended only for the purpose for which appropriated, except that if deemed necessary such moneys may be transferred as provided in subsections (3) and (4) when it is determined to be in the best interest of the state. Appropriations for fixed capital outlay may not be expended for any other purpose, and appropriations may not be transferred between state agencies, or between a state agency and the judicial branch, unless specifically authorized by law.

(b) For the *1997-1998* ~~1996-1997~~ fiscal year only, the Department of *Children and Family* ~~Health and Rehabilitative~~ Services and the Agency for Health Care Administration may transfer general revenue funds as necessary to comply with any provision of the General Appropriations Act that requires or specifically authorizes the transfer of general revenue funds between these two agencies. This paragraph is repealed on July 1, *1998* ~~1997~~.

~~(c) For the 1996-1997 fiscal year only, the Department of Health and Rehabilitative Services may transfer general revenue funds as necessary from Specific Appropriation 480 of the 1996-1997 General Appropriations Act to the Department of Revenue for child support enforcement. This paragraph is repealed on July 1, 1997.~~

~~(d) For the 1996-1997 fiscal year only, the Agency for Health Care Administration may transfer general revenue funds and appropriate trust funds from Specific Appropriation 250 of the 1996-1997 General Appropriations Act to the Department of Elderly Affairs for administrative support to implement the managed long-term care waiver. This paragraph is repealed on July 1, 1997.~~

Section 3. In order to implement Specific Appropriation 257 of the 1997-1998 General Appropriations Act, section 409.9115, Florida Statutes, 1996 Supplement, is amended to read:

409.9115 Disproportionate share program for mental health hospitals.—The *Agency for Health Care Administration* ~~Department of Health and Rehabilitative Services~~ shall design and implement a system of making mental health disproportionate share payments to hospitals that qualify for disproportionate share payments under s. 409.911. This system of payments shall conform with federal requirements and shall distribute funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for patients.

(1) The following formula shall be used by the *agency* ~~department~~ to calculate the total amount earned for hospitals that participate in the mental health disproportionate share program:

$$TAP = \left(\frac{DSH}{TDSH}\right) \times TA$$

Where:

TAP = total additional payment for a mental health hospital.

DSH = total amount earned by a mental health hospital under s. 409.911.

TDSH = sum of total amount earned by each hospital that participates in the mental health hospital disproportionate share program.

TA = total appropriation for the mental health hospital disproportionate share program.

(2) In order to receive payments under this section, a hospital must participate in the Florida Title XIX program and must:

(a) Agree to serve all individuals referred by the *agency* ~~department~~ who require inpatient psychiatric services, regardless of ability to pay.

(b) Be certified or certifiable to be a provider of Title XVIII services.

(c) Receive all of its inpatient clients from admissions governed by the Baker Act as specified in chapter 394.

(3) For the *1997-1998* ~~1996-1997~~ fiscal year only, the Agency for Health Care Administration shall make payments for the Medicaid disproportionate share program for mental health hospitals on a monthly basis. If the amounts appropriated for the Medicaid disproportionate share program for mental health hospitals are increased or decreased during the fiscal year pursuant to the requirements of chapter 216, the required adjustment shall be prorated over the remaining payment periods. This subsection is repealed on July 1, *1998* ~~1997~~.

Section 4. *During the 1997-1998 fiscal year, the Agency for Health Care Administration shall use the 1992-1993 disproportionate share formula, the 1989 audited financial data, and the Medicaid per diem rate as of January 1, 1992, for those hospitals that qualify for the hospital disproportionate share program funded in Specific Appropriation 233 of the 1997-1998 General Appropriations Act. This section is repealed on July 1, 1998.*

Section 5. In order to implement Specific Appropriation 226 of the 1997-1998 General Appropriations Act, subsection (6) of section 409.9116, Florida Statutes, 1996 Supplement, is amended to read:

409.9116 Disproportionate share/financial assistance program for rural hospitals.—In addition to the payments made under s. 409.911, the Agency for Health Care Administration shall administer a federally matched disproportionate share program and a state-funded financial assistance program for statutory rural hospitals. The agency shall make disproportionate share payments to statutory rural hospitals that qualify for such payments and financial assistance payments to statutory rural hospitals that do not qualify for disproportionate share payments. The disproportionate share program payments shall be limited by and conform with federal requirements. In fiscal year 1993-1994, available funds shall be distributed in one payment, as soon as practicable after the effective date of this act. In subsequent fiscal years, funds shall be distributed quarterly in each fiscal year for which an appropriation is made. Notwithstanding the provisions of s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients.

(6) For the *1997-1998* ~~1996-1997~~ fiscal year only, the Agency for Health Care Administration shall use the following formula for distribution of the funds in Specific Appropriation *226* ~~231~~ of the *1997-1998* ~~1996-1997~~ General Appropriations Act for the disproportionate share/financial assistance program for rural hospitals.

(a) The agency shall first determine a preliminary payment amount for each rural hospital by allocating all available state funds using the following formula:

PDAER = (TAERH x TARH)/STAERH

Where:

PDAER = preliminary distribution amount for each rural hospital.

TAERH = total amount earned by each rural hospital.

TARH = total amount appropriated or distributed under this section.

STAERH = sum of total amount earned by each rural hospital.

(b) Federal matching funds for the disproportionate share program shall then be calculated for those hospitals that qualify for disproportionate share in paragraph (a).

(c) The state-funds-only payment amount is then calculated for each hospital using the formula:

SFOER = Maximum value of (1) SFOL - PDAER or (2) 0

Where:

SFOER = state-funds-only payment amount for each rural hospital.

SFOL = state-funds-only payment level, which is set at 4 percent of TARH.

(d) The adjusted total amount allocated to the rural disproportionate share program shall then be calculated using the following formula:

ATARH = (TARH - SSFOER)

Where:

ATARH = adjusted total amount appropriated or distributed under this section.

SSFOER = sum of the state-funds-only payment amount calculated under paragraph (c) for all rural hospitals.

(e) The determination of the amount of rural disproportionate share hospital funds is calculated by the following formula:

TDAERH = [(TAERH x ATARH)/STAERH]

Where:

TDAERH = total distribution amount for each rural hospital.

(f) Federal matching funds for the disproportionate share program shall then be calculated for those hospitals that qualify for disproportionate share in paragraph (e).

(g) State-funds-only payment amounts calculated under paragraph (c) are then added to the results of paragraph (f) to determine the total distribution amount for each rural hospital.

(h) This subsection is repealed on July 1, *1998* ~~1997~~.

Section 6. *For the purpose of implementing Specific Appropriations 214 through 265 of the 1997-1998 General Appropriations Act, the Agency for Health Care Administration will not capitate health maintenance organizations for the behavioral health care of adults who have a serious mental illness or substance abuse diagnosis or children with a serious emotional disturbance. The Agency for Health Care Administration will complete an evaluation of the delivery of behavioral health care in the District 6 and 14 pilot program by January 31, 1998, and will as part of that evaluation determine and compare the administrative and direct service expenditures associated with the different contracting and payment methodologies used in the pilot area.*

Section 7. In order to implement Specific Appropriations 272 through 403 and 426 through 511A of the 1997-1998 General Appropriations Act, paragraph (c) of subsection (14) of section 216.181, Florida Statutes, 1996 Supplement, is amended to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(14)

(c) For the *1997-1998* ~~1996-1997~~ fiscal year only, funds appropriated to the Department of *Children and Family* ~~Health and Rehabilitative~~ Services in Specific Appropriations *272* ~~304~~ through *403 and the Department of Health in Specific Appropriations 426 through 511A* ~~519~~ of the *1997-1998* ~~1996-1997~~ General Appropriations Act may be advanced, unless specifically prohibited in such General Appropriations Act, for those contracted services that were approved for advancement by the Comptroller in fiscal year 1993-1994, including those services contracted on a fixed-price or unit cost basis. This paragraph is repealed on July 1, *1998* ~~1997~~.

Section 8. In order to implement Specific Appropriation 211 of the 1997-1998 General Appropriations Act, paragraph (b) of subsection (3) of section 624.91, Florida Statutes, 1996 Supplement, is amended to read:

624.91 The Florida Healthy Kids Corporation Act.—

(3) CORPORATION AUTHORIZATION, DUTIES, POWERS.—

(b) The Florida Healthy Kids Corporation shall phase in a program to:

1. Organize school children groups to facilitate the provision of preventive health care services to children and to provide comprehensive health insurance coverage to children;

2. Arrange for the collection of any family or employer payment or premium, in an amount to be determined by the board of directors, from all participant families or employers to provide for payment for preventive health care services or premiums for comprehensive insurance coverage and for the actual or estimated administrative expenses incurred during the period for which family or employer payments are made;

3. Establish the administrative and accounting procedures for the operation of the corporation;

4. Establish, with consultation from appropriate professional organizations, standards for preventive health services and providers and comprehensive insurance benefits appropriate to children;

5. Establish eligibility criteria which children must meet in order to participate in the program;

6. Establish procedures under which applicants to and participants in the program may have grievances reviewed by an impartial body and reported to the board of directors of the corporation;

7. Establish participation criteria and, if appropriate, contract with an authorized insurer, health maintenance organization, or insurance administrator to provide administrative services to the corporation;

8. Contract with authorized insurers or any provider of health care services, meeting standards established by the corporation, for the provision of comprehensive insurance coverage and preventive health care services to participants;

9. Develop and implement a plan to publicize the Florida Healthy Kids Corporation, the eligibility requirements of the program, and the procedures for enrollment in the program and to maintain public awareness of the corporation and the program;

10. Secure staff necessary to properly administer the corporation. Staff costs shall be funded from state and local matching funds and such other private or public funds as become available. The board of directors shall determine the number of staff members necessary to administer the corporation;

11. As appropriate, enter into contracts with local school boards or other agencies to provide onsite information, enrollment, and other services necessary to the operation of the corporation; and

12. Provide a report on an annual basis to the Governor, Insurance Commissioner, Commissioner of Education, Senate President, Speaker of the House of Representatives, and Minority Leaders of the Senate and the House of Representatives.

13. For the *1997-1998* ~~1996-1997~~ fiscal year only, funds may be appropriated to the Florida Healthy Kids Corporation to organize school children groups to facilitate the provision of preventive health care services to children at sites in addition to those allowed in subparagraph 1. This subparagraph is repealed on July 1, *1998* ~~1997~~.

Section 9. *For the purpose of implementing Specific Appropriation 233 of the 1997-1998 General Appropriations Act, and for the 1997-1998 fiscal year only, the Agency for Health Care Administration shall include health maintenance organization recipients in the county billing for inpatient hospital stays for the purpose of shared costs with counties in accordance with the Florida Statutes. This section is repealed on July 1, 1998.*

Section 10. *The Department of Children and Family Services shall undertake a study to determine the applicability of utilizing local funds as state match for eligible Title IV-E and Medicaid clients. This study shall consider the effect these local funds would have on the department's ability to expand existing programs. Program expansion information shall include projected local fund totals, their specific effect on program component funding and expanded service categories. The department, in conjunction with the Agency for Health Care Administration, shall request any waivers needed to implement these programs during fiscal year 1998-1999. A report on their efforts will be submitted by the involved agencies on their findings no later than January 1, 1998, to the Senate President, the Speaker of the House of Representatives, and the Governor.*

Section 11. *For the 1997-1998 fiscal year only, the Departments of Children and Family Services, Revenue, Labor and Employment Security, and Health and the Agency for Health Care Administration may transfer positions and general revenue funds as necessary to comply with any provision of the General Appropriations Act or WAGES Act which requires or specifically authorizes the transfer of positions and general revenue funds between these agencies. This section expires July 1, 1998.*

Section 12. *For purposes of implementing Specific Appropriations 272 through 397, the Department of Children and Family Services is authorized to reallocate up to $791,552 in approved salary rate within the department, notwithstanding sections 216.181 and 216.351, Florida Statutes. The $791,552 of approved salary rate shall be reallocated for the standardization of currently authorized positions assigned to perform contract functions. Currently authorized positions are defined as those positions authorized to the department as of June 30, 1997. This section is contingent upon the provisions of HB 2019 or similar legislation becoming law. This section expires July 1, 1998.*

Section 13. *To implement Specific Appropriations 219A and 219B, the Agency for Health Care Administration, working jointly with the Department of Health and the Florida Healthy Kids Corporation, is directed to seek federal waivers to secure Title XIX or other Federal matching funds for the Florida Healthy Kids program and the Primary Care for Children and Families Challenge Grant. The federal waiver applications shall seek Medicaid matching funds for all general revenue, family contributions, and local contributions. This section expires July 1, 1998.*

Section 14. *In order to implement the proviso following Specific Appropriation 244, the Agency for Health Care Administration shall take any necessary lawfully authorized action to ensure that total expenditures for Medicaid transportation remain within the amount budgeted in the General Appropriations Act. In the event that the agency finds that it is impossible to constrain Medicaid transportation expenditures to within the budgeted amount, it shall notify the Legislature of this and provide suggestions for statutory revisions necessary to alleviate future deficits as well as a description of all action taken under its current authority. This section expires July 1, 1998.*

Section 15. *None of the funds provided in Section 3 of the 1997-1998 General Appropriations Act or the funds appropriated for 1997-1998 to the Department of Insurance shall be used to reimburse or provide any other assistance to any person directly involved in the lawsuit styled Cramer v. Chiles as counsel to plaintiffs. This section expires July 1, 1998.*

Section 16. *For the purpose of implementing Specific Appropriations 937, 946, 949, and 953 of the 1997-1998 General Appropriations Act, the Florida Department of Law Enforcement may transfer up to 20 positions between budget entities and up to 10 percent of the initial approved salary rate between budget entities, provided the same funding source is used throughout each transfer. The department must provide notice to the Executive Office of the Governor, the Senate Ways and Means Committee, and the House Committee on Criminal Justice Appropriations for all transfers of salary rate or positions. This section expires July 1, 1998.*

Section 17. *For the purpose of implementing Specific Appropriations 937, 946, 949, and 953 of the 1997-1998 General Appropriations Act, beginning July 1, 1997, the Florida Department of Law Enforcement, with approval of the Executive Office of the Governor and in consultation with the Department of Management Services, legislative appropriation and personnel committees, and the affected certified bargaining units, is authorized to participate in the Model Career Service Classification and Compensation System as authorized by section 334.0445, Florida Statutes, which is hereby continued through June 30, 1998, for this purpose. This section expires July 1, 1998.*

Section 18. *Consistent with the provisions of section 216.163, Florida Statutes, and notwithstanding the provisions of section 216.181, Florida Statutes, the Florida Department of Law Enforcement may transfer up to one-half of 1 percent of the funds in Specific Appropriations 937, 946, 949, and 953 of the 1997-1998 General Appropriations Act for lump sum salary bonuses for departmental employees at the discretion of the Executive Director, provided that such bonuses are given only to selected employees for meritorious performance, instead of being given as across-the-board bonuses for all employees. The department, after consultation with the Executive Office of the Governor, shall provide a plan to the House Fiscal Responsibility Council Chair and to the Senate Ways and Means Committee Chair for approval before awarding such bonuses.*

Section 19. In order to implement Specific Appropriation 105 of the 1997-1998 General Appropriations Act, paragraph (a) of subsection (4) of section 236.081, Florida Statutes, 1996 Supplement, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the

substantive bill implementing the annual appropriations act, it shall be determined as follows:

(4) COMPUTATION OF DISTRICT-REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the General Appropriations Act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program shall be calculated as follows:

(a) Estimated taxable value calculations.—

1.a. Not later than 2 working days prior to July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the taxable value for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. Not later than July 19, the commissioner shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 95 percent of the estimated state total taxable value for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The commissioner shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district-required local effort for that year.

b. For the *1997-1998* ~~1996-1997~~ fiscal year only, the General Appropriations Act may direct the computation of the statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district's revenue from required local effort millage will produce more than 90 percent of the district's total Florida Education Finance Program calculation, and the adjustment of the required local effort millage rate of each district that produces more than 90 percent of its total Florida Education Finance Program entitlement to a level that will produce only 90 percent of its total Florida Education Finance Program entitlement. This sub-subparagraph is repealed on July 1, *1998, unless enacted in other legislation* ~~1997~~.

2. As revised data are received from property appraisers, the Department of Revenue shall amend the certification of the estimate of the taxable value for school purposes. The Commissioner of Education, in administering the provisions of paragraph (13)(b), shall use the most recent taxable value for the appropriate year.

Section 20. *The funds provided in the 1997-1998 General Appropriations Act for workforce development shall be initially allocated to the school district or community college as designated. If, for any reason, a program in whole or in part is moved from a community college to a school district or moved from a school district to a community college, the Commissioner of Education or the Executive Director, Division of Community Colleges shall submit a budget amendment pursuant to chapter 216, Florida Statutes, to transfer the appropriate amount of the 1997-1998 appropriation between the affected district and community college. The amount transferred shall be as near as practicable to the actual amount appropriated for the FTE funded for that program. This section expires July 1, 1998.*

Section 21. *In order to implement Specific Appropriation 105 of the 1997-1998 General Appropriations Act, all full-time equivalent student membership over the maximum prescribed by law shall be funded at program cost factor of 1.0; however, such funding shall not exceed twice the caps adjustment supplement as calculated pursuant to section 236.081(10), Florida Statutes. This section expires July 1, 1998.*

Section 22. In order to implement Specific Appropriation 46A of the 1997-1998 General Appropriations Act, the School Infrastructure Thrift Program Act is created to read:

School Infrastructure Thrift Program Act.—

(1) This section may be cited as the "School Infrastructure Thrift Program Act of 1997."

(2) The School Infrastructure Thrift Program (SIT Program) is established within the Department of Education, and the State Board of Education may adopt rules as necessary to operate the program. To facilitate the program's purposes, the department shall aggressively seek the elimination or revision of obsolete, excessively restrictive, or unnecessary laws, rules, and regulations for the purpose of reducing construction and related costs without sacrificing safety or quality of construction. Such efforts must include, but are not limited to, the elimination of duplicate or overlapping inspections; the relaxation of requirements relating to landscaping, operable glazing, operable windows, radon testing, fire safety, and emergency shelter construction where lawful, safe, and cost-beneficial; and other cost savings identified as lawful, safe, and cost beneficial. The program's purposes are to:

(a) Facilitate cost savings by school districts relating to facilities construction.

(b) Provide incentives for school districts to maximize dollars available for facilities construction and related costs.

(c) Provide a funding mechanism for utilization solely related to the construction of new instructional facilities.

(3) Funds shall be appropriated to the SIT Program annually as determined by the Legislature. Notwithstanding sections 216.301 and 216.351, Florida Statutes, undisbursed balances of appropriations to the SIT Program shall not revert. It is the intent of the Legislature to continue funding the SIT Program with funds available through frugal government operation and agency savings.

(4) School districts may participate in the SIT Program by local option of the school board. Participating school districts may access the funds in the program as of July 1, 1997, for projects commenced after or for projects underway at the time this act becomes a law, but must establish compliance with section 235.216, Florida Statutes, at the time of the initial report required by subsection (5).

(5)(a) Annually by December 30, beginning in 1997, each participating school district shall report to the Commissioner of Education, with supporting data, its compliance with section 235.216, Florida Statutes, together with any proposal for spending SIT Program dollars on new projects within the district commencing the following fiscal year.

(b) The commissioner shall examine the data and proposals from each school district and, by February 1, shall report the district's compliance with section 235.216, Florida Statutes, for the prior fiscal year and make recommendations, ranked in order of priority, for SIT Program awards for the following fiscal year.

(c) If a school district received SIT Program funds before December 30, 1997, and failed to comply with section 235.216, Florida Statutes, the district may not receive an award the following fiscal year and must return the dollars not spent or encumbered as required by subsection (4) with interest thereon at the legal rate.

(d) The commissioner's criteria for SIT Program evaluation and recommendation for awards must be based on the school district meeting the requirements in section 235.216, Florida Statutes, soundness of the proposal, school district need, and the balance of dollars in the SIT Program.

(6) Awards from the SIT Program shall be made by the commissioner from funds appropriated by the Legislature and may only be used for construction of a new instructional facility and related costs. SIT Program dollars that are not spent or encumbered as required by section 235.216, Florida Statutes, must be returned to the SIT Program as required by paragraph (5)(c).

(7) For each new project of a school district that meets the criteria of section 235.216, Florida Statutes, the commissioner may award up to 20 percent of the total project cost from SIT Program dollars.

(8) This section expires July 1, 1998, unless enacted in other legislation.

Section 23. In order to implement Specific Appropriation 46A of the 1997-1998 General Appropriations Act, section 235.216, Florida Statutes, is created to read:

235.216 Maximum square foot cost of educational facilities; frugal construction incentives.—

(1) It is the intent of the Legislature that district school boards that seek awards of SIT Program funds use due diligence and sound business practices in the design, construction, and use of educational facilities.

(2)(a) Beginning with the 1997-1998 fiscal year, the maximum total cost per square foot for each type of school, elementary school, middle school, and high school, in a district seeking funding assistance from the SIT Program shall not exceed the most current 5-year statewide average square foot total cost published by the Department of Education, adjusted by inflation and the most current Marshall and Swift Construction Cost Index of Florida counties. If federal funds are used, the maximum square foot total cost may be adjusted to accommodate federal requirements.

(b) Upon completion of construction, the total project cost, including change orders, must not exceed the adjusted statewide average cost per gross square foot, adjusted by the construction cost index and the 5-year statewide average inflation rate; must not exceed the minimum square footage per student specified in the State Requirements for Educational Facilities, 1997; and must not exceed the adjusted statewide average cost per student station.

(3) This section expires July 1, 1998, unless enacted in other legislation.

Section 24. In order to implement Specific Appropriations 2048 through 2134 of the 1997-1998 General Appropriations Act, paragraph (b) of subsection (5) of section 15.09, Florida Statutes, 1996 Supplement, is amended to read:

15.09 Fees.—

(5)

(b) For the *1997-1998* ~~1996-1997~~ fiscal year only, funds from the Public Access Data Systems Trust Fund may be appropriated for the operations of the department. This paragraph is repealed on July 1, *1998* ~~1997~~.

Section 25. In order to implement Specific Appropriation 1490X of the 1997-1998 General Appropriations Act, paragraph (b) of subsection (1) of section 338.251, Florida Statutes, 1996 Supplement, is amended to read:

338.251 Toll Facilities Revolving Trust Fund.—The Toll Facilities Revolving Trust Fund is hereby created for the purpose of encouraging the development and enhancing the financial feasibility of revenue-producing road projects undertaken by local governmental entities in a county or combination of contiguous counties.

(1)

(b) For the *1997-1998* ~~1996-1997~~ fiscal year only, up to $500,000 may be *loaned by* ~~appropriated to~~ the department ~~for a loan~~ to the St. Lucie County Expressway Authority for purposes described in paragraph (a). This paragraph is repealed on July 1, *1998* ~~1997~~.

Section 26. In order to implement Specific Appropriation 1388 of the 1997-1998 General Appropriations Act, subsection (4) is added to section 372.672, Florida Statutes, to read:

372.672 Florida Panther Research and Management Trust Fund.—

(4) Notwithstanding subsection (2), for the 1997-1998 fiscal year only, up to $50,000 may be appropriated from the fund to reimburse expenses incurred in recovering, housing, and maintaining Texas cougars originally purchased as part of the Florida panther research and management program. This subsection is repealed on July 1, 1998.

Section 27. In order to implement Specific Appropriation 1332 of the 1997-1998 General Appropriations Act, subsection (15) of section 259.032, Florida Statutes, 1996 Supplement, is amended to read:

259.032 Conservation and Recreation Lands Trust Fund; purpose.—

(15) For fiscal year *1997-1998* ~~1996-1997~~ only, moneys credited to the fund may be appropriated to provide grants to qualified local governmental entities pursuant to the provisions of s. 375.075. This subsection is repealed on July 1, *1998* ~~1997~~.

Section 28. In order to implement Specific Appropriation 1273 of the 1997-1998 General Appropriations Act, subsection (7) is added to section 376.11, Florida Statutes, 1996 Supplement, to read:

376.11 Florida Coastal Protection Trust Fund.—

(7) Notwithstanding subsection (4), for the 1997-1998 fiscal year only, up to $11.5 million may be appropriated from the fund for the purpose of funding statewide beach renourishment, restoration, and inlet management plans. This subsection expires July 1, 1998.

Section 29. In order to implement Specific Appropriation 1213 of the 1997-1998 General Appropriations Act, subsection (12) of section 259.032, Florida Statutes, 1996 Supplement, is amended to read:

259.032 Conservation and Recreation Lands Trust Fund; purpose.—

(12)(a) Beginning in fiscal year 1994-1995, not more than 3.75 percent of the Conservation and Recreation Lands Trust Fund shall be made available annually to the department for payment in lieu of taxes to qualifying counties, cities, and local governments as defined in paragraph (b) for actual tax losses incurred as a result of board of trustees acquisitions for state agencies under the Florida Preservation 2000 Program during any year. Reserved funds not used for payments in lieu of taxes in any year shall revert to the fund to be used for land acquisition in accordance with the provisions of this section.

(b) Payment in lieu of taxes shall be available:

1. To counties which levy an ad valorem tax of at least 9 mills or the amount of the tax loss from all completed Preservation 2000 acquisitions in the county exceeds 0.01 percent of the county's total taxable value, and have a population of 75,000 or less. ~~and~~

2. To counties with a population of less than 100,000 which contain all or a portion of an area of critical state concern designated pursuant to chapter 380 and to local governments within such counties.

3. For the 1997-1998 fiscal year only, and notwithstanding the limitations of paragraph (a), to Glades County, where a privately owned and operated prison leased to the state has been opened within the last 2 years for which no other state moneys have been allocated to the county to offset ad valorem revenues. This subparagraph expires July 1, 1998.

For the purposes of this paragraph, "local government" includes municipalities, the county school board, mosquito control districts, and any other local government entity which levies ad valorem taxes, with the exception of a water management district.

(c) Payment in lieu of taxes shall be available to any city which has a population of 10,000 or less and which levies an ad valorem tax of at least 9 mills or the amount of the tax loss from all completed Preservation 2000 acquisitions in the city exceeds 0.01 percent of the city's total taxable value.

(d) If insufficient funds are available in any year to make full payments to all qualifying counties, cities, and local governments, such counties, cities, and local governments shall receive a pro rata share of the moneys available.

(e) The payment amount shall be based on the average amount of actual taxes paid on the property for the 3 years preceding acquisition. Applications for payment in lieu of taxes shall be made no later than January 31 of the year following acquisition. No payment in lieu of taxes shall be made for properties which were exempt from ad valorem taxation for the year immediately preceding acquisition. If property which was subject to ad valorem taxation was acquired by a tax-exempt entity for ultimate conveyance to the state under this chapter, payment in lieu of taxes shall be made for such property based upon the average amount of taxes paid on the property for the 3 years prior to its being removed from the tax rolls. The department shall certify to the Department of Revenue those properties that may be eligible under this provision. Payment in lieu of taxes shall be limited to a total of 10 years of annual payments.

(f) Payment in lieu of taxes pursuant to this paragraph shall be made annually to qualifying counties, cities, and local governments after certification by the Department of Revenue that the amounts applied for are reasonably appropriate, based on the amount of actual taxes paid on the eligible property, and after the Department of Environmental Protection has provided supporting documents to the Comptroller and has requested that payment be made in accordance with the requirements of this section.

(g) If the board of trustees conveys to a local government title to any land owned by the board, any payments in lieu of taxes on the land made to the local government shall be discontinued as of the date of the conveyance.

Section 30. In order to implement Specific Appropriation 1900 of the 1997-1998 General Appropriations Act, subsection (22) is added to section 287.057, Florida Statutes, to read:

287.057 Procurement of commodities or contractual services.—

(22) During the 1997-1998 fiscal year and notwithstanding any provisions of this chapter to the contrary, for the purpose of protecting the health of, and providing services to, state employees participating in the State Employees Health Self-Insurance Plan, the department that administers the plan may procure, and the Department of Management Services may contract to retain, the services of a professional administrator for the plan. Each department shall follow good purchasing practices of state procurement to the extent practical under the circumstances. This subsection expires July 1, 1998.

Section 31. In order to implement Specific Appropriation 1495 of the 1997-1998 General Appropriations Act, subsection (9) is added to section 287.073, Florida Statutes, to read:

287.073 Procurement of information technology resources.—

(9) During the 1997-1998 fiscal year, expenditures by any department for projects funded from funds in Specific Appropriation 1495 of the 1997-1998 General Appropriations Act shall be exempt from the provisions of this section. This subsection expires July 1, 1998.

Section 32. In order to implement Specific Appropriations 1196 and 1027A of the 1997-1998 General Appropriations Act, subsection (7) is added to section 212.20, Florida Statutes, 1996 Supplement, to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(7) For the 1997-1998 fiscal year only, the use of funds allocated to the Solid Waste Management Trust Fund shall be as provided in the General Appropriations Act. There is transferred $6 million for the surface water improvement and management program and $6 million for the aquatic weed control program from revenues provided by this section. This subsection expires July 1, 1998.

Section 33. *In order to implement Specific Appropriations 1307 and 1309 of the 1997-1998 General Appropriations Act, counties receiving funds for aquatic weed control programs as provided by section 212.20(7), Florida Statutes, may use these funds for recycling purposes. This authorization expires June 30, 1998.*

Section 34. In order to implement Specific Appropriations 1307 and 1309 of the 1997-1998 General Appropriations Act, paragraph (a) of subsection (7) of section 403.7095, Florida Statutes, is amended to read:

403.7095 Solid waste management grant program.—

(7)(a) Annual solid waste and recycling grants shall be available to counties with populations of fewer than *100,000* ~~50,000~~. The sum of $50,000 shall be available annually to each eligible county from the Solid Waste Management Trust Fund through *June 30, 1998* ~~1996~~. These grants shall be made by October 1 of each year to any county applying to the department prior to August 1 of any given year.

Section 35. In order to implement Specific Appropriations 1307 and 1309 of the 1997-1998 General Appropriations Act, subsections (8) and (9) are added to section 403.7095, Florida Statutes, to read:

403.7095 Solid waste management grant program.—

(8) For fiscal year 1997-1998 the department shall provide counties with populations under 100,000 with at least the same level of funding they received in fiscal year 1996-1997 for solid waste management and recycling grants.

(9) For fiscal year 1997-1998 the department shall provide 10 percent of the total funds available after the requirements of subsection (8) are met for recycling grants available to all counties on a competitive basis for innovative programs that meet one or more of the following criteria:

(a) Demonstrate advanced technologies or processes.

(b) Collect and recycle nontraditional materials.

(c) Demonstrate substantial improvement in program cost effectiveness and efficiency as measured against statewide average costs for the same or similar programs.

(d) Demonstrate transferability of technology and processes used in program.

(e) Demonstrate and implement multi-county or regional recycling programs.

Section 36. *There is created the Solid Waste Management Trust Fund Review Commission consisting of 10 members.*

(1) The commission shall review the following matters, including, but not limited to:

(a) The current uses of funds; the need to continue those uses; and alternative techniques for phasing out grants to local governments;

(b) Alternative techniques for restructuring grants to local governments for recycling and education purposes, including measures that make the grants more performance-based or competitive;

(c) The appropriateness of allowing local governments to use funds available to the Solid Waste Management Trust Fund for either recycling activities, surface water improvement and management program activities, or aquatic weed control activities; and

(d) Alternative funding strategies for meeting the needs of solid waste management, the surface water improvement and management program, and aquatic weed control.

(2) The Secretary of the Department of Environmental Protection shall appoint members to the review commission so that there are representatives of local governments knowledgeable about local needs for recycling, surface water improvement and management, and aquatic weed control, agency representatives for the recycling program, for the surface water improvement and management program, and for the aquatic weed control program, private industry representatives for recycling programs, for surface water improvement and management programs, and for the aquatic weed control program and other representatives the secretary determines to be appropriate on the commission.

(3) Each member may receive per diem and expenses for travel, as provided in section 112.061, Florida Statutes, while carrying out the official business of the commission. Such expenses shall be paid from the Solid Waste Management Trust Fund.

(4) Staff for the activities of the commission shall be assigned as needed by the Secretary of the Department of Environmental Protection.

(5) The commission shall issue its report and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 30, 1998.

(6) This section expires July 1, 1998.

Section 37. In order to implement Specific Appropriation 1226A of the 1997-1998 General Appropriations Act, subsection (3) of section 259.101, Florida Statutes, 1996 Supplement, is amended to read:

259.101 Florida Preservation 2000 Act.—

(3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.—Less the costs of issuance, the costs of funding reserve accounts, and other costs with respect to the bonds, the proceeds of bonds issued pursuant to this act shall be deposited into the Florida Preservation 2000 Trust Fund created by s. 375.045. Ten percent of the proceeds of any bonds deposited into the Preservation 2000 Trust Fund shall be distributed by the Department of Environmental Protection to the Department of Environmental Protection for the purchase by the South Florida Water Management District of lands in Dade, Broward, and Palm Beach Counties identified in s. 7, chapter 95-349, Laws of Florida. This distribution shall

apply for any bond issue for the 1995-1996 fiscal year. *For the 1997-1998 fiscal year only, $20 million per year from the proceeds of any bonds deposited into the Florida Preservation 2000 Trust Fund shall be distributed by the Department of Environmental Protection to the St. Johns Water Management District for the purchase of lands necessary to restore Lake Apopka.* The remaining proceeds shall be distributed by the Department of Environmental Protection in the following manner:

(a) Fifty percent to the Department of Environmental Protection for the purchase of public lands as described in s. 259.032. Of this 50 percent, at least one-fifth shall be used for the acquisition of coastal lands.

(b) Thirty percent to the Department of Environmental Protection for the purchase of water management lands pursuant to s. 373.59, to be distributed among the water management districts as provided in that section. Funds received by each district may also be used for acquisition of lands necessary to implement surface water improvement and management plans approved in accordance with s. 373.456 or for acquisition of lands necessary to implement the Everglades Construction Project authorized by s. 373.4592.

(c) Ten percent to the Department of Community Affairs to provide land acquisition grants and loans to local governments through the Florida Communities Trust pursuant to part III of chapter 380. From funds allocated to the trust, $3 million annually shall be used by the Green Swamp Land Authority specifically for the purchase through land protection agreements, as defined in s. 380.0677(5), of lands, or severable interests or rights in lands, in the Green Swamp Area of Critical State Concern. From funds allocated to the trust, $3 million annually shall be used by the Monroe County Comprehensive Plan Land Authority specifically for the purchase of any real property interest in either those lands subject to the Rate of Growth Ordinances adopted by local governments in Monroe County or those lands within the boundary of an approved Conservation and Recreation Lands project located within the Florida Keys or Key West Areas of Critical State Concern; however, title to lands acquired within the boundary of an approved Conservation and Recreation Lands project may, in accordance with an approved joint acquisition agreement, vest in the Board of Trustees of the Internal Improvement Trust Fund. Of the remaining funds allocated to the trust after the above transfers occur, one-half shall be matched by local governments on a dollar-for-dollar basis. To the extent allowed by federal requirements for the use of bond proceeds, the trust shall expend Preservation 2000 funds to carry out the purposes of part III of chapter 380.

(d) Two and nine-tenths percent to the Department of Environmental Protection for the purchase of inholdings and additions to state parks. For the purposes of this paragraph, "state park" means all real property in the state under the jurisdiction of the Division of Recreation and Parks of the department, or which may come under its jurisdiction.

(e) Two and nine-tenths percent to the Division of Forestry of the Department of Agriculture and Consumer Services to fund the acquisition of state forest inholdings and additions pursuant to s. 589.07.

(f) Two and nine-tenths percent to the Game and Fresh Water Fish Commission to fund the acquisition of inholdings and additions to lands managed by the commission which are important to the conservation of fish and wildlife.

(g) One and three-tenths percent to the Department of Environmental Protection for the Florida Greenways and Trails Program, to acquire greenways and trails or greenways and trails systems pursuant to chapter 260, including, but not limited to, abandoned railroad rights-of-way and the Florida National Scenic Trail.

Local governments may use federal grants or loans, private donations, or environmental mitigation funds, including environmental mitigation funds required pursuant to s. 338.250, for any part or all of any local match required for the purposes described in this subsection. Bond proceeds allocated pursuant to paragraph (c) may be used to purchase lands on the priority lists developed pursuant to s. 259.035. Title to lands purchased pursuant to paragraphs (a), (d), (e), (f), and (g) shall be vested in the Board of Trustees of the Internal Improvement Trust Fund, except that title to lands, or rights or interests therein, acquired by either the Southwest Florida Water Management District or the St. Johns River Water Management District in furtherance of the Green Swamp Land Authority's mission pursuant to s. 380.0677(3), shall be vested in the district where the acquisition project is located. Title to lands purchased pursuant to paragraph (c) may be vested in the Board of Trustees of the Internal Improvement Trust Fund, except that title to lands, or rights or interests therein, acquired by either the Southwest Florida Water Management District or the St. Johns River Water Management District in furtherance of the Green Swamp Land Authority's mission pursuant to s. 380.0677(3), shall be vested in the district where the acquisition project is located. This subsection is repealed effective October 1, 2000. Prior to repeal, the Legislature shall review the provisions scheduled for repeal and shall determine whether to reenact or modify the provisions or to take no action.

Section 38. *A section of this act which implements a specific appropriation or specifically identified proviso language in the 1997-1998 General Appropriations Act is void if the specific appropriation or specifically identified proviso language is vetoed. A section of this act that implements more than one specific appropriation or more than one portion of specifically identified proviso language in the 1997-1998 General Appropriations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.*

Section 39. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 40. This act shall take effect July 1, 1997, or in the event this act fails to become a law until after that date, it shall operate retroactively thereto.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to implementing the fiscal year 1997-1998 General Appropriations Act; providing legislative intent; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services and the Agency for Health Care Administration to transfer general revenue funds between them; providing for future repeal; eliminating a provision authorizing the Department of Children and Family Services to transfer general revenue funds to the Department of Revenue for child support enforcement; eliminating a provision authorizing the Agency for Health Care Administration to transfer general revenue funds and appropriate trust funds to the Department of Elderly Affairs for administrative support to implement the managed long-term care waiver; amending s. 409.9115, F.S.; specifying how the Agency for Health Care Administration shall make payments for the Medicaid disproportionate share program for mental health hospitals; providing for future repeal; requiring the Agency for Health Care Administration to use a specified disproportionate share formula, specified audited financial data, and a specified Medicaid per diem rate in fiscal year 1997-1998 for qualifying hospitals; amending s. 409.9116, F.S.; altering the formula for rural hospital disproportionate share payments; prohibiting the Agency for Health Care Administration from capitating health maintenance organizations for a specified period of time; amending s. 216.181, F.S.; authorizing the Department of Children and Family Services and the Department of Health to advance certain moneys for certain contract services; amending s. 624.91, F.S.; authorizing appropriation of funds to the Florida Healthy Kids Corporation to facilitate the provision of preventive health care services to children at certain sites; providing for future repeal; directing the Agency for Health Care Administration to include health maintenance organization recipients in the county billing for a specified purpose; directing the Department of Children and Family Services to conduct a study of certain funds as a state match for specified funds; authorizing the Departments of Children and Family Services, Labor and Employment Security, Revenue, and Health and the Agency for Health Care Administration to transfer positions and funds to comply with the General Appropriations Act or the WAGES Act; authorizing the Department of Children and Family Services to reallocate certain funds in approved salary rate; requiring the Agency for Health Care Administration to seek federal waivers to secure federal matching funds for specified purposes; requiring the Agency for Health Care Administration to take necessary actions to ensure that expenditures for Medicaid do not exceed the amount budgeted and to take certain steps if that becomes impossible; prohibiting the use of certain funds for persons involved as counsel for plaintiffs in a specified lawsuit; authorizing the Department of Law Enforcement to transfer positions and salary rate between budget entities; requiring notification of such actions; authorizing the Department of Law Enforcement to participate in the Model Career Service Classification and Compensation System, subject to certain conditions; authorizing the Department of Law Enforcement to use

certain moneys to provide meritorious-performance bonuses for employees, subject to approval; amending s. 236.081, F.S., relating to the Florida Education Financing Program; authorizing funds to keep the district required local effort at a specified percentage of the district's total calculation; providing for allocation of moneys provided for workforce development; providing for budget amendment when a program is moved; providing for calculation of full-time equivalent student membership over the maximum prescribed by law; creating the School Infrastructure Thrift Program Act; providing legislative intent with respect to reducing school construction costs and related costs by eliminating obsolete, excessively restrictive, or unnecessary laws and rules; providing duties of school districts and of the Commissioner of Education; providing for awards from program funds; providing for reverter of funds when certain requirements are not complied with; creating s. 235.216, F.S.; providing a ceiling on per-square-foot costs for school construction; amending s. 15.09, F.S.; authorizing the appropriation of funds from the Public Access Data Systems Trust Fund for the operations of the Department of State; amending s. 338.251, F.S.; authorizing a loan to the St. Lucie County Expressway Authority; providing for future repeal; amending s. 372.672, F.S.; authorizing the appropriation of certain funds from the Florida Panther Research and Management Trust Fund to reimburse certain expenses relating to Texas cougars originally purchased as part of the Florida panther research and management program; providing for future repeal; amending s. 259.032, F.S.; authorizing the appropriation of certain funds in the Conservation and Recreation Lands Trust Fund for outdoor-recreation grants; providing for future repeal; amending s. 376.11, F.S.; authorizing the transfer of certain funds from the Florida Coastal Protection Trust Fund to the Ecosystem Management and Restoration Trust Fund to fund beach renourishment and restoration and inlet management; providing for future repeal; amending s. 259.032, F.S.; authorizing payment in lieu of taxes from the Conservation and Recreation Lands Trust Fund to counties with privately owned and operated prisons leased to the state under certain circumstances; providing for future repeal; amending s. 287.057, F.S.; authorizing the procurement of an administrator for the State Employees Health Self-Insurance Plan; amending s. 287.073, F.S.; exempting certain projects from statutory provisions relating to the procurement of information technology resources; amending s. 212.20, F.S.; providing for use of moneys allocated to the Solid Waste Management Trust Fund; providing for certain counties to use moneys received for aquatic weed control for recycling purposes; amending s. 403.7095, F.S.; revising applicability and the expiration date of the solid waste management grant program; requiring a specified level of funding for counties receiving solid waste management and recycling grants; providing for allocation of funds for innovative programs to address recycling practices and procedures; creating the Solid Waste Management Trust Fund Review Commission; providing duties; requiring a report; amending s. 259.101, F.S.; providing for disposition of certain funds under the Florida Preservation 2000 Act for restoration of Lake Apopka; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing severability; providing an effective date.

The Conference Committee Report was read and on motion by Senator Sullivan was adopted. **SB 2402** passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—1

Turner

On motion by Senator Turner, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment(s), and concurred in same as amended, and passed CS for HB's 1309, 1143, 847, 697, 1391 and 203 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for HB's 1309, 1143, 847, 697, 1391 and 203—A bill to be entitled An act relating to student discipline and school safety; amending s. 232.09, F.S.; revising provisions relating to student attendance responsibility and policy; creating s. 232.0205, F.S.; requiring certain disclosure at school registration and providing penalties for willful nondisclosure; amending s. 232.01, F.S.; revising compulsory school attendance requirements to require children over age 16 to file a formal declaration of intent to terminate school enrollment in order to be exempt from compulsory school attendance requirements; amending s. 39.01, F.S.; revising provisions regarding habitual truancy; amending s. 228.041, F.S.; revising the definitions of the terms "habitual truant" and "dropout"; amending s. 232.2462, F.S.; conforming provisions; amending s. 414.125, F.S.; providing Learnfare program requirements; amending s. 232.17, F.S.; revising procedures relating to enforcement of school attendance; amending s. 232.19, F.S.; revising penalties and court procedures relating to habitual truancy; requiring each public school principal to notify the district school board of students who accumulate a specified number of unexcused absences; authorizing the governing body of a private school to provide such information to the Department of Education; providing for court-ordered parent training classes and providing penalties for termination of an employee required to attend such classes, under certain circumstances; authorizing the court to impose civil penalties on, or require participation in community service or counseling by, the child; amending s. 232.195, F.S., relating to truancy activities upon transfer of student, to conform; creating s. 232.197, F.S.; requiring notification to a school of court action directly involving the school; amending s. 232.2452, F.S.; revising requirements relating to student report cards; amending s. 232.25, F.S., relating to pupils subject to control of school; providing for a school child's daily conduct pledge; amending s. 39.015, F.S., relating to rulemaking regarding habitual truants, to conform to the act; amending s. 230.2316, F.S., relating to dropout prevention; providing that second chance schools may include residential academies; providing criteria for establishment, operation, and funding of residential academies; providing criteria for participation; requiring parents and legal guardians of students assigned to programs funded by the dropout prevention program to comply with the requirements of the assignment and providing penalties; amending s. 39.085, F.S.; revising provisions relating to the Alternative Education Institute, to convert its mission and procedures and clarify its membership and duties; creating s. 230.235, F.S.; requiring school districts to adopt a policy of zero tolerance for crime, including criminal substance abuse violations; amending s. 232.277, F.S.; requiring reporting and notification of student substance abuse; amending s. 790.115, F.S.; expanding offenses that are punishable as possessing or discharging weapons or firearms on school property and providing a qualifier to an exception from such offense; amending s. 230.23015, F.S.; clarifying provisions relating to students who commit assault or battery on school personnel; repealing s. 322.0601, F.S., relating to driver's licenses for minors; providing effective dates.

House Amendment 1 (with title amendment) to Senate Amendment 1—On page 1, line 17 through page 36, line 13, remove from the amendment all of said lines and insert in lieu thereof:

Section 1. Section 232.09, Florida Statutes, is amended to read:

232.09 Parents *and legal guardians* responsible for attendance of children*; attendance policy.*—

(1) The Legislature finds:

(a) It is essential that our children receive an education.

(b) Failure to attend school in a regular and timely fashion hinders the education process.

(c) Truancy and poor school performance have a direct relationship to juvenile delinquency and destructive behavior.

(d) A disproportionate percentage of juvenile crime occurs when juveniles should be in school.

(e) Parents and guardians must be responsible, within reason, for sending their children to school.

(f) If a juvenile refuses to attend school or a parent or guardian refuses to compel the child to attend school, there must exist an efficient and expedient process to enforce attendance laws.

(2) Each parent *and legal guardian* of a child within the compulsory attendance age *is* ~~shall be~~ responsible for *the* ~~such~~ child's school attendance as required by law. The absence of a child from school *is* ~~shall be~~ prima facie evidence of a violation of this section; however, ~~no~~ criminal prosecution *may not* ~~shall~~ be brought against a parent, guardian, or other person having control of the child until the provisions of s. 232.17(2)~~(c)~~ have been complied with. *A* ~~No~~ parent *or guardian* of a child *is not* ~~shall be held~~ responsible for *the* ~~such~~ child's nonattendance at school under any of the following conditions:

(a)~~(1)~~ With permission.—The absence was with permission of the head of the school; or

(b)~~(2)~~ Without knowledge.—The absence was without the parent's knowledge, consent, or connivance, in which case the child shall be dealt with as a dependent child; or

(c)~~(3)~~ Financial inability.—The parent was unable financially to provide necessary clothes for the child, which inability was reported in writing to the superintendent prior to the opening of school or immediately after the beginning of such inability; provided, that the validity of any claim for exemption under this subsection shall be determined by the superintendent subject to appeal to the school board; or

(d)~~(4)~~ Sickness, injury, or other insurmountable condition.—Attendance was impracticable or inadvisable on account of sickness or injury, attested to by a written statement of a licensed practicing physician, or was impracticable because of some other stated insurmountable condition as defined by regulations of the state board. *If a student is continually sick and repeatedly absent from school, he or she must be under the supervision of a physician in order to receive an excuse from attendance. Such excuse provides that a student's condition justifies absence for more than the number of days permitted by the district school board.*

Each district school board shall establish an attendance policy which includes, but is not limited to, the required number of days each school year that a student must be in attendance and the number of absences and tardinesses after which a statement explaining such absences and tardinesses must be on file at the school. Each school in the district must determine if an absence or tardiness is excused or unexcused according to criteria established by the district school board.

Section 2. Section 232.0205, Florida Statutes, is created to read:

232.0205 Disclosure at school registration.—According to procedures established by the district school board, each student at the time of initial registration for school in a school district shall note previous school expulsions, arrests resulting in a charge, and juvenile justice actions the student has had.

Section 3. Paragraph (c) of subsection (1) of section 232.01, Florida Statutes, is amended to read:

232.01 Regular school attendance required between ages of 6 and 16; permitted at age of 5; exceptions.—

(1)

(c) A child who attains the age of 16 years during the school year *is* ~~shall~~ not *subject to compulsory school attendance* ~~be required to attend school~~ beyond the date upon which he or she attains that age *if the child files a formal declaration of intent to terminate school enrollment with the district school board. The declaration must acknowledge that terminating school enrollment is likely to reduce the student's earning potential and must be signed by the child. The school district must notify the child's parent or legal guardian of the child's declaration of intent to terminate school enrollment. A child who attains the age of 18 years during the school year is not subject to compulsory school attendance beyond the date upon which he or she attains that age.*

Section 4. Paragraph (b) of subsection (12) and subsection (73) of section 39.01, Florida Statutes, 1996 Supplement, are amended to read:

39.01 Definitions.—When used in this chapter:

(12) "Child in need of services" means a child for whom there is no pending investigation into an allegation or suspicion of abuse, neglect, or abandonment; no pending referral alleging the child is delinquent; or no current supervision by the Department of Juvenile Justice or the Department of Health and Rehabilitative Services for an adjudication of dependency or delinquency. The child must also, pursuant to this chapter, be found by the court:

(b) To be habitually truant from school, while subject to compulsory school attendance, despite reasonable efforts to remedy the situation pursuant to *ss. 232.17 and 232.19* ~~s. 232.19~~ and through voluntary participation by the child's parents or legal custodians and by the child in family mediation, services, and treatment offered by the Department of Juvenile Justice or the Department of Health and Rehabilitative Services; or

(73) "To be habitually truant" means that:

(a) The child has 15 unexcused absences within 90 *calendar* days with or without the knowledge or justifiable consent of the child's parent or legal guardian*, is subject to compulsory school attendance under s. 232.01,* and is not exempt *under* ~~from attendance by virtue of being over the age of compulsory school attendance or by meeting the criteria in~~ s. 232.06, s. 232.09, or any other exemptions specified by law or the rules of the State Board of Education.~~;~~

(b) ~~In addition to the actions described in s. 232.17, the school administration has completed the following~~ Escalating activities to determine the cause, and to attempt the remediation, of the child's truant behavior *under ss. 232.17 and 232.19 have been completed.*~~:~~

~~1. After a minimum of 3 and prior to 15 unexcused absences within 90 days, one or more meetings have been held, either in person or by phone, between a school attendance assistant or school social worker, the child's parent or guardian, and the child, if necessary, to report and to attempt to solve the truancy problem. However, if the school attendance assistant or school social worker has documented the refusal of the parent or guardian to participate in the meetings, then this requirement has been met;~~

~~2. Educational counseling has been provided to determine whether curriculum changes would help solve the truancy problem, and, if any changes were indicated, such changes were instituted but proved unsuccessful in remedying the truant behavior. Such curriculum changes may include enrollment of the child in an alternative education program that meets the specific educational and behavioral needs of the child, including a second chance school, as provided for in s. 230.2316, designed to resolve truant behavior;~~

~~3. Educational evaluation, pursuant to the requirements of s. 232.19(3)(b)3., has been provided; and~~

~~4. The school social worker, the attendance assistant, or the school superintendent's designee if there is no school social worker or attendance assistant has referred the student and family to the children-in-need-of-services and families-in-need-of-services provider or the case staffing committee, established pursuant to s. 39.426, as determined by the cooperative agreement required in s. 232.19(3). The case staffing committee may request the department or its designee to file a child-in-need-of-services petition based upon the report and efforts of the school district or other community agency or may seek to resolve the truancy behavior through the school or community-based organizations or agencies.~~

If a child *who is subject to* ~~within the~~ compulsory school attendance ~~age~~ is responsive to the interventions described in *ss. 232.17 and 232.19* ~~this paragraph~~ and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the child shall not be determined to be habitually truant *and shall be passed*. If a child within the compulsory school attendance age has 15 unexcused absences *within 90 calendar days* or fails to enroll in school, the State

Attorney may file a child-in-need-of-services petition. Prior to filing a petition, the child must be referred to the appropriate agency for evaluation. After consulting with the evaluating agency, the State Attorney may elect to file a child-in-need-of-services petition.

(c) A *school representative, designated according to school board policy* ~~school social worker or other person designated by the school administration, if the school does not have a school social worker~~, and an intake counselor or case manager of the Department of Juvenile Justice have jointly investigated the truancy problem or, if that was not feasible, have performed separate investigations to identify conditions which may be contributing to the truant behavior; and if, after a joint staffing of the case to determine the necessity for services, such services were determined to be needed, the persons who performed the investigations met jointly with the family and child to discuss any referral to appropriate community agencies for economic services, family or individual counseling, or other services required to remedy the conditions that are contributing to the truant behavior.~~; and~~

(d) The failure or refusal of the parent or legal guardian or the child to participate, or make a good faith effort to participate, in the activities prescribed to remedy the truant behavior, or the failure or refusal of the child to return to school after participation in activities required by this subsection, or the failure of the child to stop the truant behavior after the school administration and the Department of Juvenile Justice have worked with the child as described in s. 232.19(3) shall be handled as prescribed in s. 232.19.

Section 5. Subsections (28) and (29) of section 228.041, Florida Statutes, 1996 Supplement, are amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(28) HABITUAL TRUANT.—A habitual truant is a student who has 15 unexcused absences within 90 *calendar* days with or without the knowledge or consent of the student's parent or legal guardian*, is subject to compulsory school attendance under s. 232.01, and is not exempt under* ~~and who is not exempt from attendance by virtue of being over the age of compulsory school attendance, by meeting the criteria in~~ s. 232.06 or s. 232.09, or by meeting the criteria for any other exemption specified by law or rules of the State Board of Education. Such a student must have been the subject of the activities specified in ss. 232.17 and 232.19, without resultant successful remediation of the truancy problem before being dealt with as a child in need of services according to the provisions of chapter 39.

(29) DROPOUT.—A dropout is a student *not subject to* ~~over the age of~~ compulsory school attendance, as defined in s. 232.01, who meets any one or more of the following criteria:

(a) The student has voluntarily removed himself or herself from the school system before graduation for reasons that include, but are not limited to, marriage or entrance into the military, or the student has withdrawn from school because he or she has failed the statewide student assessment test and thereby does not receive any of the certificates of completion;

(b) The student has not met the relevant attendance requirements of the school district pursuant to State Board of Education rules, or the student was expected to attend a school but did not enter as expected for unknown reasons, or the student's whereabouts are unknown;

(c) The student has withdrawn from school, but has not transferred to another public or private school or enrolled in any vocational, adult, or alternative educational program;

(d) The student has withdrawn from school due to hardship, unless such withdrawal has been granted under the provisions of s. *322.091* ~~322.0601~~, court action, expulsion, medical reasons, or pregnancy; or

(e) The student is not eligible to attend school because of reaching the maximum age for an exceptional student program in accordance with the district's policy.

Students not exempt from attendance pursuant to s. 232.06 and *who are subject to* ~~under the age of~~ compulsory school attendance *under s. 232.01 and* who stop attending school *are* ~~shall be known as~~ habitual truants as defined in subsection (28) and are not ~~to be~~ considered dropouts. The State Board of Education may adopt rules to implement the provisions of this subsection.

Section 6. Subsection (2) of section 232.2462, Florida Statutes, is amended to read:

232.2462 Attendance requirement for receipt of high school credit; definition of "credit".—

(2) A student may not be awarded a credit if he or she has not been in for instruction for a minimum of 135 hours unless he or she has demonstrated mastery of the student performance standards in the course of study as provided by rules of the district school board. Excused absences as determined by the district school board and as carried out by the secondary school principal shall not be counted against the 135-hour minimum requirement. Criteria for determining excused absences shall be as provided in *s. 232.022,* s. 232.0225, absence for religious instruction, or a religious holiday, and s. 232.09*(2)(d)*~~(4)~~, absence due to sickness, injury, or other insurmountable condition, and absence due to participation in an academic class or program. Missed work shall be made up, as provided in the pupil progression plan established by the district school board by rule, for all excused absences. The difference between the 135-hour minimum requirement and the 150-hour definition of full credit established in this section may at the discretion of the secondary school principal be used for noninstructional extracurricular activities unless otherwise provided by district school board rule. In credit programs operated in the period beyond 180 school days, each full-credit course must be established for a minimum of 120 hours.

Section 7. Subsection (2) of section 414.125, Florida Statutes, 1996 Supplement, is amended to read:

414.125 Learnfare program.—

(2) 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 assure that the recipient is involved in the child's educational progress and is aware of any existing attendance or academic problems. *The conference must address acceptable student attendance, grades, and behavior and must be documented by the school and reported to the department. The department shall notify a school of any student in attendance at that school who is a participant in the Learnfare program in order that the required conferences are held.*

Section 8. Section 232.17, Florida Statutes, 1996 Supplement, is amended to read:

232.17 *Enforcement of school attendance* ~~Attendance assistants; qualifications; compensation; duties.~~—*Pursuant to procedures established by the district school board, a designated school representative must complete activities designed to determine the cause and attempt the remediation of truant behavior, as provided in this section.* ~~Provisions for the employment, qualifications, compensation, and duties of attendance assistants shall be as follows:~~

~~(1) EMPLOYMENT AND QUALIFICATIONS OF ATTENDANCE ASSISTANTS.—The school board, upon the recommendation of the superintendent, may employ and fix the compensation, including reimbursement for travel, of a sufficient number of qualified attendance assistants to guarantee regular attendance at school of all children of the district within compulsory school-age requirements who are not herein exempted from attendance.~~

~~(2) DUTIES AND RESPONSIBILITIES OF ATTENDANCE ASSISTANTS.—The duties and responsibilities of the attendance assistant shall be exercised under the direction of the superintendent and shall be as follows:~~

~~(a) Maintain records.—Pupil accounting records, unless maintained by others assigned by the superintendent, shall be kept by attendance assistants. These records shall be on forms approved pursuant to regulations of the state board.~~

(1)~~(b)~~ INVESTIGATE NONENROLLMENT AND UNEXCUSED ABSENCES.—*A designated school representative* ~~In accordance with procedure established by the state board, attendance assistants~~ shall investigate cases of nonenrollment and unexcused absences from school of all children *subject to compulsory school attendance* ~~within the compulsory school age~~.

(2)~~(c)~~ GIVE WRITTEN NOTICE.—Under the direction of the superintendent, *a designated school representative* ~~the attendance assistant~~ shall give written notice, ~~either~~ in person or by *return-receipt* ~~registered~~ mail, to the parent, guardian, or other person having control when no valid reason is found for a child's nonenrollment in school or when the child has a minimum of 3 but fewer than *6* ~~15~~ unexcused absences within 90 *calendar* days, requiring enrollment or attendance within 3 days *after* ~~from~~ the date of notice. If *the* ~~such~~ notice and requirement are ignored, the *designated school representative* ~~attendance assistant~~ shall report the case to the superintendent, and may refer the case to the case staffing committee, established pursuant to s. 39.426, if the conditions of s. 232.19(3) have been met. The superintendent may take such steps as are necessary to bring criminal prosecution against the parent, guardian, or other person having control. ~~No further written notice of the child's absence from school is required to be given to the parent, guardian, or other person having control unless the child, upon his or her return to school, remains in attendance for 10 consecutive days.~~

(3)~~(d)~~ RETURN CHILD TO PARENT.—*A designated school representative* ~~The attendance assistant~~ shall visit the home or place of residence of a child and any other place in which he or she is likely to find any child who is required to attend school when such child is *not enrolled or is* absent from school during school hours *without an excuse*, and, when *the* ~~such~~ child *is* ~~has been~~ found, shall return the child to his or her parent or to the principal or teacher in charge of the school, or to the private tutor from whom absent.

~~(e) Visit home.—The attendance assistant shall visit promptly the home of each child of school age in his or her attendance district not in attendance upon the school, and of any child who should attend the Florida State School for the Deaf and the Blind, and who is reported as not enrolled in that school or as absent without excuse.~~

(4) WRITTEN NOTICE.—If no valid reason is found for such nonenrollment or absence, ~~from such school or schools~~ the *designated school representative* ~~attendance assistant~~ shall give written notice to the parent, requiring the child's enrollment or attendance ~~as prescribed above~~. The *designated school representative* ~~attendance assistant~~ shall secure the written approval of the president of the Florida State School for the Deaf and the Blind before he or she directs or requests the parents of any child to take or send such child to that school. Ten days' notice must be given in the case of a child who is ordered sent to that school. On refusal or failure of the parent to meet such requirement, the *designated school representative* ~~attendance assistant~~ shall report the same to the superintendent, and that official shall proceed to take such action as is prescribed in s. 232.19(2).

(5)~~(f)~~ REPORT TO THE DIVISION OF JOBS AND BENEFITS.—*A designated school representative* ~~The attendance assistant~~ shall report to the Division of Jobs and Benefits of the Department of Labor and Employment Security or to any person acting in similar capacity who may be designated by law to receive such notices, all violations of the Child Labor Law that may come to his or her knowledge.

(6)~~(g)~~ RIGHT TO INSPECT.—*A designated school representative* ~~The attendance assistant~~ shall have the same right of access to, and inspection of, establishments where minors may be employed or detained as is given by law to the Division of Jobs and Benefits only for the purpose of ascertaining whether children of compulsory school age are actually employed there and are actually working there regularly. The *designated school representative* ~~attendance assistant~~ shall, if he or she finds unsatisfactory working conditions or violations of the Child Labor Law, report his or her findings to the Division of Jobs and Benefits or its agents.

(7)~~(h)~~ *RECORDS* ~~Record of visits.~~—*Each designated school representative who performs duties according to this section* ~~The attendance assistant~~ shall keep an accurate record of all children returned to schools or homes, of all cases prosecuted, and of all other service performed. A written report of all such activities shall be made quarterly to the school board and shall be filed in the office of the superintendent. *If a child repeats a pattern of nonattendance within one school year, the designated school representative shall resume the series of escalating activities at the point at which he or she had previously left off.*

Section 9. Section 232.19, Florida Statutes, 1996 Supplement, is amended to read:

232.19 Court procedure and penalties.—The court procedure and penalties for the enforcement of the provisions of this chapter, relating to compulsory school attendance, shall be as follows:

(1) COURT JURISDICTION.—The circuit court has original and exclusive jurisdiction of all proceedings against, or prosecutions of, children under the provisions of this chapter. Proceedings against, or prosecutions of, parents or employers as provided by this section shall be in the court of each county having jurisdiction of misdemeanors wherein trial by jury is afforded the defendant.

(2) NONENROLLMENT AND NONATTENDANCE CASES.—

(a) In each case of nonenrollment or of nonattendance upon the part of a child who is required to attend some school, when no valid reason for such nonenrollment or nonattendance is found, the superintendent shall institute a criminal prosecution against the child's parent.

(b) Each public school principal or the principal's designee shall notify the district school board of each minor under its jurisdiction who accumulates 15 unexcused absences in a period of 90 calendar days. Each designee of the governing body of each private school, and each parent whose child is enrolled in a home education program, may provide the Department of Highway Safety and Motor Vehicles with the legal name, sex, date of birth, and social security number of each minor under his or her jurisdiction who fails to satisfy relevant attendance requirements and who fails to otherwise satisfy the requirements of s. 322.091. The superintendent must provide the Department of Highway Safety and Motor Vehicles the legal name, sex, date of birth, and social security number of each minor who has been reported under this paragraph and who fails to otherwise satisfy the requirements of s. 322.091. The Department of Highway Safety and Motor Vehicles may not issue a driver's license or learner's driver's license to, and shall suspend any previously issued driver's license or learner's driver's license of, any such minor, pursuant to the provisions of s. 322.091.

(3) HABITUAL TRUANCY CASES.—*In accordance with procedures established by the district school board, the designated school representative* ~~The school social worker, the attendance assistant, or the school superintendent's designee if there is no school social worker or attendance assistant~~ shall refer a student who is habitually truant and the student's family to the children-in-need-of-services and families-in-need-of-services provider or the case staffing committee, established pursuant to s. 39.426, as determined by the cooperative agreement required in this section. The case staffing committee may request the Department of Juvenile Justice or its designee to file a child-in-need-of-services petition based upon the report and efforts of the school district or other community agency or may seek to resolve the truancy behavior through the school or community-based organizations or agencies. Prior to and subsequent to the filing of a child-in-need-of-services petition due to habitual truancy, the appropriate governmental agencies must allow a reasonable time to complete actions required by this subsection to remedy the conditions leading to the truant behavior. The following criteria must be met and documented in writing prior to the filing of a petition:

(a) The child must have 15 unexcused absences within 90 *calendar* days with or without the knowledge or consent of the child's parent or legal guardian, *must be subject to compulsory school attendance, and must not be exempt under* ~~and must not be exempt from attendance by virtue of being over the age of compulsory school attendance or by meeting the criteria in~~ s. 232.06, s. 232.09, or any other exemption specified by law or the rules of the State Board of Education.

(b) In addition to the actions described in s. 232.17, the school administration must have completed the following activities to determine the cause, and to attempt the remediation, of the child's truant behavior:

1. After a minimum of 3 and prior to *6* ~~15~~ unexcused absences within 90 *calendar* days, one or more meetings must have been held, either in person or by phone, between a *designated school representative* ~~school attendance assistant or school social worker~~, the child's parent or guardian, and the child, if necessary, to report and to attempt to solve the truancy problem. However, if the *designated school representative* ~~school attendance assistant or school social worker~~ has documented the refusal of the parent or guardian to participate in the meetings, this requirement has been met.

2. Educational counseling must have been provided to determine whether curriculum changes would help solve the truancy problem, and, if any changes were indicated, such changes must have been instituted but proved unsuccessful in remedying the truant behavior. Such curriculum changes may include enrollment of the child in an alternative education program that meets the specific educational and behavioral needs of the child, including a second chance school, as provided for in s. 230.2316, designed to resolve truant behavior.

3. Educational evaluation, which may include psychological evaluation, must have been provided to assist in determining the specific condition, if any, that is contributing to the child's nonattendance. The evaluation must have been supplemented by specific efforts by the school to remedy any diagnosed condition.

If a child *who is subject to* ~~within the~~ compulsory school attendance ~~age~~ is responsive to the interventions described in this paragraph and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the child shall be passed.

(4) COOPERATIVE AGREEMENTS.—

~~(c)~~ The district manager of the Department of Juvenile Justice or the district manager's designee, *the district administrator of the Department of Children and Family Services or the district administrator's designee,* and the superintendent of the local school district or the superintendent's designee must *develop* ~~have developed~~ a cooperative interagency agreement *that:* ~~which~~

(a) Clearly defines each department's role, responsibility, and function in working with habitual truants and their families.

(b) Identifies and implements measures to resolve and reduce truant behavior. ~~The interagency agreement shall specify that the participants~~

(c) Addresses ~~address~~ issues of streamlining service delivery, the appropriateness of legal intervention, case management, the role and responsibility of the case staffing committee, student and parental intervention and involvement, and community action plans. ~~The interagency agreement shall~~

(d) Delineates ~~delineate~~ timeframes for implementation and *identifies* ~~identify~~ a mechanism for reporting results by the district juvenile justice manager or the district manager's designee and the superintendent of schools or the superintendent's designee to the Department of Juvenile Justice and the Department of Education and other governmental entities as needed. ~~The cooperative agreement may designate~~

(e) Designates which agency *is* ~~shall be~~ responsible for *each of* the intervention steps in ~~s. 39.01(73), or~~ this section, *to* ~~if such designation shall~~ yield more effective and efficient intervention services.

(5)~~(4)~~ ATTENDANCE REGISTER AS EVIDENCE.—The register of attendance of pupils at a public, parochial, denominational, or private school, or of pupils taught by a private tutor, kept in compliance with rules ~~and regulations~~ of the state board is prima facie evidence of the facts which it is required to show. A certified copy of any rule ~~or regulation~~ and a statement of the date of its adoption ~~and promulgation~~ by the state board is admissible as prima facie evidence of the provisions of *the* ~~such~~ rule ~~or regulation~~ and of the date of its adoption ~~or promulgation~~.

(6)~~(5)~~ PROCEEDINGS AND PROSECUTIONS; WHO MAY BEGIN.—Proceedings or prosecutions under ~~the provisions of~~ this chapter may be *commenced* ~~begun~~ by the superintendent, by *a designated school representative* ~~an attendance assistant~~, by the probation officer of the county, by the executive officer of any court of competent jurisdiction, or by an officer of any court of competent jurisdiction, or by a duly authorized agent of the Department of Education *or the Department of Juvenile Justice. If a proceeding has been commenced against both a parent or legal guardian and a child pursuant to this chapter, the presiding courts shall make every effort to coordinate sanctions against the child and parent or legal guardian, including ordering the child and parent or legal guardian to perform community service hours or attend counseling together.*

(7)~~(6)~~ PENALTIES.—The penalties for refusing or failing to comply with ~~the provisions of~~ this chapter shall be as follows:

(a) The parent *or legal guardian.*—

1. A parent *or legal guardian* who refuses or fails to have a child who is under his or her control attend school regularly, or who refuses or fails to comply with the requirements in subsection (3), *commits* ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided *in s. 775.082 or s. 775.083* ~~by law~~.

2. The continued or habitual absence of a child without the consent of the principal or teacher in charge of the school he or she attends or should attend, or of the tutor who instructs or should instruct him or her, is prima facie evidence of a violation of this chapter; however, *a showing* ~~the court of the appropriate jurisdiction, upon finding~~ that the parent *or legal guardian* has made a bona fide and diligent effort to control and keep the child in school~~,~~ shall *be an affirmative defense to* ~~excuse the parent from~~ any criminal *or other* liability *under this subsection* ~~prescribed herein~~ and *the court* shall refer the parent *or legal guardian* and child for counseling, guidance, or other needed services.

3. In addition to any other punishment, the court shall order a parent or legal guardian who has violated this section to send the child to school, and may also order the parent or legal guardian to participate in an approved parent training class, attend school with the child unless this would cause undue hardship, perform community service hours at the school, or participate in counseling or other services, as appropriate. If a parent or legal guardian is ordered to attend school with a child, the school shall provide for programming to educate the parent or legal guardian and child on the importance of school attendance. It shall be unlawful to terminate any employee solely because he or she is attending school with his or her child pursuant to a court order.

(b) The principal or teacher.—A principal or teacher in *any* ~~charge of a school,~~ public, parochial, denominational, or private *school,* or a private tutor who willfully violates any provision of this chapter may, upon satisfactory proof of such violation, have his or her certificate revoked by the Department of Education.

(c) The employer.—

1. An employer who fails to notify the superintendent when he or she ceases to employ a child *commits* ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided *in s. 775.082 or s. 775.083* ~~by law~~.

2. An employer who terminates any employee solely because he or she is attending school with a child pursuant to court order commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(d) The child.—

1. In addition to any other authorized sanctions, the court shall order a child found to be a habitual truant to make up all school work missed and may order the child to pay a civil penalty of up to $2, based on the child's ability to pay, for each day of school missed, perform up to 25 community service hours at the school, or participate in counseling or other services, as appropriate.

2. Upon a second or subsequent finding that a child is a habitual truant, the court, in addition to any other authorized sanctions, shall order the child to make up all school work missed and may order the child to pay a civil penalty of up to $5, based on the child's ability to pay, for each day of school missed, perform up to 50 community service hours at the school, or participate in counseling or other services, as appropriate.

Section 10. Section 232.195, Florida Statutes, is amended to read:

232.195 Continuation of truancy remedial activities upon transfer of student; retention of legal jurisdiction.—

(1) If, during the activities designed to remedy truant behavior as described in s. 232.19, the parent or legal guardian of the student who is the subject of such activities transfers the student to another school district in this state in an attempt to circumvent the remedial procedures which have already begun, the administration of the school from which the student transferred shall provide to the administration of the new school, at no charge, copies of all available records and documents relevant to such remedial activities, and the administration of the new school shall begin remedial activities in the program that most closely meets the transfer student's needs.

(2) In the event that a legal proceeding has commenced, as provided in s. 232.19~~(3)~~, against a student who has been determined to be a

habitual truant, the movement of the student who is the subject of such proceeding to another circuit court district in this state will not affect the jurisdiction of the court to proceed with the case under the law.

Section 11. Section 232.197, Florida Statutes, is created to read:

232.197 Notification to schools of court action.—If a court takes action that directly involves a child's school, including, but not limited to, an order that a student attend school, attend school with his or her parent or legal guardian, perform at grade level, or perform community service hours at the school, the office of the clerk of the court shall provide notice to the school of the court's action.

Section 12. Section 232.2452, Florida Statutes, is amended to read:

232.2452 Report cards*; end-of-the-year status.—*

(1) Each school district shall establish and publish policies requiring the content and regular issuance of student report cards for all elementary school, middle school, and high school students. These report cards must clearly depict and grade:

(a) The student's academic performance in each class or course, which in grades 1 through 12 must be based upon examinations as well as written papers, class participation, and other academic performance criteria.

(b) The student's conduct and behavior.

(c) The student's attendance, including absences and tardiness.

(2) Each school district is encouraged to establish no fewer than two districtwide report card pickup days per year to facilitate teacher-parent conferences and enhance parental responsibility for student performance and behavior. During a report card pickup day, each parent or guardian may visit his or her child's school and teacher and receive the child's report card during hours established by the district school board. School districts are encouraged to establish flexible scheduling of personnel during the hours designated by the district school board for report card pickup to allow before-school, after-school, evening, or weekend opportunities for parents to visit the school and teacher.

(3) A student's final report card for a school year shall contain a statement indicating end-of-the-year status regarding performance or nonperformance at grade level, acceptable or unacceptable behavior and attendance, and promotion or nonpromotion.

School districts shall not allow schools to exempt students from academic performance requirements based on practices or policies designed to encourage student attendance.

Section 13. Subsection (4) is added to section 232.25, Florida Statutes, 1996 Supplement to read:

232.25 Pupils subject to control of school.—

(4) Each pupil enrolled in a school may be required to take the following school child's daily conduct pledge:

(a) I will be respectful at all times and obedient unless asked to do wrong.

(b) I will not hurt another person with my words or my acts, because it is wrong to hurt others.

(c) I will tell the truth, because it is wrong to tell a lie.

(d) I will not steal, because it is wrong to take someone else's property.

(e) I will respect my body, and not take drugs.

(f) I will show strength and courage, and not do something wrong, just because others are doing it.

(g) I pledge to be nonviolent and to respect my teachers and fellow classmates.

Section 14. Subsections (1) and (2) of section 322.05, Florida Statutes, 1996 Supplement, are amended to read:

322.05 Persons not to be licensed.—The department may not issue a license:

(1) To a person who is under the age of 16 years, except that the department may issue a learner's driver's license to a person who is at least 15 years of age and who meets the requirements of *ss. 322.091 and 322.1615* ~~s. 322.161~~ and of any other applicable law or rule.

(2) To a person who is at least 16 years of age but is under 18 years of age unless the person *meets the requirements of s. 322.091 and* holds a valid:

(a) Learner's driver's license for at least 6 months before applying for a license; or

(b) License that was issued in another state or in a foreign jurisdiction and that would not be subject to suspension or revocation under the laws of this state.

Section 15. Subsection (3) is added to section 322.09, Florida Statutes, 1996 Supplement, as amended by section 4 of chapter 93-144, Laws of Florida, to read:

322.09 Application of minors.—

(3) The department may not issue a driver's license or learner's driver's license to any applicant under the age of 18 years who is not in compliance with the requirements of s. 322.091.

Section 16. Section 322.091, Florida Statutes, is created to read:

322.091 Attendance requirements.—

(1) ELIGIBILITY REQUIREMENTS FOR DRIVING PRIVILEGES.—A minor is not eligible for driving privileges unless that minor:

(a) Is enrolled in a public school, nonpublic school, or home education program and satisfies relevant attendance requirements;

(b) Has received a high school diploma, a high school equivalency diploma, a special diploma, or a certificate of high school completion;

(c) Is enrolled in a study course in preparation for the Test of General Educational Development and satisfies relevant attendance requirements;

(d) Is enrolled in other educational activities approved by the district school board and satisfies relevant attendance requirements;

(e) Has been issued a certificate of exemption according to s. 232.06; or

(f) Has received a hardship waiver under this section.

The department may not issue a driver's license or learner's driver's license to, or shall suspend the driver's license or learner's driver's license of, any minor concerning whom the department receives notification of noncompliance with the requirements of this section.

(2) NOTIFICATION OF INTENT TO SUSPEND; SUSPENSION; RECORD OF NONCOMPLIANCE.—

(a) The department shall notify each minor for whom the department has received notification of noncompliance with the requirements of this section as provided in s. 232.19, and the minor's parent or guardian, of the department's intent to suspend the minor's driving privileges.

(b) The minor, or the parent or guardian of the minor, has 15 calendar days after the date of receipt of this notice to provide proof of compliance with the requirements of this section as provided in subsection (4) or to request a hardship waiver hearing under subsection (3).

(c) Twenty days after the date of issuance of this notice, the department shall suspend the minor's operator's license or learner's driver's license or record the legal name, sex, date of birth, and social security number of each minor who does not possess a driver's license or learner's driver's license, unless the minor has provided the department with verification of compliance with the requirements of subsection (1) or the appropriate school official has provided the department with verification of a request for a waiver hearing.

(d) Upon notification of the outcome of a hardship waiver hearing, the department shall suspend the driver's license or learner's driver's license of a minor who was denied a hardship waiver, or record the legal name, sex, date of birth, and social security number of a minor who does not possess a driver's license or learner's driver's license and who was denied a hardship waiver.

(e) The department may not issue a driver's license or learner's driver's license to any minor for whom it has a record of noncompliance with the requirements of subsection (1) unless the minor submits verification of compliance pursuant to subsection (4).

(3) HARDSHIP WAIVER AND APPEAL.—

(a) A minor, or the parent or guardian of a minor, has 15 calendar days after the date of receipt of the notice of intent to suspend to request a hardship waiver hearing before the public school principal, the principal's designee, or the designee of the governing body of a private school for the purpose of reviewing the pending suspension of driving privileges. The school official receiving the request shall notify the department of the request for a waiver hearing within 24 hours after receiving the request. Public school officials shall also notify the district school board of the request for a waiver hearing. The hearing must be conducted within 30 calendar days after the public school principal, the principal's designee, or the designee of the governing body of a private school receives the request.

(b) The public school principal, the principal's designee, or the designee of the governing body of a private school shall waive the requirements of subsection (1) for any minor under the school's jurisdiction for whom a personal or family hardship requires that the minor have a driver's license for his or her own, or his or her family's, employment or medical care. The minor or the minor's parent or guardian may present other evidence that indicates compliance with the requirements of subsection (1) at the waiver hearing. The public school principal, the principal's designee, or the designee of the governing body of a private school shall take into consideration the recommendations of teachers, other school officials, guidance counselors, or academic advisers before waiving the requirements of subsection (1).

(c) The public school principal, the principal's designee, or the designee of the governing body of a private school shall notify the department of the outcome of a minor's hardship waiver hearing within 24 hours after conducting the hearing. Public school officials shall also notify the district school board of the outcome of the hearing.

(d) Any person denied a hardship waiver by a public school principal, the principal's designee, or the designee of the governing body of a private school may appeal the decision to the district school board or the governing body of the private school. The district school board or the governing body of the private school shall notify the department if the hardship waiver is subsequently granted.

(4) VERIFICATION OF COMPLIANCE AND REINSTATEMENT.—A district school board shall provide a minor with written verification that he or she is in compliance with the requirements of subsection (1) if the district determines that he or she has been in compliance for 30 days prior to the request for verification of compliance. Upon receiving written verification that the minor is again in compliance with the requirements of subsection (1), the department shall reinstate the minor's driving privilege. Thereafter, if the school district determines that the minor is not in compliance with the requirements of subsection (1), the department shall suspend the minor's driving privilege until the minor is 18 years of age or otherwise satisfies the requirements of subsection (1), whichever occurs first.

(5) REPORTING AND ACCOUNTABILITY.—The department shall report quarterly to each school district the legal name, sex, date of birth, and social security number of each student whose driving privileges have been suspended under this section.

Section 17. Section 39.015, Florida Statutes, is amended to read:

39.015 Rules relating to habitual truants; adoption by Department of Education and Department of Juvenile Justice.—The Department of Juvenile Justice and the Department of Education shall work together on the development of, and shall adopt, rules *as necessary* for the implementation of ss. 39.01(73), 39.403(2), and 232.19~~(3) and (6)(a)~~.

Section 18. Section 230.235, Florida Statutes, is created to read:

230.235 Policy of zero tolerance for crime.—

(1) Each school district shall adopt a policy of zero tolerance for crime and substance abuse pursuant to this section. Such a policy shall include the reporting of delinquent acts and crimes occurring whenever and wherever students are under the jurisdiction of the school district.

(2) Each school district shall enter into an agreement with the county sheriff's office or local police department specifying guidelines for ensuring that felonies and violent misdemeanors, whether committed by a student or adult, and delinquent acts that would be felonies or violent misdemeanors if committed by an adult, are reported to law enforcement. Such agreements shall include the role of school resource officers, if applicable, in handling reported incidents, special circumstances in which school officials may handle incidents without filing a report to law enforcement, and a procedure for ensuring that school personnel properly report appropriate delinquent acts and crimes. The school principal shall be responsible for ensuring that all school personnel are properly informed as to their responsibilities regarding crime reporting, that appropriate delinquent acts and crimes are properly reported, and that actions taken in cases with special circumstances are properly taken and documented.

Section 19. Section 232.277, Florida Statutes, is amended to read:

232.277 Reports of suspected substance or alcohol abuse; exemption from liability.—

(1) School personnel are required to report to the principal or principal's designee any suspected unlawful use, possession, or sale by a student of any controlled substance, as defined in s. 893.02; any counterfeit controlled substance, as defined in s. 831.31; any alcoholic beverage, as defined in s. 561.01(4); or model glue. School personnel are exempt from civil liability when reporting in good faith to the proper school authority such suspected unlawful use, possession, or sale by a student. Only a principal or principal's designee is authorized to contact a parent or legal guardian of a student regarding this situation.

(2)(a) It is the intent of the Legislature that all school students understand that the magnitude of the harm caused by unlawful use, possession, or sale of the substances set forth in subsection (1) mandates the reporting of occurrences of such unlawful acts for prosecution or other action as appropriate.

(b) Reports made and verified under subsection (1) shall be forwarded to an appropriate agency.

(c) School personnel shall timely notify the student's parent, guardian, or legal custodian that a verified report made under subsection (1) with respect to the student has been made and forwarded as provided for in this subsection.

Section 20. Effective October 1, 1997, section 790.115, Florida Statutes, is amended to read:

790.115 Possessing or discharging weapons or firearms on school property prohibited; penalties; exceptions.—

(1) A person who exhibits any sword, sword cane, firearm, electric weapon or device, destructive device, or other weapon, *including a razor blade, box cutter, or knife, except as authorized in support of school-sanctioned activities,* in the presence of one or more persons in a rude, careless, angry, or threatening manner and not in lawful self-defense, on the grounds or facilities of any school, school bus, or school bus stop, or within 1,000 feet of the real property that comprises a public or private elementary school, middle school, or secondary school, during school hours or during the time of a sanctioned school activity, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This subsection does not apply to the exhibition of a firearm or weapon on private real property within 1,000 feet of a school by the owner of such property or by a person whose presence on such property has been authorized, licensed, or invited by the owner.

(2)(a) A person shall not possess any firearm, electric weapon or device, destructive device, or other weapon, *including a razor blade, box cutter, or knife, except as authorized in support of school-sanctioned activities,* on the property of any school, school bus, or school bus stop; however, a person may carry a firearm:

1. In a case to a firearms program, class or function which has been approved in advance by the principal or chief administrative officer of the school as a program or class to which firearms could be carried;

2. In a case to a vocational school having a firearms training range; or

3. In a vehicle pursuant to s. 790.25(5)*; except that school districts may adopt written and published policies that waive the exception in this subparagraph for purposes of student and campus parking privileges.*

For the purposes of this section, "school" means any preschool, elementary school, middle school, junior high school, secondary school, vocational school, or postsecondary school, whether public or nonpublic.

(b) A person who willfully and knowingly possesses any electric weapon or device, destructive device, or other weapon*, including a razor blade, box cutter, or knife, except as authorized in support of school-sanctioned activities,* in violation of this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c)*1.* A person who willfully and knowingly possesses any firearm in violation of this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A person who stores or leaves a loaded firearm within the reach or easy access of a minor who obtains the firearm and commits a violation of subparagraph 1. commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083; except that this does not apply if the firearm was stored or left in a securely locked box or container or in a location which a reasonable person would have believed to be secure, or was securely locked with a firearm-mounted push-button combination lock or a trigger lock; if the minor obtains the firearm as a result of an unlawful entry by any person; or to members of the Armed Forces, National Guard, or State Militia, or to police or other law enforcement officers, with respect to firearm possession by a minor which occurs during or incidental to the performance of their official duties.

(d) A person who discharges any weapon or firearm while in violation of paragraph (a), unless discharged for lawful defense of himself or another or for a lawful purpose, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(e) The penalties of this subsection shall not apply to persons licensed under s. 790.06. Persons licensed under s. 790.06 shall be punished as provided in s. 790.06(12), except that a licenseholder who unlawfully discharges a weapon or firearm on school property as prohibited by this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) This section does not apply to any law enforcement officer as defined in s. 943.10(1), (2), (3), (4), (6), (7), (8), (9), or (14).

Section 21. Section 230.23015, Florida Statutes, 1996 Supplement, is amended to read:

230.23015 Students violating s. 784.081; expulsion *or* ~~and~~ placement in alternative school setting.—Notwithstanding any other provision of law, each district school board shall adopt rules providing that any student found to have committed a violation of s. 784.081*(1), (2), or (3)* shall be expelled *or* ~~and~~ placed in an alternative school setting *or other youth services or justice program, as appropriate* ~~for a minimum period of 1 year~~. Upon being charged with the offense, the student shall be removed from the classroom immediately and placed in an alternative school setting pending disposition.

Section 22. *Section 322.0601, Florida Statutes, is repealed.*

Section 23. Section 232.433, Florida Statutes, is created to read:

232.433 Safety standards for cheerleaders.—The Florida High School Activities Association or successor organization shall adopt statewide uniform safety standards for student cheerleaders and spirit groups that participate in any school activity or extracurricular student activity. The Florida High School Activities Association or successor organization shall adopt the "Official High School Spirit Rules," published by the National Federation of State High School Associations, as the statewide uniform safety standards.

Section 24. Subsection (8) is added to section 228.057, Florida Statutes, 1996 Supplement, to read:

228.057 Public school parental choice.—

(8) Notwithstanding any provision of this section, a school district with schools operating on both multiple session schedules and single session schedules shall afford parents of students in multiple session schools preferred access to the controlled open enrollment program of the school district.

Section 25. *The intent of sections 26 and 27 of this act is to create a positive and safe learning environment for the children of Florida and to keep disruptive children from affecting the ability of public school students to learn.*

Section 26. Subsection (5) of section 39.045, Florida Statutes, 1996 Supplement, is amended to read:

39.045 Oaths; records; confidential information.—

(5) Except as provided in subsections (3), (8), (9), and (10), and s. 943.053, all information obtained under this part in the discharge of official duty by any judge, any employee of the court, any authorized agent of the Department of Juvenile Justice, the Parole Commission, the Juvenile Justice Advisory Board, the Department of Corrections, the district juvenile justice boards, any law enforcement agent, or any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile is confidential and may be disclosed only to the authorized personnel of the court, the Department of Juvenile Justice and its designees, the Department of Corrections, the Parole Commission, the Juvenile Justice Advisory Board, law enforcement agents, school superintendents and their designees, any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile, and others entitled under this part to receive that information, or upon order of the court. Within each county, the sheriff, the chiefs of police, the district school superintendent, and the department shall enter into an interagency agreement for the purpose of sharing information about juvenile offenders among all parties. The agreement must specify the conditions under which summary criminal history information is to be made available to appropriate school personnel, and the conditions under which school records are to be made available to appropriate department personnel. *Such agreement shall require notification to any classroom teacher of assignment to the teacher's classroom of a juvenile who has been placed in a community control or commitment program for a felony offense.* The agencies entering into such agreement must comply with s. 943.0525, and must maintain the confidentiality of information that is otherwise exempt from s. 119.07(1), as provided by law.

Section 27. Subsection (9) of section 948.03, Florida Statutes, 1996 Supplement, is amended to read:

948.03 Terms and conditions of probation or community control.—

(9)*(a)* As a condition of community control, probation, or probation following incarceration, require an offender who has not obtained a high school diploma or high school equivalency diploma or who lacks basic or functional literacy skills, upon acceptance by an adult education program, to make a good faith effort toward completion of such basic or functional literacy skills or high school equivalency diploma, as defined in *s.* ~~ss. 228.0713 and~~ 229.814, in accordance with the assessed adult general education needs of the individual offender. The court shall not revoke community control, probation, or probation following incarceration because of the offender's inability to achieve such skills or diploma but may revoke community control, probation, or probation following incarceration if the offender fails to make a good faith effort to achieve such skills or diploma. The court may grant early termination of community control, probation, or probation following incarceration upon the offender's successful completion of the approved program. As used in this subsection, "good faith effort" means the offender is enrolled in a program of instruction and is attending and making satisfactory progress toward completion of the requirements.

(b) A juvenile on community control who is a public school student must attend a public adult education program or a dropout prevention program, pursuant to s. 230.2316, which includes a second chance school or an alternative to expulsion, if the school district where the juvenile is

enrolled offers such programs, unless the principal of the school determines that special circumstances warrant continuation in the regular educational school program.

(c) If a juvenile on community control attends a

(Renumber subsequent sections.)

And the title is amended as follows:

On page 37, line 1 through page 41, line 14, of the amendment remove all of said lines and insert in lieu thereof: An act relating to student discipline and school safety; amending s. 232.09, F.S.; revising provisions relating to student attendance responsibility and policy; creating s. 232.0205, F.S.; requiring certain disclosure at school registration and providing penalties for willful nondisclosure; amending s. 232.01, F.S.; revising compulsory school attendance requirements to require children over age 16 to file a formal declaration of intent to terminate school enrollment in order to be exempt from compulsory school attendance requirements; amending s. 39.01, F.S.; revising provisions regarding habitual truancy; amending s. 228.041, F.S.; revising the definitions of the terms "habitual truant" and "dropout"; amending s. 232.2462, F.S.; conforming provisions; amending s. 414.125, F.S.; providing Learnfare program requirements; amending s. 232.17, F.S.; revising procedures relating to enforcement of school attendance; amending s. 232.19, F.S.; revising penalties and court procedures relating to habitual truancy; requiring each public school principal to notify the district school board of students who accumulate a specified number of unexcused absences; authorizing the governing body of a private school to provide such information to the Department of Education; requiring that the Department of Highway Safety and Motor Vehicles withhold issuance of or suspend the driver's license or learner's driver's license of a student who fails to satisfy school attendance requirements; requiring the Department of Juvenile Justice, the Department of Children and Family Services, and the school districts to develop cooperative agreements for working with habitual truants and their families; providing for court-ordered parent training classes and providing penalties for termination of an employee required to attend such classes, under certain circumstances; authorizing the court to impose civil penalties on, or require participation in community service or counseling by, the child; amending s. 232.195, F.S., relating to truancy activities upon transfer of student, to conform; creating s. 232.197, F.S.; requiring notification to a school of court action directly involving the school; amending s. 232.2452, F.S.; revising requirements relating to student report cards; amending s. 232.25, F.S., relating to pupils subject to control of school; providing for a school child's daily conduct pledge; amending s. 322.05, F.S., relating to the issuance of driver's licenses; conforming provisions to changes made by the act; amending s. 322.09, F.S.; prohibiting the Department of Highway Safety and Motor Vehicles from issuing a driver's license or restricted license to a person under a specified age who does not meet requirements for school attendance and is not otherwise exempt from such requirements; creating s. 322.091, F.S.; providing that a minor is not eligible for driving privileges unless the minor is enrolled in school or a home education program, has received a high school diploma or certificate, is enrolled in certain other educational activities, or obtains a certificate of exemption or hardship waiver; requiring the Department of Highway Safety and Motor Vehicles to notify a minor before the department suspends the minor's driving privileges because of noncompliance with school attendance requirements; providing for a hardship waiver; providing for a hearing before the public school principal or the designee of the governing body of a private school; providing for the department to reinstate a minor's driving privileges following compliance with school attendance requirements for a specified period; requiring the department to report to school districts on students whose driving privileges are suspended; amending s. 39.015, F.S., relating to rulemaking regarding habitual truants, to conform to the act; creating s. 230.235, F.S.; requiring school districts to adopt a policy of zero tolerance for crime, including criminal substance abuse violations; amending s. 232.277, F.S.; requiring reporting and notification of student substance abuse; amending s. 790.115, F.S.; expanding offenses that are punishable as possessing or discharging weapons or firearms on school property and providing a qualifier to an exception from such offense; amending s. 230.23015, F.S.; clarifying provisions relating to students who commit assault or battery on school personnel; repealing s. 322.0601, F.S., relating to driver's licenses for minors; creating s. 232.433, F.S.; requiring that the Florida High School Activities Association or successor organization adopt statewide uniform safety standards for student cheerleaders; amending s. 228.057, F.S.; requiring school districts with a controlled open enrollment program to afford preferred access to the program to parents of students in multiple session schools; providing intent; amending s. 39.045, F.S., relating to confidential information about juvenile offenders, to provide for disclosure to teachers; amending s. 948.03, F.S.; requiring a juvenile in a community control program to attend a public adult education program or dropout prevention program if available unless an exception is made by the principal; requiring disclosure of certain information if a juvenile attends a regular educational school program; providing effective dates.

WHEREAS, the primary focus of the 1997 Legislature is education, and

WHEREAS, in the first month of the 1997 session, the Legislature has passed two major components of its education agenda, the first of which raises student academic standards across the board and the second of which provides for better-educated and better-prepared teachers, and

WHEREAS, a third major component of the 1997 legislative education agenda is student discipline and school safety, and

WHEREAS, it is the intent of the Legislature to raise the standards of student discipline and school safety as dramatically as it has raised student academic and teacher certification standards, NOW, THEREFORE,

House Amendment 2 (with title amendment) to Senate Amendment 1—On page 36, between lines 21 and 22, of the amendment insert:

Section 27. Paragraph (e) of subsection (3), paragraph (e) of subsection (4) and subsection (10) of section 230.2316, Florida Statutes, 1996 Supplement, are amended to read:

230.2316 Dropout prevention.—

(3) DEFINITIONS.—As used in this section, the term:

(e) "Second chance schools" means school district programs provided through cooperative agreements between the Department of Juvenile Justice, private providers, state or local law enforcement agencies, or other state agencies for students deemed habitual truants as defined in s. 228.041(28), or for students who have been disruptive or violent or who have committed serious offenses. As partnership programs, second chance schools are eligible for waivers from the Commissioner of Education to chapters 230-235 and 239 and State Board of Education rules that prevent the provision of appropriate educational services to violent, severely disruptive, and delinquent students in small nontraditional settings and in court-adjudicated settings. *Second chance schools may include residential academies that are established according to the following criteria:*

1. Residential academies may be established and operated by school districts or through a joint agreement with a private entity, or a state or local public agency, for the purpose of providing a supportive and safe learning and living environment for high-risk students. Residential academies may provide educational services or use the services of other public schools in the school district. Residential academies are to be established for the purpose of assisting youth in being successful in school and preparing for postsecondary education or training.

2. Educational services provided by residential academies may be funded through the at-risk category of the Florida Education Finance Program as provided in s. 236.081. All residential care services may be provided through annual appropriations by the Legislature to the Department of Juvenile Justice.

3. For each student participating in a residential academy, a contract detailing the authority, care, treatment, and education goals must be executed between the parent and the sponsoring agency. If the academy is operated by an agency other than the school district, the school district must approve the contract form.

4. Funding for the leasing, lease purchase, renovation, or construction of facilities may be provided through legislative appropriation.

(4) STUDENT ELIGIBILITY AND PROGRAM CRITERIA.—All programs funded pursuant to the provisions of this section shall be positive and shall reflect strong parental and community involvement. In addition, specific programs shall meet the following criteria:

(e) Second chance schools.—

1. A student enrolled in a sixth, seventh, eighth, ninth, or tenth grade class may be assigned to a second chance school if the student meets the following criteria:

a. The student is a habitual truant as defined in s. 228.041(28).

b. The student's excessive absences have detrimentally affected the student's academic progress and the student may have unique needs that a traditional school setting may not meet.

c. The student's high incidences of truancy have been directly linked to a lack of motivation.

d. The student has been identified as at risk of dropping out of school.

2. A student who is habitually truant may be assigned to a second chance school only if the case staffing committee, established pursuant to s. 39.426, determines that such placement could be beneficial to the student and the criteria included in subparagraph 1. are met.

3. A student shall be assigned to a second chance school if the school district in which the student resides has a second chance school and if the student meets one of the following criteria:

a. The student habitually exhibits disruptive behavior in violation of the code of student conduct adopted by the school board.

b. The student interferes with the student's own learning or the educational process of others and requires attention and assistance beyond that which the traditional program can provide, or, while the student is under the jurisdiction of the school either in or out of the classroom, frequent conflicts of a disruptive nature occur.

c. The student has committed a serious offense which warrants suspension or expulsion from school according to the district code of student conduct. For the purposes of this program, "serious offense" is behavior which:

(I) Threatens the general welfare of students or others with whom the student comes into contact;

(II) Includes violence;

(III) Includes possession of weapons or drugs; or

(IV) Is harassment or verbal abuse of school personnel or other students.

4. Children eligible for participation in residential academies shall be children in grades 6 through 8 who are: in a school dropout prevention program; children in need of services, pursuant to s. 39.01(12); dependent children, pursuant to s. 39.01(14); or children within a family in need of services, pursuant to s. 39.01(30). Children eligible for participation in residential academies shall not have been adjudicated or had adjudication withheld for a delinquent act. Participation in a residential academy is voluntary and upon request of the student's parent or guardian. The local school board and the Department of Juvenile Justice shall establish a case staffing committee to consider and approve applications for placement in a residential academy. Such placement may be for the purpose of preventing the student from failing, dropping out of school, or becoming further involved in juvenile delinquency and crime.

5.~~4.~~ Prior to assignment of students to second chance schools, school boards are encouraged to use alternative programs, such as in-school suspension, which provide instruction and counseling leading to improved student behavior, a reduction in the incidence of truancy, and the development of more effective interpersonal skills.

6.~~5.~~ Students assigned to second chance schools must be evaluated by the school's local child study team before placement in a second chance school. The study team shall ensure that students are not eligible for placement in a program for emotionally disturbed children.

7.~~6.~~ Students who exhibit academic and social progress and who wish to return to a traditional school shall be evaluated by school district personnel prior to reentering a traditional school.

8.~~7.~~ Second chance schools shall be funded at the dropout prevention program weight pursuant to s. 236.081 and may receive school safety funds or other funds as appropriate.

(10) RULES.—The Department of Education *may* ~~shall have the authority to~~ adopt any rules necessary to implement the provisions of this section; such rules shall require the minimum amount of paperwork and reporting necessary *for compliance* ~~to comply with this act~~. ~~By January 1, 1995, current rules regarding this section shall be revised.~~

(Renumber subsequent sections.)

And the title is amended as follows:

On page 40, line 30, of the amendment after the semicolon (;) insert: amending s. 230.2316, F.S., relating to dropout prevention; providing that second chance schools may include residential academies; providing criteria for establishment, operation, and funding of residential academies; providing criteria for participation;

House Amendment 3 (with title amendment) to Senate Amendment 1—On page 36, between lines 21 and 22, insert:

Section 27. Section 39.085, Florida Statutes, is amended to read:

39.085 Alternative Education Institute.—

(1) *The Alternative Education Institute* ~~Effective upon this act becoming a law, there~~ is established*, housed for administrative purposes* within the Department of Education. *The purpose of* the Alternative Education Institute *is to acquire and administer* ~~which may immediately contract with a private provider for alternative education programs in~~ residential school facilities~~. The programs shall be~~ funded with PECO funds *in which alternative education programs are conducted for children in grades 6 through 8 who are: in a school dropout prevention program; children in need of services, pursuant to s. 39.01(12); dependent children, pursuant to s. 39.01(14); or children within a family in need of services, pursuant to s. 39.01(30). Children eligible for participation shall not have been adjudicated or had adjudication withheld for a delinquent act* ~~and shall serve juvenile offenders who have been prosecuted as adults or who have been committed to a high-risk residential program or a maximum-risk residential program of the Department of Juvenile Justice~~.

(2) The institute shall be a not-for-profit corporation *consisting of a 13-member board* acting as an instrumentality of the state. *The institute* ~~and~~ may receive, hold, invest, and administer property and any moneys or donated lands or facilities received from private, state, and federal sources, as well as technical and professional income generated or derived from *education* practice activities of the institute, for the benefit of the institute and the fulfillment of its *educational* mission. ~~The affairs of the corporation shall be managed by a board of directors who shall serve without compensation.~~

(3)(a)~~(2)~~ The *institute's board members shall be appointed as follows:* ~~institute shall be a 13-member board, with~~ 7 members appointed by the Governor, 3 members appointed by the President of the Senate, and 3 members appointed by the Speaker of the House of Representatives. *Each member shall be appointed to a term of 3 years, and may be reappointed to the board. Appointees to the board shall not be persons who hold other offices.* ~~All members must be appointed no later than June 1, 1994. The board shall select a chair from among its members.~~

(b) The board members shall comply with part III of chapter 112. The members of the board shall serve without compensation, but may receive reimbursement for per diem and travel as provided in s. 112.061.

(c)~~(3)~~ *The board shall select a chair from among its members.* Each member shall have only one vote~~, shall be appointed to a term of 3 years, and may be reappointed to the board~~. *Any member who misses three consecutive meetings of the board without being excused by the chair is automatically removed from the board, and such vacancy shall be filled by the appointing authority for the vacant position within 45 days after the date on which the vacancy occurs.*

(4) In order to carry out the mission established in subsection (1), the institute is responsible for:

(a) Developing the education facilities fixed capital outlay and operational plans.

(b) Assuring compliance on all siting and contracting issues relating to the construction, *including repair and renovation,* ~~and operation~~ of *residential school facilities for alternative* education programs.

(c) *Obtaining* ~~Preparing~~ an annual *audit* ~~postaudit~~ of the *institute's* ~~not-for-profit corporation's~~ financial accounts and the financial accounts of any of *the residential alternative education program providers* ~~its for-profit or not-for-profit subsidiaries~~, to be *performed* ~~conducted~~ by an independent certified public accountant. The annual audit report must include *a* management *letter* ~~letters~~ and shall be submitted to the Auditor General for review. The board and the Auditor General may require and receive from the *residential alternative education program providers* ~~not-for-profit corporation and any subsidiaries~~, or from their independent auditor, any detail or supplemental data relative to the operation of the *institute* ~~not-for-profit corporation~~ or *the residential alternative education program providers* ~~its subsidiary~~.

(d) Providing by the *institute* ~~not-for-profit corporation~~ and *the residential alternative education program providers* ~~its for-profit or not-for-profit subsidiaries~~ of equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin.

(e) *Safeguarding the integrity of PECO funds for* ~~Establishing~~ programs *that* ~~which~~ fulfill the education mission of the institute.

(f) *Safeguarding the integrity of PECO funds for* ~~Establishing~~ programs that fulfill the alternative education mission of the institute.

(g) Controlling the budget and the dollars appropriated or donated to the institute from private, state, and federal sources.

(h) Appointing members to carry out the educational activities of the institute and determine compensation, benefits, and terms of service.

(i) Controlling the use and assignment of space and equipment within the residential school facilities.

(j) Creating the administrative structure necessary to carry out the mission of the institute.

(k) Reporting to the *Department of Education, the Department of Juvenile Justice, and the* Legislature.

(l) Providing a copy of the institute's annual report to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives by December 15 of each year.

(5) If the *contract of a residential alternative education program provider* ~~agreement between the not-for-profit corporation and the institute~~ is terminated for any reason, the institute shall assume governance ~~and operation~~ of the residential school *facility* ~~facilities~~.

~~(6) In carrying out the provisions of this section, the not-for-profit corporation and its for-profit or not-for-profit subsidiaries are not "agencies" within the meaning of s. 20.03(11).~~

(6) The institute shall enter into an interagency cooperation and information-sharing agreement with the Department of Juvenile Justice and the Department of Education to ensure coordination of services to students in residential education programs and a cooperative working relationship between the institute and those departments.

(7) The institute shall provide full cooperation to the Department of Juvenile Justice to ensure that residential alternative education programs operating in institute school facilities cooperate fully with the department's inspector general and with the department's quality assurance requirements.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 40, line 30 of the amendment, after the semicolon (;) insert: amending s. 39.085, F.S.; revising provisions relating to the Alternative Education Institute, to convert its mission and procedures and clarify its membership and duties;

On motion by Senator Turner, the Senate concurred in **House Amendment 1 to Senate Amendment 1** and refused to concur in **House Amendment 2 to Senate Amendment 1** and **House Amendment 3 to Senate Amendment 1** and the House was requested to recede.

CS for HB's 1309, 1143, 847, 697, 1391 and 203 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, and concurred in same as amended, and passed HB 2121 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

HB 2121—A bill to be entitled An act relating to educational facilities and funding; providing for a review over a 4-year period of the Florida Statutes that govern agency operations; requiring the Commissioner of Education to review rules relating to school facilities and recommend revision or repeal; authorizing the commissioner to recommend revision or repeal of statutes; establishing the School Infrastructure Thrift Program within the Department of Education; requiring the Department of Education to seek elimination or revision of certain laws, rules, and regulations; providing program purposes; providing for annual funding; providing that appropriations shall not revert; providing intent for continued program funding; authorizing school district participation in the program and providing requirements; requiring review of data and proposals and recommendation for awards; providing for awards and restricting the use thereof; providing penalties for noncompliance; creating s. 235.216, F.S.; providing for maximum square foot cost of educational facilities; providing frugal construction incentives; amending s. 236.25, F.S., relating to district school tax; limiting the use of nonvoted discretionary capital outlay millage proceeds; providing a penalty for violations of the expenditure restrictions; authorizing a waiver of the expenditure restrictions; amending s. 235.435, F.S., relating to funds for comprehensive educational plant needs; revising requirements and providing additional criteria for funding from the Special Facility Construction Account; amending s. 235.014, F.S.; revising functions of the Department of Education; amending s. 235.15, F.S.; requiring uniformity in surveys of educational facilities; providing additional survey requirements; requiring validation of use of standardized measures by the Department of Education; amending s. 236.083, F.S.; providing for a guaranteed allocation from student transportation funding for new schools meeting certain requirements; providing for calculation; authorizing transfer of such amount to the district capital improvement account for construction, financing, or lease-purchase of new schools; requiring the Department of Education to recommend certain incentives; authorizing the adoption of rules; providing an effective date.

House Amendment 3 to Senate Amendment 1—On page 21, line 9 through page 23, line 2, remove from the amendment all of said lines and insert in lieu thereof: *construction, renovation, remodeling, repair, and maintenance of educational facilities that provide space for the instruction of students; for the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to the delivery of student instruction in such facilities; and for the purchase, lease-purchase, or lease of school buses.*

(a) In fiscal year 1997-1998, a district school board may spend for purposes other than the construction, renovation, remodeling, repair, and maintenance of educational facilities that provide space for the instruction of students; the purchase, lease, or lease-purchase of equipment,

buildings, and materials directly related to instruction in such facilities; and the purchase, lease-purchase, or lease of school buses, no more than 85 percent of the amount that was spent for those purposes in fiscal year 1995-1996, which shall be the base year, from the proceeds of the millage levied under subsection (2).

(b) In fiscal year 1998-1999, a district school board may spend for purposes other than the construction, renovation, remodeling, repair, and maintenance of educational facilities that provide space for the instruction of students; the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to instruction in such facilities; and the purchase, lease-purchase, or lease of school buses, no more than 70 percent of the amount that was spent for those purposes in the base year.

(c) In fiscal year 1999-2000, a district school board may spend for purposes other than the construction, renovation, remodeling, repair, and maintenance of educational facilities that provide space for the instruction of students; the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to instruction in such facilities; and the purchase, lease-purchase, or lease of school buses, no more than 55 percent of the amount that was spent for those purposes in the base year.

(d) In fiscal year 2000-2001, a district school board may spend for purposes other than the construction, renovation, remodeling, repair, and maintenance of educational facilities that provide space for the instruction of students; the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to instruction in such facilities; and the purchase, lease-purchase, or lease of school buses, no more than 40 percent of the amount that was spent for those purposes in the base year.

(e) In fiscal year 2001-2002, a district school board may spend for purposes other than the construction, renovation, remodeling, repair, and maintenance of educational facilities that provide space for the instruction of students; the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to instruction in such facilities; and the purchase, lease-purchase, or lease of school buses, no more than 25 percent of the amount spent for those purposes in the base year.

(f) In fiscal year 2002-2003, a district school board may spend for purposes other than the construction, renovation, remodeling, repair, and maintenance of educational facilities that provide space for the instruction of students; the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to instruction in such facilities; and the purchase, lease-purchase, or lease of school buses, no more than 10 percent of the amount spent for those purposes in the base year.

(g) Beginning July 1, 2004, revenue generated by the millage levy authorized by subsection (2) must be used only for the construction, renovation, remodeling, repair, and maintenance of educational facilities that provide space for the instruction of students; for the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to the delivery of student instruction in such facilities; and for the purchase, lease-purchase, or lease of school buses.

Senator Horne moved the following amendment which was adopted:

Senate Amendment 1 to House Amendment 3 to Senate Amendment 1—On page 1, lines 20 and 29; on page 2, lines 9, 18, and 27; and on page 3, lines 5, 14, 23 and 24, delete "*repair, and maintenance*" and insert: *and repair*

On motion by Senator Horne, the Senate concurred in **House Amendment 3 to Senate Amendment 1** as amended and requested the House to concur in **Senate Amendment 1 to House Amendment 3 to Senate Amendment 1**. **HB 2121** passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Madam President	Casas	Diaz-Balart	Holzendorf
Bankhead	Childers	Dudley	Horne
Bronson	Clary	Dyer	Jenne
Brown-Waite	Cowin	Grant	Jones
Burt	Crist	Hargrett	Kirkpatrick
Campbell	Dantzler	Harris	Kurth
Latvala	Myers	Scott	Thomas
Lee	Ostalkiewicz	Silver	Turner
Meadows	Rossin	Sullivan	Williams

Nays—2

Forman	Klein

Vote after roll call:

Yea—Gutman, McKay

SPECIAL ORDER CALENDAR, continued

On motion by Senator Sullivan, by unanimous consent—

HB 1835—A bill to be entitled An act relating to general government; amending s. 372.672, F.S.; clarifying uses of funds in the Florida Panther Research and Management Trust Fund; amending s. 259.101, F.S., relating to the Florida Preservation 2000 Act; providing funds for the purchase of lands necessary to restore Lake Apopka; amending s. 376.11, F.S.; clarifying uses of funds in the Florida Coastal Protection Trust Fund; amending s. 206.606, F.S.; providing for transfer of certain funds each fiscal year to the water management districts for aquatic plant management; amending ss. 369.20, 369.22, 369.25, 369.251, and 369.252, F.S.; transferring authority for aquatic plant control from the Department of Environmental Protection to the water management districts; amending ss. 403.813, 581.145, and 597.004, F.S., to conform; amending s. 253.783, F.S.; eliminating a provision prohibiting use of general revenue funds to repay interest owed to counties of the Cross Florida Barge Canal Navigation District; amending s. 61.1812, F.S.; revising funding and uses of the Child Support Incentive Trust Fund; repealing part III of chapter 585, F.S., relating to animal and animal product inspection and labeling; repealing s. 205.1951, F.S., relating to prerequisites to issuing a local occupational license, to conform; amending ss. 570.50 and 570.51, F.S., relating to duties of the Division of Food Safety, to conform; repealing ss. 828.22-828.26, F.S., relating to humane slaughter requirements; amending ss. 877.05 and 877.06, F.S., relating to criminal prohibitions applicable to certain slaughtering, to conform; amending s. 215.3206, F.S.; prohibiting encumbrance of funds in a terminated trust fund; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Sullivan moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (2) of section 372.672, Florida Statutes, is amended to read:

372.672 Florida Panther Research and Management Trust Fund.—

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

(a) To manage and protect existing Florida panther populations by increasing panther food sources where food is a limiting factor, determining conflicts between public use and panther survival, ~~and~~ maintaining sufficient genetic variability in existing populations, *and undertaking management and enforcement activities that protect panther habitat.*

Section 2. Paragraph (j) is added to subsection (4) of section 376.11, Florida Statutes, 1996 Supplement, to read:

376.11 Florida Coastal Protection Trust Fund.—

(4) Moneys in the Florida Coastal Protection Trust Fund shall be disbursed for the following purposes and no others:

(j) Funding for marine law enforcement.

Section 3. Paragraph (e) of subsection (2) of section 253.783, Florida Statutes, is amended to read:

253.783 Additional powers and duties of the department; disposition of surplus lands; payments to counties.—

(2) It is declared to be in the public interest that the department shall do and is hereby authorized to do any and all things and incur and

pay from the Cross Florida Barge Canal Trust Fund, for the public purposes described herein, any and all expenses necessary, convenient, and proper to:

(e) Refund to the counties of the Cross Florida Canal Navigation District moneys pursuant to this paragraph from the funds remaining in the Cross Florida Barge Canal Trust Fund from the funds derived from the conveyance of lands of the project to the Federal Government or any agency thereof, pursuant to s. 253.781, and from the sales of surplus lands pursuant to this section. Following federal deauthorization of the project, such refunds shall consist of the $9,340,720 principal in ad valorem taxes contributed by the counties and the interest which had accrued on that amount from the time of payment to June 30, 1985. In no event shall the counties be paid less than the aggregate sum of $32 million in cash or the appraised values of the surplus lands. Such refunds shall be in proportion to the ad valorem tax share paid to the Cross Florida Canal Navigation District by the respective counties. Should the remaining funds in the Cross Florida Barge Canal Trust Fund and the funds derived from the conveyance of lands of the project to the Federal Government for payment or from the sale of surplus land be inadequate to pay the total of the principal plus interest, first priority shall be given to repaying the principal and second priority shall be given to repaying the interest. Interest to be refunded to the counties shall be compounded annually at the following rates: 1937-1950, 4 percent; 1951-1960, 5 percent; 1961-1970, 6 percent; 1971-1975, 7 percent; 1976-June 30, 1985, 8 percent. In computing interest, amounts already repaid to the counties shall not be subject to further assessments of interest. Any partial repayments provided to the counties under this act shall be considered as contributing to the total repayment owed to the counties. Should the funds generated by conveyance to the Federal Government and sales of surplus lands be more than sufficient to repay said counties in accordance with this section, such excess funds may be used for the maintenance of the greenways corridor. ~~In no case shall general revenue funds be used to repay interest owed to the counties.~~

Section 4. Subsection (1) of section 61.1812, Florida Statutes, is amended to read:

61.1812 Child Support Incentive Trust Fund.—

(1) The Child Support Incentive Trust Fund is hereby created, to be administered by the Department of Revenue. All child support enforcement incentive earnings *and that portion of the state share of Title IV-A public assistance collections recovered in fiscal year 1996-1997 by the Title IV-D program of the department which is in excess of the amount estimated by the February 1997 Social Services Estimating Conference to be recovered in fiscal year 1996-1997* shall be credited to the trust fund, and no other receipts, except interest earnings, shall be credited thereto. *For fiscal years beginning with 1997-1998, in addition to incentive earnings and interest earnings, that portion of the state share of Title IV-A public assistance collections recovered in each fiscal year by the Title IV-D program of the department which is in excess of the amount estimated by the February 1997 Social Services Estimating Conference to be recovered in fiscal year 1997-1998 shall be credited to the trust fund.* The purpose of the trust fund is to account for federal incentive payments to the state for child support enforcement *and to support the activities of the child support enforcement program under Title IV-D of the Social Security Act*. The department shall invest the money in the trust fund pursuant to ss. 215.44-215.52, and retain all interest earnings in the trust fund. *The department shall separately account for receipts credited to the trust fund. When all general revenue appropriations for the Child Support Enforcement Program have been shifted to the trust fund, then annually thereafter, on June 30, if revenues deposited into the trust fund, including federal child support incentive earnings, have exceeded state expenditures for the child support enforcement program administered by the department for the prior 12-month period, the revenues in excess of cash flow needs are transferred to the General Revenue Fund.*

Section 5. Subsection (2) of section 215.3206, Florida Statutes, is amended to read:

215.3206 Trust funds; termination or re-creation.—

(2) If the trust fund is terminated and not immediately re-created, all cash balances and income of the trust fund shall be deposited into the General Revenue Fund. The agency or Chief Justice shall pay any outstanding debts of the trust fund as soon as practicable, and the Comptroller shall close out and remove the trust fund from the various state accounting systems, using generally accepted accounting practices concerning warrants outstanding, assets, and liabilities. *No appropriation or budget amendment shall be construed to authorize any encumbrance of funds from a trust fund after the date on which the trust fund is terminated or is judicially determined to be invalid.*

Section 6. *The Department of Environmental Protection is authorized to loan the South Florida Water Management District up to $23.9 million from the Water Management Lands Trust Fund, contingent on execution of an agreement among the Department of Environmental Protection, the South Florida Water Management District, and the United States Army Corps of Engineers. These funds shall be used by the district for the Everglades Construction Project; however, none of these funds shall be expended on STA-1-E. The South Florida Water Management District will pursue receiving federal funds by the end of FY 1999 for the purpose of reimbursing the Water Management Lands Trust Fund. If this deadline is not met, the district would be required to repay half of any outstanding balance by December 31, 1999, with the remaining amount to be paid by December 31, 2002.*

Section 7. *Notwithstanding the proviso language following Specific Appropriation 1499B of the 1997-1998 General Appropriations Act, funds provided in that specific appropriation shall be expended according to the following guidelines:*

(1) The Department of State shall provide grants to community-based organizations, school districts, and local governments to provide outreach and assistance to legally immigrated permanent residents seeking citizenship or an exemption thereto.

(2) The program shall be designed to provide services to legal immigrants, 65 years of age or older, who are residents of this state and who under the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 have become ineligible for federal benefits.

(3) No community-based organization shall be reimbursed for any costs that exceed $10 per case (except those application fees required by the U.S. Immigration and Naturalization Service to process such applications). No community-based organization or local governmental entity shall receive more than $250,000 from the Department of State under this program, except any school district offering citizenship educational classes to legal immigrants.

(4) Specific Appropriation 1499B includes funds for reimbursing any county for auditable and documented direct cash expenditures incurred prior to May 2, 1997, while implementing the Immigration Reform Project. A maximum of $500,000 is appropriated in Specific Appropriation 1499B for this purpose. If auditable and documented direct cash expenditures for all counties exceed $500,000, these funds shall be reimbursed to the counties on a prorated basis.

Section 8. Subsection (2) of section 216.292, Florida Statutes, 1996 Supplement, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(2) A lump sum appropriated for a performance-based program must be distributed by the Governor for state agencies or the Chief Justice for the judicial branch into the traditional expenditure categories in accordance with s. 216.181(4)(b). At any time during the year, the agency head or Chief Justice may transfer funds between those categories with no limit on the amount of the transfer. ~~However, no transfer from any other budget entity may be made into the performance-based program, nor may any funds be transferred from the performance-based program to another budget entity, except pursuant to s. 216.177.~~ Authorized revisions of the original approved operating budget, together with related changes, if any, must be transmitted by the state agency or by the judicial branch to the Comptroller for entry in his or her records in the manner and format prescribed by the Executive Office of the Governor in consultation with the Comptroller. A copy of such revisions shall be furnished, within 7 working days, to the Executive Office of the Governor or the Chief Justice, the chairs of the legislative appropriations committees, the Office of Program Policy Analysis and Government Accountability, and the Auditor General. Such authorized revisions shall be consistent with the intent of the approved operating budget, shall be consistent with legislative policy and intent, and shall not conflict with specific spending policies specified in the General Appropriations Act. Additionally, subsection (3) shall not apply to programs operating under program-performance based budgets.

Section 9. *The Executive Office of the Governor is authorized to increase the 1997-1998 Approved Operating Budget of the Department of Highway Safety and Motor Vehicles $1,500,000 from the Highway Safety Operating Trust Fund, effective July 1, 1997, to continue the implementation of the Uniform Traffic Citation program.*

Section 10. *Notwithstanding the proviso language following Specific Appropriation 1499A of the 1997-1998 General Appropriations Act, funds are provided to establish and implement a Legal Immigrant's Temporary Income Bridge Program. The program shall be administered by the Department of Children and Family Services. The program will provide temporary income assistance to legal immigrants who will lose their benefits while they are awaiting completion of the citizenship process; or an exemption thereto. All relevant state agencies are instructed to cooperate with the Department of Children and Family Services to implement this program.*

(1) The program shall be designed to provide temporary income assistance to legal immigrants, 65 years of age or older, who were residents of the State of Florida prior to February 1, 1997; who, after August 1, 1997, under the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, have become ineligible for federal benefits, specifically Supplemental Security Income (SSI) and/or food stamp benefits; who will be screened to verify that there exists no other sustainable means of support or assistance to make up for these lost benefits; and who can demonstrate that they are engaged in the process of becoming United States citizens or are seeking an exemption thereto. The total amount of temporary income assistance provided to an individual shall not exceed the Supplemental Security Income (SSI) and/or food stamps benefits for which they have become ineligible. The department shall give priority to dually eligible persons, disabled persons, and persons who as a direct result of losing their federal benefits may lose their housing, including long-term-care facilities.

(2) The Department of Children and Family Services' total administrative charges for this program shall not exceed 1 percent of the funds provided. Total administrative charges for contracted service providers for this program shall not exceed 3 percent of the funds provided in each service contract.

(3) If the United States Congress acts to extend the implementation date of portions of the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 which apply to noncitizens in order to allow states to prepare for said Act, no funds provided in this specific appropriation will be expended.

Section 11. This act shall take effect July 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to general government; amending s. 372.672, F.S.; clarifying uses of funds in the Florida Panther Research and Management Trust Fund; amending s. 376.11, F.S.; clarifying uses of funds in the Florida Coastal Protection Trust Fund; amending s. 253.783, F.S.; eliminating a provision prohibiting use of general revenue funds to repay interest owed to counties of the Cross Florida Barge Canal Navigation District; amending s. 61.1812, F.S.; revising funding and uses of the Child Support Incentive Trust Fund; amending s. 215.3206, F.S.; prohibiting encumbrance of funds in a terminated trust fund; authorizing the Department of Environmental Protection to loan the South Florida Water Management District a specified amount from the Water Management Lands Trust Fund upon certain conditions; providing guidelines for expenditure of citizenship outreach grant program funds; included in the Governor's recommended budget; amending s. 216.292, F.S.; repealing a limitation on transfer of moneys to or from performance-based programs; authorizing funds for the Uniform Traffic Citation Program; providing funds for a Legal Immigrant's Temporary Income Bridge Program, to be administered by the Department of Children and Family Services; providing for eligibility, restrictions, and priorities; providing guidelines for administrative charges; providing conditions under which the funds shall not be expended; providing an effective date.

On motion by Senator Sullivan, by two-thirds vote **HB 1835** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Dantzler	Jenne	Rossin
Bronson	Diaz-Balart	Jones	Scott
Brown-Waite	Dudley	Kirkpatrick	Silver
Burt	Dyer	Klein	Sullivan
Campbell	Forman	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Gutman

On motion by Senator Sullivan, by unanimous consent—

HB 1837—A bill to be entitled An act relating to health and human services; amending s. 945.602, F.S.; providing for assignment of the State of Florida Correctional Medical Authority to the Department of Health for administrative purposes; transferring to the department powers and duties of the State of Florida Correctional Medical Authority; transferring the Child Care Food Program from the Department of Education to the Department of Health and providing for hiring preferences; requiring the Department of Children and Family Services to develop individual transition plans for clients affected by the transition from Intermediate Care Facility for Developmentally Disabled funding to noninstitutional funding; requiring a report; requiring the Department of Children and Family Services to immediately notify the Legislature and develop a spending plan if judicial decisions are continued or rendered which the department feels will require expenditures in excess of the amount appropriated to Developmental Services; providing for future repeal; creating s. 409.9127, F.S.; requiring the Agency for Health Care Administration to develop and enforce standards to prohibit conflicts of interest among vendors selected to provide preauthorization and concurrent utilization review management services; authorizing the Department of Children and Family Services to certify local funds as state match for certain children's mental health services and for eligible Title IV-E services for certain children; requiring pass-through of funds to local jurisdictions; prohibiting reduction of certain general revenue funds; authorizing the Agency for Health Care Administration to apply for certain federal waivers if local funds are sufficient for state match; amending s. 945.6037, F.S.; increasing the inmate copayment; requiring the department to conduct a study and develop a plan to recover costs associated with over-the-counter and prescription medications; requiring a report to be submitted to the Legislature; requiring the Agency for Health Care Administration to apply for federal waivers or grants to expand services provided to the Florida Healthy Kids Corporation; amending s. 409.912, F.S.; authorizing the Agency for Health Care Administration to establish certain demonstration projects to test Medicaid direct contracting; amending s. 409.908, F.S.; requiring the Agency for Health Care Administration to implement a specified program related to payments for prescribed medicines; amending s. 409.906, F.S.; requiring the Agency for Health Care Administration to develop an enrollment process for community mental health providers; creating s. 409.9118, F.S.; providing a disproportionate share program for specialty hospitals; requiring the Department of Children and Family Services to privatize South Florida State Hospital and providing for hiring preferences; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Sullivan moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (1) and (2) and paragraphs (b) and (c) of subsection (7) of section 945.602, Florida Statutes, 1996 Supplement, are amended to read:

945.602 State of Florida Correctional Medical Authority; creation; members.—

(1) There is created ~~in the Department of Corrections~~ the State of Florida Correctional Medical Authority *which for administrative purposes shall be assigned to the Department of Health*. The governing board of the authority shall be composed of nine persons appointed by the Governor subject to confirmation by the Senate. One member must be a member of the Florida Hospital Association; one member must be a member of the Florida League of Hospitals; one member must be a member of the Association of *Community Hospitals and Health Systems of Florida* ~~Voluntary Hospitals~~; and one member must be a member of the Florida Medical Association. *The authority shall contract with the Department of Health for the provision of administrative support services, including purchasing, personnel, general services, and budgetary matters* ~~The Department of Corrections shall provide administrative support and service to the authority~~. The authority shall not be subject to control, supervision, or direction by the Department *of Health or the Department of Corrections*. The authority shall annually elect one member to serve as chairman. Members shall be appointed for terms of 4 years each. Each member is authorized to continue to serve upon the expiration of his term until his successor is duly appointed as provided in this section. Before entering upon his duties, each member of the authority shall take and subscribe to the oath or affirmation required by the State Constitution.

(2) A member of the authority may not be a current employee of the Department *of Corrections*. Not more than one member of the authority may be a former employee of the Department *of Corrections* and such member, if appointed, may not be appointed to a term of office which begins within 5 years after the date of his *or her* last employment *with* ~~by~~ the department.

(7)

(b) Neither the provisions of this section nor those of chapter 119, or of s. 154.207(7), shall apply to any health care provider under contract with the Department *of Corrections* except to the extent such provisions would apply to any similar *provider* ~~entity~~ not under contract with the department.

(c) Notwithstanding any general or special law, rule, regulation, or ordinance of any local agency to the contrary, service as a member of an authority by a trustee, director, officer, or employee of a health facility shall not in and of itself constitute a conflict of interest. However, any member of the authority who is employed by, or has received income from, a health facility under consideration by the authority or the Department *of Corrections* shall not vote on any matter related to such facility.

Section 2. *All powers, duties and functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the State of Florida Correctional Medical Authority, as established in s. 945.602, Florida Statutes, are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, from the Department of Corrections to the Department of Health.*

Section 3. *Effective October 1, 1997, through type two transfers, as defined in s. 20.06(2), Florida Statutes, the administration of the Federal Child Care Food Program is transferred from the Department of Education to the Department of Health. The administration of the Federal Adult Care Food Program is transferred from the Department of Education to the Department of Elderly Affairs. Current Department of Education personnel assigned to the Child Care and Adult Care Food Programs shall be given preference in hiring for comparable positions within the Department of Health and the Department of Elderly Affairs.*

Section 4. *Report required; department to notify Legislature and develop plan if judicial decisions result in spending requirements in excess of appropriations.—*

(1) The Department of Children and Family Services shall develop individual support plans for the approximately 2,176 persons directly affected by the transition from funding through the Intermediate Care Facility for Developmentally Disabled Program to noninstitutional funding. The individual plans shall provide for appropriate services to each affected individual in the most cost-effective manner possible. The department shall report the projected aggregate cost of providing services by fund source through the individual plans to the Office of Planning and Budgeting, the Senate Ways and Means Committee, and the House Health and Human Services Appropriations Committee by September 30, 1997. The aggregate costs reported shall be based on typical industry rates and shall not include special adjustments for property costs or other additional costs unique to any individual provider or type of provider. The department may, however, report any such costs separately. The report must further provide detailed information on department efforts to maximize Medicare and other funding available outside the Developmental Services Program and the use of generic community resources along with a calculation of the value of such resources. The report must also include a summary of the department's progress in recruiting alternative providers in the event that any current providers decide to discontinue services to clients or cannot provide quality services within the anticipated rate structure.

(2) If judicial decisions are continued or rendered that the Department of Children and Family Services feels will require spending in excess of the amounts budgeted for Developmental Services, the department shall immediately notify the Chairs of the Senate Ways and Means Committee, the House Fiscal Responsibility Council, and the House Health and Human Services Appropriations Committee. Within 1 week after providing notification pursuant to this subsection, the department shall submit a spending plan that addresses the projected deficit.

(3) This section is repealed July 1, 1999.

Section 5. Section 409.9127, Florida Statutes, is created to read:

409.9127 Preauthorization and concurrent utilization review; conflict-of-interest standards.—

(1) The Agency for Health Care Administration shall be solely responsible for developing and enforcing standards to prohibit financial and other conflicts of interest among vendors selected to provide preauthorization and concurrent utilization review management with direct-service organizations providing alcohol, substance abuse, mental health, or related services to clients who have services authorized through the preauthorization and concurrent utilization review management system established to achieve cost savings in the provision of alcohol, substance abuse, mental health, or related services. The agency may require the posting of a surety bond to guarantee that no financial or other conflicts of interest exist or will exist among vendors selected to provide preauthorization and concurrent utilization review management services.

(2) Vendors selected to conduct preauthorization or concurrent utilization review management, or both, may be peer-review organizations, qualified licensed clinical practitioners, or public or private organizations that demonstrate the ability to conduct such reviews according to criteria developed by the agency and that have no financial or other conflict of interest with any direct-service organization providing alcohol, substance abuse, mental health, or related services. Selection of vendors shall be accomplished through a competitive process.

Section 6. *In order to implement Specific Appropriations 330 and 334 through 352 of the 1997-1998 General Appropriations Act, the Department of Children and Family Services is authorized to certify local funds not to exceed $5 million as state match for children's mental health services funded by Medicaid in excess of the amount of state general revenue matching funds appropriated for such services through the 1997-1998 General Appropriations Act. The department is also authorized to certify local funds not to exceed $5 million as state match for eligible Title IV-E services for children under the supervision and custody of the state in excess of the amount of state general revenue matching funds appropriated for such services by the 1997-1998 General Appropriations Act in Specific Appropriations 334 through 352. Federal Medicaid or Title IV-E funds provided to the state as federal financial participation consequent to certified local matching funds shall automatically be passed through to the local jurisdiction that provided the certified local match. All of the provisions of this section are based upon federal approval of the provisions as specifically limited in this section and shall not become effective if any further modifications are required of the state. The Agency for Health Care Administration is authorized to apply for federal waivers to modify the state Medicaid plan to include optional Medicaid in-home and therapeutic services for Medicaid-eligible children if the state match for such services is provided by local funds certified by the department as state match. Such services shall be available only in communities that provide the certified match.*

Section 7. Paragraph (a) of subsection (1) of section 945.6037, Florida Statutes, is amended to read:

945.6037 Nonemergency health care; inmate copayments.—

(1)(a) Effective October 1, *1997* ~~1994~~, for each nonemergency visit by an inmate to a health care provider which visit is initiated by the inmate, the inmate must make a copayment of *$4* ~~not less than $1 or more than $5, as set by rule by the Department of Corrections~~. A copayment may not be charged for the required initial medical history and physical examination of the inmate.

Section 8. *The Department of Corrections, in conjunction with the Correctional Privatization Commission, shall study and develop a plan to recover costs associated with prescription and over-the-counter medications provided to inmates. As part of the study, the department shall consider instituting an inmate copayment for prescription medications and selling over-the-counter drugs through the inmate canteen. The Department of Corrections shall report its plan and findings to the President of the Senate and the Speaker of the House of Representatives by January 1, 1998.*

Section 9. *The Agency for Health Care Administration shall apply for a federal Medicaid waiver or for other federal grants to allow for the receipt of Medicaid matching funds or other federal funds to be used in conjunction with state, local, and private funds to expand the services provided by the Florida Healthy Kids Corporation. In the event that a Medicaid waiver is used, it shall be limited to 118,725 children and shall include a provision for a lifetime cap of 60 months for those children enrolled in the program after July 1, 1997.*

Section 10. Paragraph (c) is added to subsection (4) of section 409.912, Florida Statutes, 1996 Supplement, to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services.

(4) The agency may contract with any public or private entity otherwise authorized by this section on a prepaid or fixed-sum basis for the provision of health care services to recipients.

(c) The agency is authorized to establish no more than four demonstration projects with provider service networks to test Medicaid direct contracting. However, no such demonstration project shall be established with a Federally Qualified Health Center, nor shall any provider service network under contract with the agency pursuant to this paragraph include a Federally Qualified Health Center in its provider network. One demonstration project must be located in Orange County. The demonstration projects may be reimbursed on a fee-for-service or prepaid basis. A provider service network that is reimbursed by the agency on a prepaid basis shall be exempt from parts I and III of chapter 641, but must meet appropriate financial reserve, quality assurance, and patient rights requirements as established by the agency. The agency shall award contracts on a competitive-bid basis and shall select bidders based upon price and quality of care. Medicaid recipients assigned to a demonstration project shall be chosen equally from those who would otherwise have been assigned to prepaid plans and MediPass. The agency is authorized to seek federal Medicaid waivers as necessary to implement the provisions of this section. A demonstration project awarded pursuant to this paragraph shall be for 2 years from the date of implementation.

Section 11. Subsection (14) of section 409.908, Florida Statutes, 1996 Supplement, is amended to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(14) A provider of prescribed drugs shall be reimbursed the least of the amount billed by the provider, the provider's usual and customary charge, or the Medicaid maximum allowable fee established by the agency, plus a dispensing fee. *The agency is directed to implement a variable dispensing fee for payments for prescribed medicines while ensuring continued access for Medicaid recipients. The variable dispensing fee may be based upon, but not limited to, either or both the volume of prescriptions dispensed by a specific pharmacy provider and the volume of prescriptions dispensed to an individual recipient.* The agency is authorized to limit reimbursement for prescribed medicine in order to comply with any limitations or directions provided for in the General Appropriations Act, which may include implementing a prospective or concurrent utilization review program.

Section 12. Subsection (8) of section 409.906, Florida Statutes, 1996 Supplement, is amended to read:

409.906 Optional Medicaid services.—Subject to specific appropriations, the agency may make payments for services which are optional to the state under Title XIX of the Social Security Act and are furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any optional service that is provided shall be provided only when medically necessary and in accordance with state and federal law. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Optional services may include:

(8) COMMUNITY MENTAL HEALTH SERVICES.—The agency may pay for rehabilitative services provided to a recipient by a mental health or substance abuse provider licensed by the agency and under contract with the agency or the Department of *Children and Family* ~~Health and Rehabilitative~~ Services to provide such services. Those services which are psychiatric in nature shall be rendered or recommended by a psychiatrist, and those services which are medical in nature shall be rendered or recommended by a physician or psychiatrist. *The agency must develop a provider enrollment process for community mental health providers which bases provider enrollment on an assessment of service need. The provider enrollment process shall be designed to control costs, prevent fraud and abuse, consider provider expertise and capacity, and assess provider success in managing utilization of care and measuring treatment outcomes. Providers will be selected through a competitive procurement or selective contracting process. In addition to other community mental health providers, the agency shall consider for enrollment mental health programs licensed under chapter 395 and group practices licensed under chapter 458, chapter 459, chapter 490, or chapter 491. The agency is also authorized to continue operation of its behavioral health utilization management program and may develop new services if these actions are necessary to ensure savings from the implementation of the utilization management system. The agency shall coordinate the implementation of this enrollment process with the Department of Children and Family Services and the Department of Juvenile Justice.* The agency is authorized to utilize diagnostic criteria in setting reimbursement rates, to preauthorize certain high-cost or highly utilized services, to limit or eliminate coverage for certain services, or to make any other adjustments necessary to comply with any limitations or directions provided for in the General Appropriations Act.

Section 13. Section 409.9118, Florida Statutes, is created to read:

409.9118 Disproportionate share program for specialty hospitals.—The Agency for Health Care Administration shall design and implement a system of making disproportionate share payments to those hospitals licensed in accordance with part I of chapter 395 as a specialty hospital which meet all requirements listed in subsection (2). Notwithstanding s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for patients.

(1) The following formula shall be used by the agency to calculate the total amount earned for hospitals that participate under this section:

TAE=(MD/TMD) x TA

Where:

TAE = total amount earned by a specialty hospital.

TA = total appropriation for payments to hospitals that qualify under this program.

MD = total Medicaid days for each qualifying hospital.

TMD = total Medicaid days for all hospitals that qualify under this program.

(2) In order to receive payments under this section, a hospital must be licensed in accordance with part I of chapter 395, to participate in the Florida Title XIX program, and meet the following requirements:

(a) Be certified or certifiable to be a provider of Title XVIII services.

(b) Receive all of its inpatient clients through referrals or admissions from county public health departments, as defined in chapter 154.

(c) Require a diagnosis for the control of a communicable disease for all admissions for inpatient treatment.

Section 14. *(1) The Department of Children and Family Services shall, through a request for proposals, privatize South Florida State Hospital. The department shall plan to begin implementation of this privatization initiative by July 1, 1998.*

(a) Notwithstanding section 287.057(12), Florida Statutes, the department may enter into agreements, not to exceed 20 years, with a private provider, a coalition of providers, or another agency to finance, design, and construct a treatment facility having up to 350 beds and to operate all aspects of daily operations within the facility. The department may subcontract any or all components of this procurement to a statutorily established state governmental entity that has successfully contracted with private companies for designing, financing, acquiring, leasing, constructing, and operating major privatized state facilities.

(b) The selected contractor is authorized to sponsor the issuance of tax-exempt bonds, certificates of participation, or other securities to finance the project, and the state is authorized to enter into a lease-purchase agreement for the treatment facility.

(2) The contractor shall operate South Florida State Hospital as a mental health treatment facility that serves voluntarily and involuntarily committed indigent adults who meet the criteria of part I of chapter 394, Florida Statutes, and who reside in the South Florida State Hospital service area.

(a) South Florida State Hospital shall remain a participant in the mental health disproportionate share program so long as the residents receive eligible services.

(b) The department and the contractor shall ensure that the treatment facility is operated as a part of a total continuum of care for persons who are mentally ill. The contractor shall have as its primary goal for the treatment facility to effectively treat and assist residents to return to the community as quickly as possible.

(3)(a) Current South Florida State Hospital employees who are affected by the privatization shall be given first preference for continued employment by the contractor. The department shall make reasonable efforts to find suitable job placements for employees who wish to remain within the state Career Service System.

(b) Any savings that result from the privatization of South Florida State Hospital shall be directed to the department's service districts 9, 10, and 11 for the delivery of community mental health services.

Section 15. This act shall take effect July 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to health and human services; amending s. 945.602, F.S.; providing for assignment of the State of Florida Correctional Medical Authority to the Department of Health for administrative purposes; transferring to the department powers and duties of the State of Florida Correctional Medical Authority; transferring the Child Care Food Program from the Department of Education to the Department of Health and providing for hiring preferences; requiring the Department of Children and Family Services to develop individual transition plans for clients affected by the transition from Intermediate Care Facility for Developmentally Disabled funding to noninstitutional funding; requiring a report; requiring the Department of Children and Family Services to immediately notify the Legislature and develop a spending plan if judicial decisions are continued or rendered which the department feels will require expenditures in excess of the amount appropriated to Developmental Services; providing for future repeal; creating s. 409.9127, F.S.; requiring the Agency for Health Care Administration to develop and enforce standards to prohibit conflicts of interest among vendors selected to provide preauthorization and concurrent utilization review management services; authorizing the Department of Children and Family Services to certify local funds as state match for certain children's mental health services and for eligible Title IV-E services for certain children; requiring pass-through of funds to local jurisdictions; prohibiting reduction of certain general revenue funds; authorizing the Agency for Health Care Administration to apply for certain federal waivers if local funds are sufficient for state match; amending s. 945.6037, F.S.; increasing the inmate copayment; requiring the department to conduct a study and develop a plan to recover costs associated with over-the-counter and prescription medications; requiring a report to be submitted to the Legislature; requiring the Agency for Health Care Administration to apply for federal waivers or grants to expand services provided to the Florida Healthy Kids Corporation; amending s. 409.912, F.S.; authorizing the Agency for Health Care Administration to establish certain demonstration projects to test Medicaid direct contracting; amending s. 409.908, F.S.; requiring the Agency for Health Care Administration to implement a specified program related to payments for prescribed medicines; amending s. 409.906, F.S.; requiring the Agency for Health Care Administration to develop an enrollment process for community mental health providers; creating s. 409.9118, F.S.; providing a disproportionate share program for specialty hospitals; requiring the Department of Children and Family Services to privatize South Florida State Hospital and providing for hiring preferences; providing an effective date.

On motion by Senator Sullivan, by two-thirds vote **HB 1837** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Horne	Rossin
Bankhead	Dantzler	Jenne	Scott
Bronson	Diaz-Balart	Jones	Silver
Brown-Waite	Dudley	Kirkpatrick	Sullivan
Burt	Dyer	Kurth	Thomas
Campbell	Forman	Latvala	Turner
Casas	Grant	Lee	Williams
Childers	Gutman	Meadows	
Clary	Hargrett	Myers	
Cowin	Holzendorf	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Harris, McKay

On motion by Senator Sullivan, by unanimous consent—

HB 1839—A bill to be entitled An act relating to education finance; providing purposes of the act; providing for a revised funding model for exceptional student education programs and specifying use of a matrix of services; providing for review of delivery of services; providing for rules; providing funding requirements; amending s. 236.078, F.S.; conforming provisions; creating s. 236.08011, F.S.; providing for a Florida Education Finance Program for kindergarten through grade 12 and a Florida Education Finance Program for adults; providing for separate calculation and appropriation; amending s. 236.081, F.S., relating to funds for operation of schools; revising provisions to provide for annual allocations to school districts for the K-12 Florida Education Finance Program and the adult Florida Education Finance Program; requiring the Commissioner of Education to specify a matrix of services and inten-

sity levels for exceptional student education; revising program categories; revising provisions relating to calculation of each school district's student enrollment; providing a requirement relating to the computation of district required local effort; conforming provisions; amending s. 236.083, F.S.; authorizing the transfer of certain funds for student transportation; correcting a cross reference; amending s. 237.34, F.S.; revising provisions relating to cost accounting and reporting and program expenditure requirements; amending ss. 230.2305, 236.25, 236.602, 239.301, and 240.1161, F.S.; correcting cross references and conforming and clarifying language; amending s. 240.209, F.S., relating to Board of Regents' powers and duties; providing performance measures for program reviews; providing budget requirements and requiring documentation; amending s. 240.605, F.S., relating to Florida resident access grants; revising funding provisions; directing the State Board of Community Colleges and the Board of Regents to analyze the expenditure of PECO funds in order to reduce excessive costs; requiring the development of cost standards for facilities; requiring a report; amending s. 216.301, F.S., relating to the disposition of certain unspent appropriations of the Department of Education; amending s. 240.632, F.S.; providing that the Florida Martin Luther King, Jr., Institute for Nonviolence shall be a nonprofit corporation; specifying the mission of the institute; providing that certain provisions of law apply to the institute; revising membership of the institute; amending s. 240.631, F.S.; revising a definition, to conform; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Sullivan moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *The purposes of this act are to:*

(1) Provide for implementation of the revised funding model for exceptional student education programs.

(2) Simplify the Florida Education Finance Program by reducing the number of program cost factors to provide greater flexibility at the local level in the use of funds.

(3) Provide for allocating funds for kindergarten through grade 12 and adult education programs separately.

(4) Continue to make progress in reducing the range of disparity in total potential funds available per full-time equivalent student.

Section 2. *(1) The revised funding model for exceptional student education programs is designed to: be better for students than the existing funding system by encouraging school districts and schools to identify and implement educationally effective instructional delivery models; simplify funding by utilizing five weighted cost factors; provide fiscal support for exceptional students in general education classes; be outcome driven; and be revenue neutral. This funding model is designed to support both traditional and new service delivery models along the continuum of services required for exceptional students. It is the intent of the Legislature, through the General Appropriations Act, to minimize the fiscal impact on school districts of the implementation of this funding model.*

(2)(a) The revised funding model uses five Florida Education Finance Program cost factors for exceptional student education programs. Cost factors are determined by using a matrix of services to document the services that each exceptional student will receive. The nature and intensity of the services indicated on the matrix shall be consistent with the services described in each exceptional student's individual education plan.

(b) A matrix of services must be completed at least once each year by public school personnel who have received approved training. Additionally, each time an exceptional student's individual education plan, family support plan, or education plan is reviewed, the matrix of services must also be reviewed. Nothing listed in the matrix shall be construed as limiting the services a school district must provide in order to ensure that exceptional students are provided a free, appropriate public education.

(3) The Department of Education shall revise its monitoring systems for exceptional student education programs to include a review of delivery of services as indicated on the matrix of services.

(4) The Department of Education shall promulgate rules necessary to implement the revised funding model.

(5) The funding level in the 1997-1998 FEFP for exceptional student education shall be guaranteed for 3 years so that no district will have a financial uncertainty during the initial implementation of the revised funding model.

Section 3. Section 236.078, Florida Statutes, is amended to read:

236.078 Florida Education Finance Program Appropriation Allocation Conference.—Prior to the distribution of any funds appropriated in the General Appropriations Act for the *K-12* Florida Education Finance Program formula and for the formula-funded categorical programs, the Commissioner of Education shall conduct an allocation conference. Conference principals shall include representatives of the Department of Education, the Executive Office of the Governor, and the Appropriations Committees of the Senate and the House of Representatives. Conference principals shall discuss and agree to all conventions, including rounding conventions, and methods of computation to be used to calculate Florida Education Finance Program and categorical entitlements of the districts for the fiscal year for which the appropriations are made. These conventions and calculation methods shall remain in effect until further agreements are reached in subsequent allocation conferences called by the commissioner for that purpose. The commissioner shall also, prior to each recalculation of Florida Education Finance Program and categorical allocations of the districts, provide conference principals with all data necessary to replicate those allocations precisely. This data shall include a matrix by district by program of all full-time equivalent changes made by the department as part of its administration of state full-time equivalent caps.

Section 4. Paragraph (d) of subsection (1) of section 236.083, Florida Statutes, 1996 Supplement, is amended, and subsection (7) is added to said section, to read:

236.083 Funds for student transportation.—The annual allocation to each district for transportation to public school programs of students in membership in kindergarten through grade 12, in migrant and exceptional student programs below kindergarten, and in any other state-funded prekindergarten program shall be determined as follows:

(1) Subject to the rules of the state board, each district shall determine the membership of students who are transported:

(d) By reason of being vocational, dual enrollment, or students with disabilities transported from one school center to another to participate in an instructional program or service; or students with disabilities, transported from one designation to another in the state, provided one designation is a school center and provided the student's individual educational plan (IEP) identifies the need for the instructional program or service and transportation to be provided by the school district. A "school center" is defined as a public school center, public community college, public university, or other facility rented, leased, or owned and operated by the school district or another public agency. A "dual enrollment student" is defined as a public school student in membership in both a public secondary school program and a public community college or a public university program under a written agreement to partially fulfill ss. 229.814 and 240.115 and earning full-time equivalent membership under s. 236.081(1)*(g)*~~(j)~~;

(7) Any funds received by a school district under this section that are not required to transport students may, at the discretion of the school board, be transferred to the district's K-12 Florida Education Finance Program.

Section 5. Section 237.34, Florida Statutes, is amended to read:

237.34 Cost accounting and reporting.—

(1) COST ACCOUNTING.—Each district shall account for expenditures of all state, local, and federal funds on a school-by-school and a district-aggregate basis in accordance with the manual developed by the department or as provided by law. ~~The method used by each district when recording and reporting cost data by program shall be reviewed and approved by the department in accordance with regulations prescribed by the state board. All districts, in cooperation with the department, shall plan mutually compatible programs for the refinement of cost data and the improvement of the accounting and reporting system.~~

(2) COST REPORTING.—

(a) Each district shall report on a district-aggregate basis expenditures for inservice training pursuant to s. 236.081(3), and for categorical programs as provided in s. 236.081(5).

(b) Each district shall report on a school-by-school and on an aggregate district basis expenditures for each program *funded* ~~set forth~~ in s. 236.081(1)(c), except that *programs for exceptional students shall be reported on an aggregate basis* ~~separate costs shall be kept for adult basic and secondary education as defined in s. 239.105. Expenditures for apprenticeship programs shall be reported separately~~.

(c) The commissioner shall present to the Legislature, ~~90 days~~ prior to the opening of the regular session each year, a district-by-district report of the expenditures reported pursuant to paragraphs (a) and (b). The report shall include total expenditures, a detailed analysis showing expenditures for each program, and such other data as may be useful for management of the educational system. The commissioner shall also compute cost factors ~~for each district reflecting actual expenditures~~ relative to the base student allocation for each *funded program* ~~of the programs as provided~~ in s. 236.081(1)(c).

(3) PROGRAM EXPENDITURE REQUIREMENTS.—

(a) ~~For each program and broad program category established in s. 236.081(1)(c),~~ Each district shall expend at least the percent of the funds generated by each of the programs listed herein on the aggregate total school costs for such programs:

1. Kindergarten and grades 1, 2, and 3, 90 percent.
2. Grades 4, 5, 6, 7, and 8, 80 percent.
3. Grades 9, 10, 11, and 12, 80 percent.
4. ~~Special~~ Programs for exceptional students, on an aggregate program basis, 80 percent.
5. *Grades 7 through 12 vocational education* ~~Special vocational-technical~~ programs, on an aggregate program basis, 80 percent.

~~6. Special adult general education programs, on an aggregate program basis, 80 percent.~~

6.~~7.~~ Students-at-risk programs, on an aggregate program basis, 80 percent.

7.~~8.~~ ~~Beginning in fiscal year 1989-1990,~~ Any new program established and funded under s. 236.081(1)(c), that is not included under subparagraphs 1. through *6.*~~7.~~, on an aggregate basis as appropriate, 80 percent.

(b) Funds for inservice training established in s. 236.081(3) and for categorical programs established in s. 236.081(5) shall be expended for the costs of the identified programs in accordance with the rules of the state board.

(c) In the event a district fails to meet any of the expenditure requirements as set forth herein, the commissioner shall notify the superintendent of the district involved and shall require that the school board make provision for correcting the deficiency in the subsequent year's operating budget. ~~The commissioner shall not approve the district budget until he or she has determined that the provisions have been made to correct the deficiency.~~

Section 6. Paragraph (a) of subsection (2) of section 230.2305, Florida Statutes, is amended to read:

230.2305 Prekindergarten early intervention program.—

(2) ELIGIBILITY.—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 of working parents, including migrant children or children whose parents participate in the WAGES Program. 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 *an* ~~a specific part-time or combination of part-time~~ exceptional student education *program* ~~programs~~ with required special services, aids, or equipment and who are reported for *partial* funding ~~part-time~~ in the *K-12* 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 *K-12* 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 *K-12* Florida Education Finance Program in *an* ~~a full-time or an authorized combination of full-time and part-time~~ exceptional student *education program* ~~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 *education* students *who are reported for maximum K-12 Florida Education Finance Program funding and who are not reported for early intervention funding* shall not count against the 75-percent or 25-percent student limit as stated in this paragraph.

3. Economically disadvantaged 3-year-old children.

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.

Section 7. Subsection (1) of section 236.25, Florida Statutes, is amended to read:

236.25 District school tax.—

(1) If the district school tax is not provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, each school board desiring to participate in the state allocation of funds for current operation as prescribed by s. 236.081*(10)*~~(12)~~ shall levy on the taxable value for school purposes of the district, exclusive of millage voted under the provisions of s. 9(b) or s. 12, Art. VII of the State Constitution, a millage rate not to exceed the amount certified by the commissioner as the minimum millage rate necessary to provide the district-required local effort for the current year, pursuant to s. 236.081(4)(a)1. In addition to the required local effort millage levy, each school board may levy a nonvoted current operating discretionary millage. The Legislature shall prescribe annually in the appropriations act the maximum amount of millage a district may levy. The millage rate prescribed shall exceed zero mills but shall not exceed the lesser of 1.6 mills or 25 percent of the millage which is required pursuant to s. 236.081(4), exclusive of millage levied pursuant to subsection (2).

Section 8. Subsection (1) of section 236.602, Florida Statutes, is amended to read:

236.602 Bonds payable from motor vehicle license tax funds; instruction units computed.—

(1) For the purpose of administering the provisions of s. 9(d), Art. XII of the State Constitution as amended in 1972, the number of current instruction units in districts shall be computed annually by the department by multiplying the number of full-time equivalent students in *programs under s. 236.081(1)(c) in* each district by the cost factors *established* in *the General Appropriations Act* ~~s. 236.081(1)(c)~~ and dividing by 23, except that all basic program cost factors shall be one, and the special program cost factors for hospital and homebound I and for community service shall be zero. Full-time equivalent membership for students residing in Department of Health and Rehabilitative Services residential care facilities shall not be included in this computation. Any portion of the fund not expended during any fiscal year may be carried forward in ensuing budgets and shall be temporarily invested as prescribed by law or regulations of the state board.

Section 9. Paragraph (c) of subsection (5) of section 240.605, Florida Statutes, 1996 Supplement, is amended to read:

240.605 Florida resident access grants.—

(5)

(c) For the *1997-1998* ~~1996-1997~~ fiscal year only, funding for the Florida resident access grant shall be the amount set forth in the General Appropriations Act. This paragraph is repealed on July 1, *1998* ~~1997~~.

Section 10. *The unexpended balances of funds for Florida Gulf Coast University provided in Specific Appropriation 57A of Chapter 94-357, Laws of Florida, Specific Appropriation 199 of chapter 95-429, Laws of Florida, and Specific Appropriation 190 of Chapter 96-424, Laws of Florida, are hereby reappropriated.*

Section 11. *The Legislature hereby finds that the costs of building higher-education facilities is excessive and unreasonable. The construction costs for some college facilities have been documented in excess of $190 per square foot. It is the intent of the Legislature that the community colleges and state universities use due diligence and sound business practices in constructing their authorized facilities. The Legislature hereby directs the State Board of Community Colleges and the Board of Regents to analyze the expenditure of funds from the Public Education Capital Outlay and Debt Service Trust Fund by the community colleges and state universities with the intention of reducing excessive costs, in total and on a per-square-foot basis. In addition, the boards shall develop cost standards that are reasonable and promote efficiency in construction, with a goal of achieving a maximum per-square-foot construction cost of $95 for classroom and similar facilities. The findings of the analysis and the standards shall be reported to the Executive Office of the Governor, the Speaker of the House of Representatives, the President of the Senate, and the Minority Leaders of the House of Representatives and the Senate by January 1, 1998.*

Section 12. *It is the intent of the Legislature that state funding for adult and postsecondary vocational education be based on performance outcomes related to the placement and successful continued employment of program graduates, particularly within programs identified by the Occupational Forecasting Conference. It is also the intent of the Legislature that the integrity of vocational certificates and degree programs is maintained, vocational program lengths are standardized, issues involving accreditation and the transfer of credit are addressed, and cost considerations involving the Associate in Science and the Associate in Applied Technology degree programs are analyzed. To assist the Legislature in accomplishing this task, the Commissioner of Education is directed to convene a Task Force on Workforce Development to investigate issues related to Florida's job training and workforce development activities. After analyzing data and information related to the responsibilities outlined in this section, the task force shall report to the Commissioner of Education on or before October 1, 1997, on action necessary to effect timely implementation of workforce development funding. Based on the task force report and in consultation with the Executive Director of the Postsecondary Education Planning Commission and the Executive Director of the State Board of Community Colleges, the Commissioner of Education shall report to the Legislature on or before November 1, 1997, a summary of the conclusions of the task force. By January 1, 1998, the Commissioner of Education shall report to the Legislature a plan to implement the workforce development funding.*

(1) The task force shall consist of members appointed by the Commissioner of Education, who represent school districts and community colleges, and other members deemed appropriate by the commissioner, with a majority of the membership consisting of practitioners within the field. Task force members shall have working knowledge and expertise appropriate to the specific areas being investigated and must be at an appropriate level of decisionmaking authority related to programmatic concerns.

(2) The task force shall recommend an implementation plan that must include, but is not limited to, the assignment of appropriate funding mechanisms and weighting schemes, the identification of key elements of productivity for funding, and simulations of funding designs. Recommendations must be consistent with the performance measure requirements and the elements of productivity in the Workforce Florida Act of 1996. Necessary components in the plan include:

(a) Assessing and recommending to the Legislature a design for a unified student database consisting of a student data reporting system for the workforce development education system, including hardware, software, and protocol aspects within resources provided in the General Appropriations Act. The design must include new data analysis reports to analyze program performance, allow for program review, and determine how to allocate funds. For purposes of this section, a unified database means a single system that provides information for both school districts and community colleges, with common definitions and reporting formats and sequences. The task force may contract for system design services, as authorized in the appropriations act.

(b) In consultation with the Articulation Coordinating Committee, recommending any necessary modifications to curriculum frameworks to facilitate articulation and to assure maximum appropriate transferability of coursework. The modifications must be designed to create a uniform system of courses and common course numbers by redefining postsecondary vocational programs and standardizing program lengths.

(c) Providing a detailed vocational and adult general education program cost study to determine relative costs of the vocational and adult general programs in the community college and school district delivery systems.

(d) Conducting a program of staff development to disseminate information about changes and developments to staff of school districts, community colleges, the Department of Education, and the Legislature.

(e) Recommending administrative procedures and mechanisms to pay out, track, and account for funds assigned to the Workforce Education Development Fund. These procedures must include reports of expenditures, costs, disbursements, and audits.

(f) Recommending revised definitions, including, but not limited to, definitions of adult education, vocational education, career education, certificate programs, degree programs, workforce development education, occupational completion point, and workforce development programs.

(g) Assessing the merits of vocational education and its impact on students, business, and industry.

(h) Recommending implementation procedures for adult and vocational education programs in conjunction with the repeal of the interinstitutional articulation agreements pursuant to section 239.109, Florida Statutes.

(i) Assessing the feasibility of consolidation of existing performance-based funding programs.

(j) Assessing the Associate in Applied Technology degree. Such assessment must include a report identifying those states with similar programs, and shall include, where practical, a comparative analysis of employment rates, employment retention rates, occupational areas, and salary ranges of graduates with similar degrees. A companion assessment will also report similar data for the Associate in Arts, Associate in Science, or comparative degrees, in those respective states.

(k) Providing a cost analysis of the Associate in Arts and the Associate in Science degrees.

(3) By January 1, 1998, the Commissioner of Education shall submit to the Legislature and the Governor an implementation plan containing:

(a) The products that implement the components described in subsection (2).

(b) A description of activities in progress and due dates for any other activities necessary for timely implementation.

(c) An identification of any additional action that would facilitate the effective and timely implementation of proposed recommendations.

(4) The Department of Education, the State Board of Community Colleges, the 28 community colleges, and the 67 school districts shall provide staff assistance and resources to assist the task force in preparing recommendations.

Section 13. *For 1997-1998, a school district or community college is authorized to allocate funds provided in Specific Appropriation 144-G using locally determined performance measures.*

Section 14. Section 239.116, Florida Statutes, is created to read:

239.116 Cost accounting and reporting for workforce education.—

(1) Each school district and each community college shall account for expenditures of all state, local, federal, and other funds in the manner prescribed by the Department of Education.

(2) Each school district and each community college shall report expenditures for workforce education in accordance with requirements prescribed by the Department of Education.

(3) The Department of Education, in cooperation with school districts and community colleges, shall develop and maintain a database of valid comparable information on workforce education which will meet both state and local needs.

Section 15. *Effective July 1, 1997, 4 full-time equivalent positions and $221,980 from the General Revenue Fund are transferred within the Department of Education from the Division of Workforce Development to the Division of Community Colleges.*

Section 16. Present paragraph (g) of subsection (1) of section 229.551, Florida Statutes, 1996 Supplement, is redesignated as paragraph (h) and a new paragraph (g) is added to that subsection to read:

229.551 Educational management.—

(1) The department is directed to identify all functions which under the provisions of this act contribute to, or comprise a part of, the state system of educational accountability and to establish within the department the necessary organizational structure, policies, and procedures for effectively coordinating such functions. Such policies and procedures shall clearly fix and delineate responsibilities for various aspects of the system and for overall coordination of the total system. The commissioner shall perform the following duties and functions:

(g) Expansion of the common course designation and numbering system to include the numbering and designation of college-credit postsecondary vocational courses and facilitate the transfer of credits between public schools and community colleges. The Articulation Coordinating Committee shall:

1. Adopt guidelines for the participation of public school districts and community colleges in offering college-credit courses that may be transferred to a certificate or degree program. These guidelines shall establish standards addressing faculty qualifications, admissions, program curricula, participation in the common course designation and numbering system, and other issues identified by the Task Force on Workforce Development and the Commissioner of Education. Guidelines should also address the role of accreditation in the designation of courses as transferable college credit. Such guidelines must not jeopardize the accreditation status of educational institutions and must be based on data related to the history of credit transfer in this state and others.

2. Conduct a study identifying postsecondary vocational programs offered by community colleges and public school districts. The study shall also identify postsecondary vocational courses designated as college-credit courses applicable toward a vocational degree. Such college-credit courses must be identified within the common course numbering and designation system.

3. Appoint faculty committees representing both community college and public school faculties to recommend a standard program length and appropriate occupational completion points for each postsecondary vocational certificate program and degree. A course designated as college-credit may be offered by a public school district or community college, provided the standards established in subparagraph 1. are met.

Section 17. Paragraph (a) of subsection (2) and paragraphs (a), (b), and (c) of subsection (4) of section 20.15, Florida Statutes, are amended to read:

20.15 Department of Education.—There is created a Department of Education.

(2)(a) The following divisions of the Department of Education are established:

1. Division of Community Colleges.
2. Division of Public Schools *and Community Education*.
3. Division of Universities.
4. Division of *Workforce Development* ~~Applied Technology and Adult Education~~.
5. Division of Human Resource Development.

(4) The State Board of Education and the Commissioner of Education:

(a) Shall assign to the Division of Public Schools *and Community Education* such powers, duties, responsibilities, and functions as are necessary to ensure the greatest possible coordination, efficiency, and effectiveness of *education for students in prekindergarten through 12th grade, for secondary school vocational education, and for community education* ~~kindergarten through 12th grade education~~.

(b) Shall assign to the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ such powers, duties, responsibilities, and functions as are necessary to ensure the greatest possible coordination, efficiency, and effectiveness of *workforce development* ~~career and continuing~~ education.

(c) Shall assign to the State Board of Community Colleges such powers, duties, responsibilities, and functions as are necessary to ensure the coordination, efficiency, and effectiveness of community colleges, except those duties specifically assigned to the Commissioner of Education in ss. 229.512 and 229.551, ~~and~~ the duties concerning physical facilities in chapter 235, *and the duties assigned to the Division of Workforce Development in chapter 239*.

Section 18. Subsection (2) of section 215.16, Florida Statutes, is amended to read:

215.16 Appropriations from General Revenue Fund for public schools, state institutions of higher learning, and community colleges; reduction.—

(2) If the state appropriations from the General Revenue Fund for the benefit of the uniform system of public free schools, state institutions of higher learning, and community colleges cannot be paid in full during any given year, they shall be diminished only in the same proportion that appropriations for all other purposes from the General Revenue Fund are diminished during such year. Additionally, any funding reductions to public free schools, state institutions of higher learning, and community colleges shall be diminished in proportions identical to one another. For the purpose of implementing this section, general revenue funds provided for public free schools, state institutions of higher learning, and community colleges shall be restricted to general revenue funds appropriated for the Division of Public Schools *and Community Education, the Division of Workforce Development,* the Division of Universities, excluding the general office of the Board of Regents, and the Division of Community Colleges, excluding the division office.

Section 19. Subsection (22) of section 228.041, Florida Statutes, 1996 Supplement, is amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(22) CAREER EDUCATION.—

~~(a)~~ "Career education" is *vocational education that provides instruction for the following purposes:*

(a) At the elementary, middle, and secondary school levels, exploratory courses designed to give students initial exposure to a broad range of occupations to assist them in preparing their academic and occupational plans, and practical arts courses that provide generic skills that may apply to many occupations but are not designed to prepare students for entry into a specific occupation. Vocational and career instruction provided before high school completion must be designed to enhance both vocational and academic skills through integration with academic instruction.

(b) At the secondary school level, job-preparatory instruction in the competencies that prepare students for effective entry into an occupation, including diversified cooperative education, work experience, and job-entry programs that coordinate directed study and on-the-job training.

(c) At the postsecondary education level, courses of study that provide vocational competencies needed for entry into specific occupations or for advancement within an occupation. ~~defined as meaning that instruction not necessarily leading to a baccalaureate degree, either graded or ungraded, listed below:~~

~~1. Job-preparatory instruction in the minimum competencies necessary for effective entry into an occupation, including diversified cooperative education, work experience, and job-entry programs which coordinate directed study and on-the-job training;~~

~~2. Exploratory courses designed to give students initial exposure to the skills and aptitudes associated with a broad range of occupations in order to assist them in making informed decisions regarding their future academic and occupational goals;~~

~~3. Supplemental programs designed to enable persons who are or have been employed in an occupation to upgrade their competencies in order to reenter or maintain employment or advance within their current occupation;~~

~~4. Practical arts courses designed to teach students practical generic skills which, though applicable to some occupations, are not designed to prepare students for entry into a specific occupation. Such courses may include, but may not be limited to, typing, industrial arts, and home economics; or~~

~~5. Instruction which integrates the basic academic skills and vocational skills.~~

~~(b) "Career education" programs:~~

~~1. Should have social and economic value for every student by leading to a successful career.~~

~~2. Should assist students in establishing life goals, making decisions about their future, and beginning the process of implementing such goals.~~

~~3. Should enhance productivity and student earnings.~~

~~4. Are essential for economic development and for producing better prepared students for a changing workforce.~~

~~5. Shall provide equal access for exceptional students and for students who have limited English proficiency, or who are educationally or economically disadvantaged.~~

Section 20. Paragraph (a) of subsection (2) of section 231.614, Florida Statutes, is amended to read:

231.614 Inservice master plan for vocational educators; task force.—

(2)(a) The department shall coordinate the delivery of inservice education for vocational educators employed in school districts and community colleges in conjunction with the state universities, community colleges, and teacher education centers. A vocational inservice education task force shall be established for the purposes of this subsection. Such task force shall consist of 15 members who are jointly appointed by the Director of the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ and the Director of the Division of Community Colleges. Membership on the task force shall consist of:

1. The Director of the Division of *Workforce Development* ~~Applied Technology and Adult Education~~, or the director's designee.
2. The Director of the Division of Community Colleges, or the director's designee.
3. A vocational educator employed in a school district.
4. A vocational educator employed in a community college.
5. An adult educator employed in a school district.
6. An adult educator employed in a community college.
7. A teacher education center director.
8. A community college employee responsible for staff development.
9. A state university career education teacher educator.
10. A state university adult education teacher educator.
11. Five representatives of business and industry.

Section 21. Subsection (2) of section 233.056, Florida Statutes, is amended to read:

233.056 Instructional programs for visually impaired students and deaf or hard-of-hearing students.—

(2) The unit shall be operated either directly by the Division of Public Schools *and Community Education* or through a contractual agreement with a local education agency, under rules adopted by the State Board of Education.

Section 22. Subsection (2) of section 233.0561, Florida Statutes, is amended to read:

233.0561 Literacy; blind persons.—

(2) LEGISLATIVE INTENT.—The Legislature recognizes that literacy is the foundation upon which students become employable, productive, and responsible citizens. The Legislature further recognizes that literacy is important for all students, regardless of their visual abilities. It is the intent of the Legislature that the provisions of this section be broadly construed to apply to elementary and secondary students, as well as adult basic, adult secondary, and ~~supplemental~~ vocational *education* students.

Section 23. Subsection (1) of section 235.15, Florida Statutes, is amended to read:

235.15 Educational plant survey; PECO project funding.—

(1) At least every 5 years, each board, including the Board of Regents, shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. Before educational plant survey of a school district or community college that delivers career or adult education programs, the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ shall establish documentation of the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the education plant survey. Information used by the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the school district or community college. Each survey shall be conducted by the board or an agency employed by the board. Surveys shall be reviewed and approved by the board, and a file copy shall be submitted to the commissioner. The survey report shall include at least an inventory of existing educational and ancillary plants; recommendations for existing educational and ancillary plants; recommendations for new educational or ancillary plants, including the general location of each in coordination with the land use plan; campus master plan update and detail for community colleges; the utilization of school plants based on an extended school day or year-round operation; and such other information as may be required by the rules of the State Board of Education. This report may be amended, if conditions warrant, at the request of the board or commissioner. Relocatables shall be included in the school district inventory of facilities and must be rated at 100 percent of actual student capacity for purposes of the inventory. For future needs determination, relocatables shall not be counted. However, an adjustment shall be made for deficiencies in core space because of the use of portables. When required by the State Constitution, the department shall review the surveys and any amendments thereto for compliance with the requirements of this

chapter and shall recommend those in compliance for approval by the State Board of Education.

Section 24. Paragraphs (c) and (f) of subsection (1) and subsection (2) of section 235.199, Florida Statutes, are amended to read:

235.199 Cooperative funding of vocational educational facilities.—

(1) Each district school board operating a designated area technical center may submit, prior to August 1 of each year, a request to the commissioner for funds from the Public Education Capital Outlay and Debt Service Trust Fund to plan, construct, and equip a career educational facility identified as being critical to the economic development and the workforce needs of the school district. Prior to submitting a request, each school district shall:

(c) Certify to the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ that the project has been survey recommended.

(f) If a construction contract has not been signed 90 days after the advertising of bids, certify to the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ and the department the cause for delay. Upon request, an additional 90 days may be granted by the commissioner.

(2) The Division of *Workforce Development* ~~Applied Technology and Adult Education~~ shall establish the need for additional career education programs and the continuation of existing programs before facility construction or renovation related to career education can be included in the educational plant survey. Information used by the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ to establish facility needs shall include, but not be limited to, labor market needs analysis and information submitted by the school districts.

Section 25. Paragraph (a) of subsection (3) of section 235.435, Florida Statutes, is amended to read:

235.435 Funds for comprehensive educational plant needs.—Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(3)(a) Each district school board shall receive an amount from the Public Education Capital Outlay and Debt Service Trust Fund to be calculated by computing the capital outlay full-time equivalent membership as determined by the department. Such membership must include, but is not limited to:

1. K-12 students, except hospital and homebound part-time students; and

2. Students who are *workforce development education* ~~certificate career education students, adult supplemental vocational students, adult basic students, adult secondary~~ students, and adult disabled students and who are enrolled in *school district technical* ~~adult career or adult general education~~ centers. The capital outlay full-time equivalent membership shall be determined for kindergarten through the 12th grade and for vocational-technical centers by averaging the unweighted full-time equivalent student membership for the second and third surveys and comparing the results on a school-by-school basis with the Florida Inventory for School Houses. The capital outlay full-time equivalent membership by grade level organization shall be used in making the following calculations: The capital outlay full-time equivalent membership by grade level organization for the 1981-1982 fiscal year shall be computed as the base year. The capital outlay full-time equivalent membership by grade level organization for the 1984-1985 fiscal year shall be computed with the positive increase over the base year constituting growth. From the total amount appropriated by the Legislature pursuant to this subsection, 40 percent shall be allocated among the base capital outlay full-time equivalent membership and 60 percent among the growth capital outlay full-time equivalent membership. The allocation within each of these groups shall be prorated to the districts based upon each district's percentage of base and growth capital outlay full-time membership. The most recent 4-year capital outlay full-time equivalent membership data shall be used in each subsequent year's calculation for the allocation of funds pursuant to this subsection. If the growth capital outlay full-time equivalent membership for a district declines in any year used in their calculation after the initial allocation pursuant to this subsection, no allocation for growth capital outlay full-time equivalent membership shall be made for any subsequent year until the number of capital outlay full-time equivalent membership has exceeded the number for which an allocation has already been made. If a change, correction, or recomputation of data during any year results in a reduction or increase of the calculated amount previously allocated to a district, the allocation to that district shall be adjusted correspondingly. If such recomputation results in an increase or decrease of the calculated amount, such additional or reduced amounts shall be added to or reduced from the district's future appropriations. However, no change, correction, or recomputation of data shall be made subsequent to 2 years following the initial annual allocation.

Section 26. Subsections (2), (3), (7), (13), (15), (16), (17), (18), (19), (20), (21), and (22) of section 239.105, Florida Statutes, are amended, and subsection (23) is added to that section, to read:

239.105 Definitions.—As used in this chapter, the term:

(2) "Adult general education" means a comprehensive program of adult basic education, adult secondary education, general educational development test instruction, *and* vocational-preparatory instruction~~, college-preparatory instruction, and lifelong learning programs~~.

(3) "Adult secondary education" means courses through which a person receives high school credit that leads to the award of a high school diploma or *courses* ~~programs~~ of instruction through which a student prepares to take the general educational development test.

(7) "Community education" means the use of a school or other public facility as a community center operated in conjunction with other public, private, and governmental organizations for the purpose of providing educational, recreational, social, cultural, health, and community services for persons in the community in accordance with the needs, interests, and concerns of that community*, including lifelong learning.*

(13) "Local educational agency" means *a community college or school district* ~~the agency responsible for administration of adult education or career education, or both, within a vocational region. Such agency must be one or more school boards or a board of trustees of a public community college, or both~~.

(15) *"Certificate vocational education program" means a course of study that leads to at least one occupational completion point. The program may also confer credit that may articulate with a degree career education program, if authorized by rules of the Department of Education. The term is interchangeable with the term "certificate career education program."* ~~"Certificate career education program" means job-preparatory programs, excluding supplemental vocational instruction, through which a student receives a vocational certificate upon the completion of instruction.~~

(16) *"Degree vocational education program" means a course of study that leads to an associate in applied technology degree or an associate in science degree. A degree vocational education program may contain within it one or more occupational completion points and may lead to certificates within the course of study. The term is interchangeable with the term "degree career education program."* ~~"Degree career education program" means college credit, job-preparatory programs, excluding supplemental vocational instruction, through which a student receives an associate in science degree upon the completion of instruction.~~

(17) "Occupational completion point" means the vocational competencies that qualify a person to enter an occupation that is linked to a vocational program.

(18)~~(17)~~ "Prose literacy" means the demonstration of competence in reading and interpreting materials such as newspapers, magazines, and books.

(19)~~(18)~~ "Quantitative literacy" means the demonstration of competence in the application of arithmetic operations to materials such as loan documents, sale advertisements, order forms, and checking accounts.

~~(19) "Supplemental vocational" means courses conducted to enhance or upgrade the occupation-related skills of a person currently employed in that occupation or a person formerly employed in that occupation who seeks occupational reentry. A student who is employed, but who enrolls~~

~~in a job-related component of a sequential program of studies may be considered job preparatory, rather than supplemental, if the student may be calculated as an enrollment pursuant to s. 239.233 and if the component or components in which the student enrolls have not been previously taken by that student.~~

(20) "*Vocational* ~~Career~~ education planning region" means the geographic area in which career or adult education is provided. Each vocational region is contiguous with one of the 28 community college service areas. *The term may be used interchangeably with the term "career education planning region."*

(21) "Vocational-preparatory instruction" means *adult general education* ~~instruction~~ through which persons attain academic skills at the level of functional literacy or higher so that such persons may pursue certificate career education or higher-level career education.

(22) "Workforce literacy" means the basic skills necessary to perform in entry-level occupations or the skills necessary to adapt to technological advances in the workplace.

(23) "Workforce development education" means adult general education or vocational education and may consist of a single course or a course of study leading to an occupational completion point, a vocational certificate, an associate in applied technology degree, or an associate in science degree.

Section 27. Section 239.113, Florida Statutes, is amended to read:

239.113 Registration of adult students.—Each school district and community college shall maintain sufficient information for each student enrolled in *workforce development education or* ~~adult, certificate career education,~~ lifelong learning *courses*~~, or supplemental vocational programs~~ to allow local and state administrators to locate such student upon the termination of instruction and to determine the appropriateness of student placement in specific instructional programs. The State Board for Career Education shall adopt, in rule, specific information that must be maintained and acceptable means of maintaining that information.

Section 28. Section 239.115, Florida Statutes, is created to read:

239.115 Funds for operation of adult general education and vocational education programs.—

(1) As used in this section, the terms "workforce development education" and "workforce development program" include:

(a) Adult general education programs designed to improve the employability skills of the state's workforce through adult basic education, adult secondary education, GED preparation, and vocational preparatory education;

(b) Certificate vocational education programs, including courses that lead to an occupational completion point within a program that terminates in either a certificate or a degree;

(c) Degree vocational education programs that lead to an associate in applied technology degree or an associate in science degree; and

(d) Apprenticeship programs as defined in s. 446.021.

(2) Any workforce development education program may be conducted by a community college or a school district, except that an associate in science degree may be awarded only by a community college. However, if an associate in science degree program contains within it an occupational completion point that confers a certificate or an associate in applied technology degree, that portion of the program may be conducted by a school district technical center.

(3) If a program for disabled adults pursuant to s. 239.301 is a workforce development program as defined in this section or s. 239.115 it must be funded as provided in this section.

(4) The Florida Workforce Development Education Fund is created to provide performance-based funding for all workforce development programs, whether the programs are offered by a school district or a community college. Funding for all workforce development education programs must be from the Workforce Development Education Fund and must be based on cost categories, performance output measures, and performance outcome measures. This subsection takes effect July 1, 1998.

(a) The cost categories must be calculated to identify high-cost programs, medium-cost programs, and low-cost programs. The cost analysis used to calculate and assign a course of study to a cost category must include at least both direct and indirect instructional costs, consumable supplies, equipment, and optimum program length.

(b)1. The performance output measure for a vocational education course of study is student completion of a single course; a program that leads to an occupational completion point associated with a certificate; an apprenticeship program; or a program that leads to an associate in applied technology degree or an associate in science degree.

2. The performance output measure for an adult general education course of study is measurable improvement in student skills.

(c) The performance outcome measures are associated with placement of students after completion of a course of study. These measures include placement in employment that is related to the course of study; placement into employment in an occupation on the Occupational Forecasting Conference list of high-wage, high-skill occupations with sufficient openings; placement of WAGES clients or former WAGES clients; and retention in employment of former WAGES clients. Placement must be reported pursuant to ss. 229.8075 and 239.233.

(5) Initial state funding is generated by student enrollment in a course of study. When the student completes the course of study or the program, the agency may collect the remaining state funding. This subsection takes effect July 1, 1998.

(6) The total state funding entitlement for each course of study is determined by its length, the output measures, and its cost category. The district cost differential, as established annually in the General Appropriations Act, must be applied to the appropriation for the workforce development education fund.

(a)1. For a course that does not result in an occupational completion point, state funding equals 50 percent of the cost of the course, with student fees, business support, quick response training funds, or other means making up the remaining 50 percent.

2. For a program that results in an occupational completion point, an educational agency may collect 100 percent of the cost of the program, with 85 percent generated from a combination of student fees and state support during a student's enrollment, and the remaining 15 percent generated upon the student's reaching an occupational completion point or completing the program.

(b) Student output measures for adult education instruction consist of improvement in literacy skills, grade-level improvement as measured by an approved test, or attainment of a general education development diploma or an adult high school diploma.

(c) The cost category of a course that is part of a vocational program or an adult general education program is the same as that of the program. This subsection takes effect July 1, 1998.

(7) When a student reaches an occupational completion point or completes a program, the educational agency shall first collect the remainder of the total state funding entitlement and may be eligible for additional incentive funds generated by student outcome measures. However, the total funding earned by an educational agency under the formula, including state funding and student fees, may not exceed 125 percent of the calculated program cost. Any funds earned in excess of program cost must be expended to improve the program. This subsection takes effect July 1, 1998.

(8) For each course of study, an educational agency that serves students in workforce education programs shall submit an enrollment count each semester, which shall replace the full-time-equivalent student enrollment used by the Florida Education Finance Program and the enrollment calculation used by the Community College Program Fund. The Division of Workforce Development shall calculate the funding entitlement for that semester by a date established by the Department of Education. This subsection takes effect July 1, 1998.

(9) A school district or a community college that provides workforce development education shall receive initial funding for each student in

the semester in which the student enrolls. During each subsequent semester, a funding entitlement shall be calculated for each student by subtracting the student fee amount from the total funding amount for the course of study in its assigned cost category. The semester funding amount is 85 percent of the cost of the program, including student fees, divided by the number of semesters in the course of study. When a student reaches an occupational completion point or completes a course, the educational agency shall collect the difference between the total state funding entitlement and the amount in state funding already paid. A student may not generate funding for any semester in which the student is not enrolled. This subsection takes effect July 1, 1998.

(10) A high school student dually enrolled under s. 240.116 in a workforce development program operated by a community college or school district technical center generates the amount calculated by the Workforce Development Education Fund, including any payment of performance incentives, and the proportional share of full-time-equivalent enrollment generated through the Florida Education Finance Program for the student's enrollment in a high school. If a high school student is dually enrolled in a community college program, including a program conducted at a high school, the community college earns the funds generated through the Workforce Development Education Fund and the school district earns the proportional share of full-time-equivalent funding from the Florida Education Finance Program. If a student is dually enrolled in a technical center operated by the same district as the district in which the student attends high school, that district earns the funds generated through the Workforce Development Education Fund and also earns the proportional share of full-time-equivalent funding from the Florida Education Finance Program. If a student is dually enrolled in a workforce development program provided by a technical center operated by a different school district, the funds must be divided between the two school districts proportionally from the two funding sources. A student may not be reported for funding in a dual enrollment workforce development program unless the student has completed the basic skills assessment pursuant to s. 239.213.

(11) Fees for all nonexempt students, as defined in s. 239.117, are part of the required local effort of each school district pursuant to s. 236.081.

(12) The Department of Education may adopt rules to administer this section.

Section 29. Section 239.117, Florida Statutes, 1996 Supplement, is amended to read:

239.117 Postsecondary student fees.—

(1) This section applies to students enrolled in *workforce development programs, including programs and courses leading to an associate in applied technology degree or an associate in science degree* ~~adult basic, adult secondary, vocational-preparatory, college-preparatory, lifelong learning, certificate career education, community education, supplemental vocational, or other adult general education programs~~ who are reported for funding through the *Workforce Development Education Fund* ~~Florida Education Finance Program or Community College Program Fund~~.

(2) All students shall be charged fees except students who are exempt from fees or students whose fees are waived.

(3)~~(2)~~ The following students are exempt from any requirement for the payment of registration, matriculation, and laboratory fees for *adult basic, adult secondary, or vocational preparatory* instruction:

(a) A student who does not have a high school diploma or its equivalent ~~and who is enrolled in adult basic, adult secondary, or vocational-preparatory instruction~~.

(b) A student who has a high school diploma or its equivalent~~, who is enrolled in adult basic, adult secondary, or vocational-preparatory instruction,~~ and who has academic skills at or below the eighth grade level pursuant to state board rule. *A student is eligible for this exemption from fees if the student's skills are at or below the eighth grade level as measured by a test administered in the English language and approved by the Department of Education, even if the student has skills above that level when tested in the student's native language.*

(4) The following students are exempt from the payment of registration, matriculation, and laboratory fees:

(a)~~(c)~~ A student enrolled in a dual enrollment or early admission program pursuant to s. 239.241. ~~Fee-exempt instruction provided at community colleges pursuant to this subsection generates an additional one-fourth of a full-time equivalent enrollment.~~

(b)~~(d)~~ A student enrolled in an approved apprenticeship program, as defined in s. 446.021.

(c)~~(e)~~ A student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or pursuant to parts III and V of chapter 39 for whom the permanency planning goal pursuant to part V of chapter 39 is long-term foster care or independent living. Such exemption includes fees associated with enrollment in college-preparatory instruction and completion of the college-level communication and computation skills testing program.

(d)~~(f)~~ A student enrolled in an employment and training program under the WAGES Program. 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 may 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.~~

(e)~~(g)~~ A student who lacks a fixed, regular, and adequate nighttime residence or whose primary nighttime residence is a public or private shelter designed to provide temporary residence for individuals intended to be institutionalized, or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(5)~~(3)~~ ~~Fees shall be charged for students not exempted from the payment of fees in this section.~~ School districts and community colleges may waive fees for any fee-nonexempt student. The total value of fee waivers granted by the school district or community college may not exceed the amount established annually in the General Appropriations Act. Any student whose fees are waived in excess of the authorized amount *may* ~~shall~~ not be *reported* ~~included in calculations of full-time equivalent enrollments~~ for state funding purposes. Any school district or community college that waives fees and requests state funding for a student in violation of the provisions of this section shall be penalized at a rate equal to 2 times the value of the full-time student enrollment reported. Such penalty shall be charged against the following year's allocation from the Florida Education Finance Program or the Community College Program Fund.

(6)~~(4)~~(a) The Commissioner of Education shall recommend to the State Board of Education no later than December 31 of each year a schedule of fees for *workforce development education* ~~certificate career education, lifelong learning, and supplemental vocational courses and programs conducted by district school boards~~. The fee schedule shall be based on the amount of student fees necessary to produce *25* ~~10~~ percent of the prior year's cost of *a course of study leading to a certificate or degree and 50 percent of the prior year's cost of a course that does not lead to an occupational completion point* ~~certificate career education and vocational preparatory programs and 25 percent of the prior year's cost of supplemental vocational programs~~. *At the discretion of a school board or a community college, this fee schedule may be implemented over a 3-year period, with full implementation in the 1999-2000 school year. In years preceding that year, if fee increases are necessary for some programs or courses, the fees shall be raised in increments designed to lessen their impact upon students already enrolled.* ~~The fee schedule for lifelong learning programs shall be based on student fees and nonstate funds necessary to produce 50 percent of the prior year's cost of lifelong learning programs. State funds may not exceed 50 percent of the prior year's cost of lifelong learning programs. The recommended annual increase in fees may not exceed 10 percent for students who are residents for tuition purposes.~~ Fees for students who are not residents for tuition purposes must offset the full cost of instruction.

(b) The State Board of Education shall adopt a fee schedule for school districts that produces the fee revenues calculated pursuant to paragraph (a). The schedule so calculated shall take effect, unless otherwise specified in the General Appropriations Act. ~~If the Legislature enacts a calculation different than that adopted by the state board, the state board shall adopt a fee schedule that generates the same revenues as the calculation contained in the General Appropriations Act.~~

(c) The State Board of Education shall adopt, by rule, the definitions and procedures that school boards shall use in the calculation of cost borne by students. Such rule must define the cost of educational programs as the product of *semester enrollment counts times the average instructional cost for the course of study, divided by the number of semesters in the course of study. A course of study is a single course or a series of two or more courses leading to an occupational completion point, an associate in applied technology degree, or an associate in science degree.* ~~the base student allocation times the program cost factor times the full-time equivalent enrollment in the programs.~~ The rule shall be developed in consultation with the Legislature.

(7)~~(5)(a)~~ Each year the State Board of Community Colleges shall review and evaluate the percentage of the cost of adult programs and certificate career education programs supported through student fees. If this review indicates that student fees generate less than the percentage targeted for the program, the State Board of Community Colleges shall adopt a schedule of fee increases by December 31 for the following fall semester. For students who are residents for tuition purposes, the schedule so adopted must produce revenues equal to 25 percent of the prior year's program cost for *workforce development programs that lead to an occupational completion point and 50 percent of the prior year's cost for student enrollment in a single course of study not leading to a certificate or degree* ~~college-preparatory and supplemental vocational programs and 10 percent of the prior year's program cost for certificate career education and vocational preparatory programs. The fee schedule for lifelong learning programs shall be based on student fees and nonstate funds necessary to produce 50 percent of the prior year's cost of lifelong learning programs. State funds may not exceed 50 percent of the prior year's cost of lifelong learning programs. The state board may not increase fees more than 10 percent for students who are residents for tuition purposes. Unless otherwise specified in the General Appropriations Act, the fee schedule shall take effect and the college shall expend student fees on instruction. If the Legislature enacts a calculation different than that adopted by the state board, the state board shall adopt a fee schedule that generates the same revenues as the calculation contained in the General Appropriations Act. Each community college board of trustees shall establish matriculation, tuition, and noncredit fees that may vary no more than 10 percent from the schedule approved by the State Board of Education.~~ Fees for students who are not residents for tuition purposes must offset the full cost of instruction.

~~(b) Students enrolled in college-preparatory instruction shall pay fees equal to the fees charged for college credit courses. Students enrolled in the same college-preparatory skill area more than two times shall pay fees at 100 percent of the direct instructional cost; however, each community college shall have the authority to review and reduce such payment on an individual basis, contingent upon a student's financial hardship, pursuant to definitions and fee levels established by the State Board of Community Colleges.~~ Fee-nonexempt students enrolled in vocational preparatory instruction shall be charged fees equal to the fees charged for certificate career education instruction. Each community college that conducts college-preparatory and vocational-preparatory instruction in the same class section may charge a single fee for both types of instruction.

~~(6) Total fees collected annually for recreation and leisure courses must be at least equal to the full cost of providing such programs by a school district or community college. Fees collected in excess of the total cost of the recreation and leisure program may be transferred to other instructional programs.~~

(8)~~(7)~~ Each school board and community college board of trustees may collect, for financial aid purposes, up to an additional *10* ~~5~~ percent of the student fees collected for *workforce development* ~~certificate career education and supplemental vocational courses and~~ programs. All fees collected shall be deposited into the student financial aid fee trust fund of the district or community college. ~~Of the fees collected annually, a minimum of 25 percent shall be invested pursuant to the provisions of s. 18.125.~~ Any undisbursed balance remaining in the trust fund and interest income accruing to investments from the trust fund shall increase the total funds available for distribution to certificate career education ~~and supplemental vocational~~ students. Awards shall be based on student financial need and distributed in accordance with a nationally recognized system of need analysis approved by the State Board for Career Education. Fees collected pursuant to this subsection shall be allocated in an expeditious manner.

(9)~~(8)~~ *A district* school *board or a* ~~districts and~~ community *college board of trustees* ~~colleges~~ may charge other fees only as authorized by rule of the State Board of Education or the State Board of Community Colleges.

(10)~~(9)~~ The State Board of Education and the State Board of Community Colleges shall adopt rules to allow the deferral of registration and tuition fees for students receiving financial aid from a federal or state assistance program when such aid is delayed in being transmitted to the student through circumstances beyond the control of the student. The failure to make timely application for such aid is an insufficient reason to receive a deferral of fees. The rules must provide for the enforcement and collection or other settlement of delinquent accounts.

(11)~~(10)~~ Any veteran or other eligible student who receives benefits under chapter 30, chapter 31, chapter 32, chapter 34, or chapter 35 of Title 38, U.S.C., or chapter 106 of Title 10, U.S.C., is entitled to one deferment each academic year and an additional deferment each time there is a delay in the receipt of benefits.

(12)~~(11)~~ Each school district and community college shall be responsible for collecting all deferred fees. If a school district or community college has not collected a deferred fee, the student may not earn *state funding* ~~full-time equivalent enrollment~~ for any course for which the student subsequently registers until the fee has been paid.

(13)~~(12)~~ Any school district or community college that reports students who have not paid fees in an approved manner in calculations of full-time equivalent enrollments for state funding purposes shall be penalized at a rate equal to 2 times the value of such enrollments. Such penalty shall be charged against the following year's allocation from the Florida *Workforce Development Education Fund, the Florida* Education Finance Program or the Community College Program Fund and shall revert to the General Revenue Fund. The State Board of Education shall specify, in rule, approved methods of student fee payment. Such methods must include, but need not be limited to, student fee payment; payment through federal, state, or institutional financial aid; and employer fee payments.

(14)~~(13)~~ Each school district and community college shall report only those students who have actually enrolled in instruction provided or supervised by instructional personnel under contract with the district or community college in calculations of actual full-time enrollments for state funding purposes. A student who has been exempted from taking a course or who has been granted academic or vocational credit through means other than actual coursework completed at the granting institution may not be calculated for enrollment in the course from which the student has been exempted or for which the student has been granted credit. School districts and community colleges that report enrollments in violation of this subsection shall be penalized at a rate equal to 2 times the value of such enrollments. Such penalty shall be charged against the following year's allocation from the *Workforce Development Education Fund* ~~Florida Education Finance Program or the Community College Program Fund~~ and shall revert to the General Revenue Fund.

(15)~~(14)~~ School boards and community college boards of trustees may establish scholarship funds using donations. If such funds are established, school boards and community college boards of trustees shall adopt rules that provide for the criteria and methods for awarding scholarships from the fund.

(16)~~(15)~~ School boards and community college boards of trustees may establish, by rule, a consumable supply fee for postsecondary students enrolled in certificate career education or supplemental courses.

(17)~~(16)~~ Each school board and community college board of trustees may establish a separate fee for capital improvements, technology enhancements, or equipping buildings which may not exceed 5 percent of the matriculation fee for resident students or 5 percent of the matriculation and tuition fee for nonresident students. Funds collected through these fees may not be bonded. The fee shall be collected as a component part of the registration and tuition fees, paid into a separate account, and expended only to maintain, improve, equip, or enhance the certificate career education or adult education facilities of the school district or community college. Projects funded through the use of the capital improvement fee must meet the survey and construction requirements of chapter 235. Pursuant to s. 216.0158, each school board and community college board of trustees shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee.

A maximum of 15 cents per credit hour may be allocated from the capital improvement fee for child care centers conducted by the school board or community college board of trustees.

Section 30. Section 239.201, Florida Statutes, is amended to read:

239.201 Career education instruction.—

~~(1) The State Board for Career Education shall adopt rules that provide for certificate career education instruction in each vocational planning region. The provisions of this section are not intended to contradict or supersede the provision of such programs pursuant to existing interinstitutional articulation agreements between school boards and community college boards of trustees or to authorize the duplication of programs currently in existence within a region. Pursuant to such rules, one or more school districts or community colleges may jointly implement the provisions of this section.~~

(1)~~(2)~~ Adult or certificate career education instruction shall be available to all persons in the region, regardless of previous academic attainment. School boards, community college boards of trustees, and local social service agencies shall cooperate to recruit unemployed and underemployed persons into such programs.

(2)~~(3)~~ The minimum support from the school district or community college for career education shall be at least in the amount of local, state, and federal funds that the career education programs earn. Local funds *consist of* ~~shall include, but not be limited to, millage collected for the purpose of satisfying required local effort and~~ fee revenues generated by students enrolled in *workforce development programs* ~~certificate career education and supplemental career education courses and programs~~. From the funds provided pursuant to this subsection, school boards shall expend a minimum of 80 percent on aggregate school costs. Any school board that expends less than 80 percent of the required funds shall have funding withheld from the subsequent appropriation in the same amount as the total underexpenditure; however, in the subsequent year allocation, the school board shall restore the required funds to the previously underfunded programs. The school district or community college shall indicate the expenditure of such funds in an identifiable manner pursuant to rules of the State Board for Career Education.

Section 31. Paragraphs (b), (c), and (d) of subsection (2) of section 239.229, Florida Statutes, are amended to read:

239.229 Vocational standards.—

(2)

(b) School board, superintendent, and area technical center, and community college board of trustees and president accountability for certificate career education programs includes, but is not limited to:

1. Student demonstration of the academic skills necessary to enter an occupation.

2. Student preparation to enter an occupation in an entry-level position or continue postsecondary study.

3. Vocational program articulation with other corresponding postsecondary programs.

4. Employer satisfaction with the performance of *students who reach occupational completion points* ~~vocational program completers~~.

5. Student completion and placement rates as defined in s. 239.233.

~~(c) School board, superintendent, and area technical center, and community college board of trustees and president accountability for supplemental vocational programs includes, but is not limited to:~~

~~1. Student maintenance of employment.~~

~~2. Student satisfaction or employer satisfaction, or both, with the supplemental instruction.~~

(c)~~(d)~~ Department of Education accountability for career education includes, but is not limited to:

1. The provision of timely, accurate technical assistance to school districts and community colleges.

2. The provision of timely, accurate information to the State Board for Career Education, the Legislature, and the public.

3. The development of policies, rules, and procedures that facilitate institutional attainment of the accountability standards and coordinate the efforts of all divisions within the department.

4. Overseeing school district and community college compliance with the provisions of this chapter.

5. The educational outcomes for the technical component of the associate in science degree, the associate in applied technology degree, and secondary vocational job-preparatory programs shall be uniform and designed to provide a graduate of high quality who is capable of entering the workforce on an equally competitive basis regardless of the institution of choice.

Section 32. Subsections (2) and (3) of section 239.249, Florida Statutes, 1996 Supplement, are amended to read:

239.249 Market-driven, performance-based incentive funding for vocational and technical education programs.—

(2) The Jobs and Education Partnership shall provide oversight and advice to improve the outcomes of *courses and programs designed for workforce development* ~~associate in science degree education and certificate technical education~~ provided by public school districts and community colleges. Annually, the partnership shall make recommendations to the State Board of Education and the Legislature regarding grant programs and funding incentives designed to improve vocational and technical education programs.

(3) In any year in which the Legislature designates funds for performance-based incentive funding for vocational and technical education programs provided by school districts or community colleges, the Division of *Workforce Development* ~~Applied Technology and Adult Education and the Division of Community Colleges~~ shall provide the Jobs and Education Partnership with recommended formulae, criteria, timeframes, and mechanisms for distributing funds. The partnership shall adopt a formula and advise the Division of Community Colleges and the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ of the expected incentive award earnings of school districts or colleges. The partnership shall base these calculations on formulae that would provide incentive awards or grants for:

(a) Programs that prepare people to enter high-wage occupations identified by the Occupational Forecasting Conference created by s. 216.136 and other programs as approved by the Jobs and Education Partnership. Local school district superintendents, community college presidents, and private industry councils shall receive the Occupational Forecasting Conference results for their respective geographic areas to assess local applicability. At a minimum, performance incentives shall be calculated for people who complete programs that lead to specified high-wage employment and their placement in that employment. Leavers with marketable skills may also be calculated for the purposes of this paragraph. Baseline information for these calculations shall be based upon institutional information compiled by the Florida Education and Training Placement Information Program for the 1992-1993 school year. The baseline information calculated for the purposes of this paragraph shall be adjusted for a 3-percent annual increase in productivity beginning in 1995-1996.

(b) Programs that successfully prepare people who are eligible for public assistance, economically disadvantaged, disabled, not proficient in English, or dislocated workers for high-wage occupations. At a minimum, performance incentives shall be calculated for the enrollment of people identified in this paragraph, completion of such people, and placement of such people upon program completion. Leavers with marketable skills may also be calculated for the purposes of this paragraph. Baseline information for these calculations shall be based upon institutional information compiled by the Florida Education and Training Placement Information Program for the 1992-1993 school year. The baseline information calculated for the purposes of this paragraph shall be adjusted for a 3-percent annual increase in productivity beginning in 1995-1996.

(c) Programs identified by the Jobs and Education Partnership as increasing the effectiveness and cost-efficiency of education.

Section 33. Subsection (4), paragraphs (a) and (c) of subsection (5), and paragraphs (a) and (d) of subsection (6) of section 239.301, Florida Statutes, 1996 Supplement, are amended to read:

239.301 Adult general education.—

(4) ~~Both community colleges and school districts may conduct adult basic and secondary and vocational-preparatory courses within the same service area.~~ Any state university in which the percentage of incoming students who require college-preparatory instruction equals or exceeds 25 percent may conduct college-preparatory instruction. ~~Area technical centers and community colleges may contract with each other for the provision of vocational-preparatory instruction.~~

(5)(a) Adult basic and secondary education *and*~~,~~ vocational-preparatory~~, college-preparatory, and lifelong learning~~ courses shall be evaluated and funded as *provided in s. 239.115* ~~distinct programs~~. ~~The annual allocation to finance adult education in each school district and community college shall be determined in accordance with ss. 236.081 and 240.359, respectively.~~

(c) The State Board of Education shall define, by rule, the levels and courses of instruction to be funded through the college-preparatory program. The state board shall coordinate the establishment of costs for college-preparatory courses, the establishment of statewide standards that define required levels of competence, acceptable rates of student progress, and the maximum amount of time to be allowed for completion of college-preparatory instruction. *College-preparatory instruction is part of an associate-in-arts degree program and may not be funded as a workforce development education program.*

(6)(a) An educational program for disabled adults may be conducted within *and funded through the Workforce Development Education Fund, the Community College Program Fund or the Florida Education Finance Program* ~~adult basic, adult secondary, certificate career education, supplemental vocational, and vocational-preparatory programs~~. Each school board or community college board of trustees that has an educational program for disabled adults shall submit a plan to the commissioner which includes, at a minimum:

1. A description of the population to be served and an estimation of the number of such students.

2. A description of the courses and programs in the program, including corresponding expected student outcomes.

3. Provision for individualized educational plans and periodic student evaluation.

4. An interagency memorandum of agreement that provides for the coordination of adult education, career education, exceptional student education, the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, vocational rehabilitation, and other local organizations whose adult disabled clients participate in the program.

5. Provision for coordination of services, if both the community college and one or more school districts within the service area have approved programs for disabled adults.

6. Provision for a single administrator for adult courses and programs for the disabled.

(d) This subsection is not intended to discourage a school district or community college from providing educational services for disabled adults through classes in which nondisabled adults participate; however, in order to receive state funding *designated especially for the program* ~~pursuant to s. 236.081(1)(h) or s. 240.359~~, a school district or community college must have an approved program for adult, disabled students, and each student reported for funding pursuant to this subsection must have been determined to be a disabled adult.

Section 34. Subsection (1) of section 240.118, Florida Statutes, is amended to read:

240.118 Postsecondary feedback of information to high schools.—

(1) ~~On or before January 1, 1994,~~ The State Board of Education shall adopt rules that require the Commissioner of Education to report to the State Board of Education, the Legislature, and the school districts on the performance of each first-time-in-postsecondary education student from each public high school in this state who is enrolled in a university, community college, or public *technical center* ~~degree career education school~~. Such reports *must* ~~shall~~ be based on information databases maintained by the Division of Universities, Division of Community Colleges, and Division of *Workforce Development* ~~Applied Technology and Adult Education~~. In addition, the universities, community colleges, and *technical centers* ~~degree career education schools~~ shall provide school districts access to information on student performance in regular and preparatory courses and shall indicate students referred for remediation pursuant to s. 240.117 or s. 239.213.

Section 35. Subsection (8) of section 240.147, Florida Statutes, is amended to read:

240.147 Powers and duties of the commission.—The commission shall:

(8) Recommend to the State Board of Education and the Legislature the establishment of additional branch campuses of public postsecondary educational institutions. *A* ~~No~~ branch campus may *not* be established without a review by the commission and formal authorization by the Legislature. Any community college branch campus established to provide only ~~exploratory, occupational proficiency, job-preparatory, and supplemental~~ vocational and technical instruction must be reviewed and recommended again by the commission and receive specific authorization by the Legislature before expanding its instructional offerings to the college parallel program area.

Section 36. Subsection (1), paragraph (b) of subsection (3), paragraph (b) of subsection (4), and paragraph (a) of subsection (5) of section 240.301, Florida Statutes, are amended to read:

240.301 Community colleges; definition, mission, and responsibilities.—

(1) State community colleges shall consist of all public educational institutions operated by community college district boards of trustees under statutory authority and rules of the State Board of Education and the State Board of Community Colleges. A community college may *provide* ~~be authorized by the State Board of Education to operate a department designated as an area career education school. A community college may be authorized by the State Board of Education, or through an agreement with a local school board, to be the designated provider in the service district of~~ adult education services, including adult basic education, adult general education, adult secondary education, and general educational development test instruction. The state community colleges are locally based and governed entities with statutory and funding ties to state government. As such, the community colleges' mission reflects a commitment to be responsive to local educational needs and challenges. In achieving this mission, the colleges strive to maintain sufficient local authority and flexibility while preserving appropriate legal accountability to the state.

(3) The primary mission and responsibility of public community colleges is responding to community needs for postsecondary academic education and degree career education. This mission and responsibility includes being responsible for:

(b) Preparing students directly for vocations requiring less than baccalaureate degrees. This may include preparing for job entry, supplementing of skills and knowledge, and responding to needs in new areas of technology. Career education in the community college shall consist of certificate career education programs leading to certificates *for occupational completion points*, credit courses leading to associate in science degrees *and associate in applied technology degrees*, and other programs in fields requiring substantial academic work, background, or qualifications. A community college may offer vocational programs in fields having lesser academic or technical requirements ~~if it is designated by the State Board of Education as an area vocational school or if such programs are coordinated with the local school district through an agreement with the school board~~.

(4) A separate and secondary role for community colleges includes the offering of programs in:

(b) Adult *general* ~~precollege~~ education~~, when authorized.~~

(5) Funding for community colleges shall reflect their mission as follows:

(a) Postsecondary academic and *vocational* ~~degree career~~ education programs and~~, when assigned to community colleges,~~ adult *general* ~~pre-college~~ education programs shall have first priority in community college funding.

Section 37. Subsection (1) of section 240.345, Florida Statutes, is amended to read:

240.345 Financial support of community colleges.—

(1) STATE SUPPORT OF COMMUNITY COLLEGES.—Each community college *that* ~~which~~ has been approved by the Department of Education and meets the requirements of law and regulations of the State Board of Education shall participate in the state community college program fund. *However, funds to support workforce development programs conducted by community colleges shall be provided by the Workforce Development Education Fund pursuant to s. 239.115.*

Section 38. Section 240.35, Florida Statutes, 1996 Supplement, 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 *leading to an associate degree, including college preparatory courses defined in s. 239.105.*

(1) The State Board of Community Colleges shall establish the matriculation and tuition fees for credit instruction *which* ~~that~~ may be counted toward an associate ~~or higher~~ degree. This instruction includes advanced programs *and*~~,~~ professional programs~~, and degree career education programs~~.

(2)(a) Any student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or parts III and V of chapter 39, for whom the permanency planning goal pursuant to part V of chapter 39 is long-term foster care or independent living, is exempt from the payment of all undergraduate fees, including fees associated with enrollment in college-preparatory instruction or completion of the college-level communication and computation skills testing program. Before a fee exemption can be given, the student shall have applied for and been denied financial aid, pursuant to s. 240.404, which would have provided, at a minimum, payment of all student fees.

(b) Any student qualifying for a fee exemption under this subsection shall receive such an exemption for not more than 2 consecutive years or 4 semesters, unless the student is participating in college-preparatory instruction or requires additional time to complete the college-level communication and computation skills testing program. Such a student is eligible to receive a fee exemption for a maximum of 3 consecutive years or 6 semesters.

(c) As a condition for continued fee exemption, a student shall earn a grade point average of at least 2.0 on a 4.0 scale for the previous term, maintain at least an overall 2.0 average for college work, or have an average below 2.0 for only the previous term and be eligible for continued enrollment in the institution.

(3) Students enrolled in dual enrollment and early admission programs pursuant to s. 240.116 and students enrolled ~~in employment and training programs~~ under the WAGES Program 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 under the WAGES Program 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 may not be denied participation in programs during the application process for financial aid. These students may 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.~~

(4)(a) Fees shall be waived for certain members of the active Florida National Guard pursuant to *s. 250.10(7)* ~~the provisions of s. 250.10(6)~~.

(b) Community colleges may waive fees for any fee-nonexempt student. A student whose fees are waived in excess of the amount authorized annually in the General Appropriations Act may not be included in calculations of full-time equivalent enrollments for state funding purposes. Any community college that waives fees and requests state funding for a student in violation of the provisions of this subsection shall be penalized at a rate equal to two times the value of the full-time equivalent student enrollment reported served. Such penalty shall be charged against the following year's allocation from the Community College Program Fund.

(5) Subject to review and final approval by the State Board of Education, the State Board of Community Colleges shall adopt by December 31 of each year a resident fee schedule for the following fall for advanced and professional~~, degree career education, and college preparatory~~ programs *that produce* ~~which produces~~ revenues in the amount of 25 percent of the full prior year's cost of these programs. However, the board may not adopt an annual fee increase in any program for resident students which exceeds 10 percent. ~~Beginning with fiscal year 1992-1993 and,~~ In the absence of a provision to the contrary in an appropriations act, the fee schedule shall take effect and the colleges shall expend the funds on instruction. If the Legislature provides for an alternative fee calculation in an appropriations act, the board shall establish a fee schedule that produces the fee revenue established in the appropriations act based on the assigned enrollment.

(6) Each community college board of trustees shall establish matriculation and tuition fees, which may vary no more than 10 percent from the fee schedule adopted by the State Board of Community Colleges.

(7) The sum of nonresident student matriculation and tuition fees must be sufficient to defray the full cost of each program. ~~Beginning with fiscal year 1992-1993,~~ The annual fee increases for nonresident students established by the board, in the absence of legislative action to the contrary in an appropriations act, may not exceed 25 percent.

(8) The State Board of Community Colleges shall adopt a rule specifying the definitions and procedures to be used in the calculation of the percentage of cost paid by students. The rule must provide for the calculation of the full cost of educational programs based on the allocation of all funds provided through the general current fund to programs of instruction, and other activities as provided in the annual expenditure analysis. The rule shall be developed in consultation with the Legislature.

(9) Each community college district board of trustees may establish a separate activity and service fee not to exceed 10 percent of the matriculation fee, according to rules of the State Board of Education. The student activity and service fee shall be collected as a component part of the registration and tuition fees. The student activity and service fees shall be paid into a student activity and service fund at the community college and shall be expended for lawful purposes to benefit the student body in general. These purposes include, but are not limited to, student publications and grants to duly recognized student organizations, the membership of which is open to all students at the community college without regard to race, sex, or religion.

(10)(a) Each community college is authorized to collect for financial aid purposes an additional amount up to, but not to exceed, 5 percent of the total student tuition or matriculation fees collected. Each community college may collect up to an additional 2 percent if the amount generated by the total financial aid fee is less than $250,000. If the amount generated is less than $250,000, a community college that charges tuition and matriculation fees at least equal to the average fees established by rule may transfer from the general current fund to the scholarship fund an amount equal to the difference between $250,000 and the amount generated by the total financial aid fee assessment. No other transfer from the general current fund to the loan, endowment, or scholarship fund, by whatever name known, is authorized.

(b) All funds collected under this program shall be placed in the loan and endowment fund or scholarship fund of the college, by whatever name known. Such funds shall be disbursed to students as quickly as possible. An amount not greater than 40 percent of the fees collected in a fiscal year may be carried forward unexpended to the following fiscal year. However, funds collected prior to July 1, 1989, and placed in an endowment fund may not be considered part of the balance of funds carried forward unexpended to the following fiscal year.

(c) Up to 25 percent or $250,000, whichever is greater, of the fees collected may be used to assist students who demonstrate academic merit, who participate in athletics, public service, cultural arts, and other extracurricular programs as determined by the institution, or who are identified as members of a targeted gender or ethnic minority population. The financial aid fee revenues allocated for athletic scholarships and fee exemptions provided pursuant to subsection (14) for athletes shall be distributed equitably as required by s. 228.2001(3)(d). A minimum of 50 percent of the balance of these funds shall be used to provide financial aid based on absolute need, and the remainder of the funds shall be used for academic merit purposes and other purposes approved by the district boards of trustees. Such other purposes shall include the payment of child care fees for students with financial need. The State Board of Community Colleges shall develop criteria for making financial aid awards. Each college shall report annually to the Department of Education on the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the State Board of Community Colleges. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.

(d) These funds may not be used for direct or indirect administrative purposes or salaries.

(11) Any community college that reports students who have not paid fees in an approved manner in calculations of full-time equivalent enrollments for state funding purposes shall be penalized at a rate equal to two times the value of such enrollments. Such penalty shall be charged against the following year's allocation from the Community College Program Fund and shall revert to the General Revenue Fund. The State Board of Education shall specify, as necessary, by rule, approved methods of student fee payment. Such methods shall include, but not be limited to, student fee payment; payment through federal, state, or institutional financial aid; and employer fee payments. A community college may not charge any fee except as authorized by law or rules of the State Board of Education.

(12) Each community college shall report only those students who have actually enrolled in instruction provided or supervised by instructional personnel under contract with the community college in calculations of actual full-time equivalent enrollments for state funding purposes. No student who has been exempted from taking a course or who has been granted academic or vocational credit through means other than actual coursework completed at the granting institution shall be calculated for enrollment in the course from which he or she has been exempted or granted credit. Community colleges that report enrollments in violation of this subsection shall be penalized at a rate equal to two times the value of such enrollments. Such penalty shall be charged against the following year's allocation from the Community College Program Fund and shall revert to the General Revenue Fund.

(13) Each community college board of trustees may establish a separate fee for capital improvements or equipping student buildings which may not exceed $1 per credit hour or credit-hour equivalent for residents and which equals or exceeds $3 per credit hour for nonresidents. Funds collected through these fees may not be bonded. The fee shall be collected as a component part of the registration and tuition fees, paid into a separate account, and expended only to construct and equip, maintain, improve, or enhance the educational facilities of the community college. Projects funded through the use of the capital improvement fee shall meet the survey and construction requirements of chapter 235. Pursuant to s. 216.0158, each community college shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee. A maximum of 15 cents per credit hour may be allocated from the capital improvement fee for child care centers conducted by the community college.

(14) Each community college is authorized to grant student fee exemptions from all fees adopted by the State Board of Community Colleges and the community college board of trustees for up to 40 full-time equivalent students at each institution.

Section 39. Paragraphs (b) and (c) of subsection (1) of section 240.359, Florida Statutes, are amended to read:

240.359 Procedure for determining state financial support and annual apportionment of state funds to each community college district.— The procedure for determining state financial support and the annual apportionment to each community college district authorized to operate a community college under the provisions of s. 240.313 shall be as follows:

(1) DETERMINING THE AMOUNT TO BE INCLUDED IN THE STATE COMMUNITY COLLEGE PROGRAM FUND FOR THE CURRENT OPERATING PROGRAM.—

(b) The allocation of funds for community colleges shall be based on advanced and professional disciplines *and on other programs for adults funded pursuant to s. 239.115*~~, vocational program areas, compensatory programs, and adult elementary and secondary programs~~. ~~The vocational program areas shall be further subdivided into postsecondary, postsecondary adult, and supplemental vocational program areas.~~

(c) The ~~funding~~ category of lifelong learning is for students enrolled pursuant to s. 239.301. A student shall also be reported as a lifelong learning student for his or her enrollment in any course that he or she has previously taken, unless it is a credit course in which the student earned a grade of D or F.

Section 40. Subsection (13) of section 240.61, Florida Statutes, 1996 Supplement, is amended to read:

240.61 College reach-out program.—

(13) By January 15 of each year, the Postsecondary Education Planning Commission shall submit to the President of the Senate, the Speaker of the House of Representatives, the Commissioner of Education, and the Governor a report that evaluates the effectiveness of the college reach-out program. The report must be based upon information provided by participating institutions, the Division of Universities, the Division of Community Colleges, and the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ pursuant to subsections (7) and (12). The evaluation must include longitudinal cohort assessments of college reach-out program participants from their entry into the program to their graduation from postsecondary institutions. To the extent feasible, the performance of college reach-out program participants must be compared to the performance of comparable cohorts of students in public school and postsecondary education.

Section 41. Subsection (1) of section 242.3305, Florida Statutes, is amended to read:

242.3305 Florida School for the Deaf and the Blind; responsibilities and mission.—

(1) The Florida School for the Deaf and the Blind is a state-supported residential school for hearing-impaired and visually impaired students in preschool through 12th grade. The school is a part of the state system of public education and shall be funded through the Division of Public Schools *and Community Education* of the Department of Education. The school shall provide educational programs and support services appropriate to meet the education and related evaluation and counseling needs of hearing-impaired and visually impaired students in the state who meet enrollment criteria. Education services may be provided on an outreach basis for sensory-impaired children ages 0 through 5 years and their parents. Graduates of the Florida School for the Deaf and the Blind shall be eligible for the tuition voucher program as provided in s. 240.605.

Section 42. Paragraph (d) of subsection (6) of section 242.331, Florida Statutes, is amended to read:

242.331 Florida School for the Deaf and the Blind; board of trustees.—

(6) The board of trustees shall:

(d) Seek the advice of the Bureau of Education for Exceptional Students within the Division of Public Schools *and Community Education* of the Department of Education.

Section 43. Subsection (1) of section 242.337, Florida Statutes, is amended to read:

242.337 Procedure for legislative budget requests for the Florida School for the Deaf and the Blind.—

(1) The legislative budget request of the Florida School for the Deaf and the Blind shall be prepared using the same format, procedures, and timelines required for the submission of the legislative budget of the Department of Education. The Commissioner of Education shall include the Florida School for the Deaf and the Blind in the department's legislative budget request to the State Board of Education, the Governor, and the Legislature. The legislative budget request and the appropriation for the Florida School for the Deaf and the Blind shall be a separate identifiable sum in the Division of Public Schools *and Community Education* budget entity of the Department of Education. The annual appropriation for the school shall be distributed monthly in payments as nearly equal as possible. Appropriations for textbooks, instructional technology, and school buses may be released and distributed as necessary to serve the instructional program for the students.

Section 44. Paragraph (a) of subsection (2) of section 288.047, Florida Statutes, 1996 Supplement, is amended to read:

288.047 Quick-response training for economic development.—

(2)(a) A Quick-Response Advisory Committee, composed of the director of the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ of the Department of Education; the director of the Division of Community Colleges of the Department of Education; and the director of the Division of Jobs and Benefits of the Department of Labor and Employment Security, or their respective designees, and four private sector members, shall review training funded through this program and shall provide policy advice to Enterprise Florida, Inc., in the implementation of this program. The committee shall elect a chair from among its members. Members of the committee may receive reimbursement for per diem and travel expenses as provided in s. 112.061.

Section 45. Subsection (2) of section 446.011, Florida Statutes, is amended to read:

446.011 Declaration of legislative intent with respect to apprenticeship training.—

(2) It is the intent of the Legislature that the Division of Jobs and Benefits of the Department of Labor and Employment Security have responsibility for the development of the apprenticeship and preapprenticeship uniform minimum standards for the apprenticeable trades and that the Division of *Workforce Development and the Division of Public Schools and Community Education* ~~of Applied Technology and Adult Education~~ of the Department of Education have responsibility for assisting district school boards and community college district boards of trustees in developing preapprenticeship programs in compliance with the standards established by the Division of Jobs and Benefits.

Section 46. Subsection (8) of section 446.041, Florida Statutes, is amended to read:

446.041 Apprenticeship program, duties of division.—The Division of Jobs and Benefits shall:

(8) Cooperate with and assist the Division of *Workforce Development and the Division of Public Schools and Community Education* ~~Applied Technology and Adult Education~~ of the Department of Education and appropriate ~~career~~ education institutions in the development of viable apprenticeship and preapprenticeship programs.

Section 47. Subsections (2) and (3) of section 446.052, Florida Statutes, are amended to read:

446.052 Preapprenticeship program.—

(2) The Division of *Public Schools and Community Education* ~~Applied Technology and Adult Education~~ of the Department of Education, under regulations established by the State Board of Education, is authorized to administer the provisions of ss. 446.011-446.092 that relate to preapprenticeship programs in cooperation with district school boards and community college district boards of trustees. District school boards, community college district boards of trustees, and registered program sponsors shall cooperate in developing and establishing programs that include vocational instruction and general education courses required to obtain a high school diploma.

(3) The Division of *Public Schools and Community Education* ~~Applied Technology and Adult Education~~, the district school boards, the community college district boards of trustees, and the Division of Jobs and Benefits shall work together with existing registered apprenticeship programs so that individuals completing such preapprenticeship programs may be able to receive credit towards completing a registered apprenticeship program.

Section 48. Paragraph (a) of subsection (2) of section 616.21, Florida Statutes, is amended to read:

616.21 Agricultural and livestock exhibit buildings; conditions for expenditures; Agricultural and Livestock Fair Council.—

(2)(a) There is created in the department the Agricultural and Livestock Fair Council, which shall be composed of five members, one of whom shall be appointed chair annually by the commissioner, as follows: *a representative of the Department of Education designated by the Commissioner* ~~the administrator of the Agriculture Section in the Division of Applied Technology and Adult Education of the Department~~ of Education; a representative of the department designated by the Commissioner of Agriculture; the Dean for Extension, Institute of Food and Agricultural Sciences of the University of Florida; the president of the Florida Federation of Fairs and Livestock Shows; and the president of the Florida Farm Bureau Federation or his representative. A representative of the department shall serve as secretary to the council and shall keep a complete record of all its proceedings, which record shall show the names of the members present at each meeting and any action taken by the council.

Section 49. *Subsection (3) of section 229.8075, Florida Statutes, and section 239.109, Florida Statutes, and sections 15 and 16 of chapter 94-232, Laws of Florida, are repealed.*

Section 50. Section 236.081, Florida Statutes, 1996 Supplement, is amended to read:

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

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

(a) Determination of full-time equivalent membership.—During each of several school weeks, including scheduled intersessions of a year-round school program during the fiscal year, a program membership survey of each school shall be made by each district by aggregating the full-time equivalent student membership of each program by school and by district. The department shall establish the number and interval of membership calculations, except that for basic and special programs such calculations shall not exceed nine for any fiscal year. The district's full-time equivalent membership shall be computed and currently maintained in accordance with regulations of the state board.

(b) Determination of base student allocation.—The base student allocation *for the Florida Education Finance Program for kindergarten through grade 12* shall be determined annually by the Legislature and shall be that amount prescribed in the current year's General Appropriations Act.

(c) Determination of programs.—Cost factors based on desired relative cost differences between the following programs shall be established in the annual General Appropriations Act. *The Commissioner of Education shall specify a matrix of services and intensity levels to be used by districts in the determination of funding support for each exceptional student. The funding support level for each exceptional student shall fund the exceptional student's total education program.* ~~However, the application of cost factors in part-time programs for exceptional students is limited to a maximum of twelve twenty-fifths of a student membership in a given program during a week. Beginning with the 1990-1991 fiscal year, the application of cost factors in part-time programs for exceptional students is limited to a maximum of 432 hours of a student full-time equivalent membership in a given program during a school year as defined in s. 228.041(16). The criteria for qualification for the special programs, including maximum case loads for part-time programs, shall~~

~~be determined by rules of the state board. However, the district may apply to the department for an exemption to the maximums set above, and the department may grant such exemptions when district size or program dispersal would place an undue burden on the district. Cost factors for special programs for exceptional students shall be used to fund programs, approved by the department, as provided by law for exceptional students under the minimum age for enrollment in kindergarten. Beginning with the 1993-1994 fiscal year, the Department of Education shall conduct a program cost analysis, pursuant to State Board of Education rule, as part of the program review process. Adult basic and secondary programs must also be addressed in the program cost analysis. The program cost analysis must include, but is not limited to, the cost of direct and indirect operations, instruction, faculty-to-student ratio, consumable supplies, equipment, and optimum program length. Beginning with the 1995-1996 General Appropriations Act, the Legislature shall assign each secondary career education program and certificate career education program to a program funding level based on programmatic costs derived from the program cost analysis. A minimum of five funding levels shall be established in the General Appropriations Act for the purposes of this paragraph.~~

1. Basic programs.—

a. Kindergarten and grades 1, 2, and 3.
b. Grades 4, 5, 6, 7, and 8.
c. Grades 9, 10, 11, and 12.

2. ~~Special~~ Programs for exceptional students.—

a. Support Level I.
b. Support Level II.
c. Support Level III.
d. Support Level IV.
e. Support Level V.
~~a. Educable mentally handicapped.~~
~~b. Trainable mentally handicapped.~~
~~c. Physically handicapped.~~
~~d. Physical and occupational therapy part-time.~~
~~e. Speech, language, and hearing part-time.~~
~~f. Speech, language, and hearing.~~
~~g. Visually handicapped part-time.~~
~~h. Visually handicapped.~~
~~i. Emotionally handicapped part-time.~~
~~j. Emotionally handicapped.~~
~~k. Specific learning disability part-time.~~
~~l. Specific learning disability.~~
~~m. Gifted part-time.~~
~~n. Hospital and homebound part-time.~~
~~o. Profoundly handicapped.~~

3.~~4.~~ Secondary career education programs.—

~~a. Level I.~~
~~b. Level II.~~
~~c. Level III.~~
~~d. Level IV.~~
~~e. Level V.~~

4.~~6.~~ Students-at-risk programs.—

a. Dropout prevention *and teenage parents.*
b. English for Speakers of Other Languages.
~~b. Special programs for teenage parents.~~
~~c. Kindergarten through grade 3 ESOL.~~
~~d. Grades 4 through 8 ESOL.~~
~~e. Grades 9 through 12 ESOL.~~

~~5. Certificate career education and supplemental career education programs.—~~

~~a. Level I.~~
~~b. Level II.~~
~~c. Level III.~~
~~d. Level IV.~~
~~e. Level V.~~

~~3. Adult general education programs.—~~

~~a. Adult basic education.~~
~~b. Adult secondary education.~~
~~c. Lifelong learning.~~

(d) Annual allocation calculation.—

1. The Department of Education is authorized and directed to review all district programs and enrollment projections and calculate a maximum total weighted full-time equivalent student enrollment for each district *for the K-12 FEFP*.

2. Maximum enrollments calculated by the department shall be derived from enrollment estimates used by the Legislature to calculate the FEFP. If two or more districts enter into an agreement under the provisions of s. 230.23(4)(d), after the final enrollment estimate is agreed upon, the amount of FTE specified in the agreement, not to exceed the estimate for the specific program as identified in paragraph (c), may be transferred from the participating districts to the district providing the program.

3. As part of its calculation of each district's maximum total weighted full-time equivalent student enrollment, the department shall establish separate enrollment ceilings for each of three program groups. Group 1 shall be composed of grades K-3, grades 4-8, and grades 9-12. *Group 2 shall be composed of students in exceptional student education.* Group *3* ~~2~~ shall be composed of students-at-risk programs, all basic programs other than the programs in group 1, ~~all exceptional child programs,~~ and all vocational programs in grades 7-12. ~~Group 3 shall be composed of all adult education programs.~~

a. The weighted enrollment ceiling for group 2 and group 3 programs shall be calculated by multiplying the final enrollment conference estimate for each program by the appropriate program weight. The weighted enrollment ceiling for program groups 2 and 3 shall be the sum of the weighted enrollment ceilings for each program in the program group, plus the increase in weighted full-time equivalent student membership from the prior year for clients of the Department of *Children and Family Services and the Department of Juvenile Justice* ~~Health and Rehabilitative Services~~.

b. If, for any calculation of the FEFP, the weighted enrollment for either program group 2 or group 3, derived by multiplying actual enrollments by appropriate program weights, exceeds the enrollment ceiling for that group, the following procedure shall be followed to reduce the weighted enrollment for that group to equal the enrollment ceiling:

(I) The weighted enrollment ceiling for each program in the program group shall be subtracted from the weighted enrollment for that program derived from actual enrollments.

(II) If the difference calculated under sub-sub-subparagraph (I) is greater than zero for any program, a reduction proportion shall be computed for the program by dividing the absolute value of the difference by the total amount by which the weighted enrollment for the program group exceeds the weighted enrollment ceiling for the program group.

(III) The reduction proportion calculated under sub-sub-subparagraph (II) shall be multiplied by the total amount of the program group's enrollment over the ceiling as calculated under sub-sub-subparagraph (I).

(IV) The prorated reduction amount calculated under sub-sub-subparagraph (III) shall be subtracted from the program's weighted enrollment. For any calculation of the FEFP, the enrollment ceiling for group 1 shall be calculated by multiplying the actual enrollment for each program in the program group by its appropriate program weight.

c. For program groups 2 and 3, the weighted enrollment ceiling shall be a number not less than the sum obtained by:

(I) Multiplying the sum of reported FTE for all programs in the program group that have a cost factor of 1.0 or more by 1.0, and

(II) By adding this number to the sum obtained by multiplying the projected FTE for all programs with a cost factor less than 1.0 by the actual cost factor.

~~(e) Visually handicapped allocation.—With respect to special programs for the visually handicapped, upon request of a school board in any district or multidistrict area in which there are five or more students~~

~~receiving an appropriate program, the Department of Education may assign three unweighted full-time equivalent students for the special program until such time as more than three full-time equivalent students are generated.~~

~~(f) Exceptional mainstream allocation.—A student properly classified as an exceptional student pursuant to s. 230.23(4)(m) and eligible for a special program for exceptional students identified in subparagraph (c)2., excluding gifted part-time, may, as a condition of such student's individualized educational plan, be assigned to a basic or vocational mainstream program on a part-time basis. Physically impaired students may be assigned to a basic or vocational mainstream program on a part-time or full-time basis. The basic program cost factor or aggregated vocational program cost factor for such mainstreamed students shall be doubled for the purpose of generating weighted full-time equivalent membership for time served in the program, provided such students are furnished with required special services, aids, or equipment in accordance with their individualized educational plan. The Department of Education may promulgate rules needed to implement this paragraph.~~

~~(g) Alternative handicapped allocation.—As an alternative to a special program for hospital and homebound part-time, a school district may establish appropriate instructional groupings of certain students within any hospital when those students are eligible for a special program for the hospitalized or homebound due to physical or mental health impairments which result in reduced efficiency in school work because of temporary or chronic lack of strength, vitality, or alertness. Each full-time equivalent student in such a program shall be assigned a cost factor equal to the cost factor established for physically handicapped pursuant to subparagraph (c)2.~~

(e)~~(h)~~ State funding for certain adult disabled students.—If an adult student has been determined to be a disabled student eligible for an approved educational program for disabled adults provided pursuant to s. 239.301 and rules of the State Board of Education and is enrolled in a class with curriculum frameworks developed for the program, state funding for that student shall be provided at a level double that of the special adult general education program cost factor for the purpose of generating weighted full-time equivalent membership for time served in the program.

(f)~~(i)~~ Small, isolated high schools.—Districts which levy the maximum nonvoted discretionary millage, exclusive of millage for capital outlay purposes levied pursuant to s. 236.25(2), may calculate full-time equivalent students for small, isolated high schools by multiplying the number of unweighted full-time equivalent students times 2.75; provided the percentage of students at such school passing both parts of the high school competency test, as defined by law and rule, has been equal to or higher than such percentage for the state or district, whichever is greater. For the purpose of this section, the term "small, isolated high school" means any high school which is located no less than 28 miles by the shortest route from another high school; which has been serving students primarily in basic studies provided by sub-subparagraphs (c)1.b. and c. and may include subparagraph (c)6.; and which has a membership of no more than 100 students, but no fewer than 28 students, in grades 9 through 12.

(g)~~(j)~~ Calculation of full-time equivalent membership with respect to instruction from community colleges or universities.—Students enrolled in community college or university dual enrollment instruction pursuant to s. 240.116 may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. Such students may also be calculated as the proportional shares of full-time equivalent enrollments they generate for the community college or university conducting the dual enrollment instruction. Early admission students shall be considered dual enrollments for funding purposes. ~~Students enrolled in dual enrollment instruction provided by a vocational-technical center located in the same district as the district in which the student attends secondary school and operated by the school board of that district shall be calculated by the school board as one full-time equivalent enrollment within the basic secondary program for state funding purposes; however, a district school board may also report such students as the proportional shares of full-time equivalent enrollments each student generates within the vocational program. Students enrolled in dual enrollment instruction provided by a vocational-technical center located in a different school district than the district in which the student attends secondary school and operated by the school board of the district in which the vocational-technical center is located may be included in calculations of full-time equivalent memberships for basic programs for grades 9 through 12 by a district school board and may be calculated as the proportional share of full-time equivalent enrollments they generate for the school board conducting the dual enrollment instruction. Students enrolled in vocational dual enrollment instruction conducted by a community college on a high school campus may be calculated by the school board as the proportional shares of full-time equivalent enrollments they generate in the basic program for grades 9 through 12 and the proportional shares of full-time equivalent enrollments they generate in the vocational programs.~~ Students may be enrolled in dual enrollment instruction provided by an eligible independent college or university and may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. However, those provisions of law which exempt dual enrolled and early admission students from payment of instructional materials, registration, matriculation, and laboratory fees shall not apply to students who select the option of enrolling in an eligible independent institution. An independent college or university which is located and chartered in Florida, is not for profit, is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Commission of the Association of Independent Colleges and Schools, and which confers degrees as defined in s. 246.021 shall be eligible for inclusion in the dual enrollment or early admission program. Students enrolled in dual enrollment instruction shall be exempt from the payment of registration, matriculation, and laboratory fees. No student enrolled in college credit mathematics or English dual enrollment instruction shall be funded as a dual enrollment unless the student has successfully completed the relevant section of the entry-level examination required pursuant to s. 240.117~~, nor shall any student enrolled in vocational dual enrollment instruction be funded as a dual enrollment unless the student has completed the vocational entry-level examination~~.

(h)~~(k)~~ Instruction outside required number of school days.—Students in grades 9 through 12 may be counted as full-time equivalent students for instruction provided outside the required number of school days if such instruction counts as credit toward a high school diploma. *However, if a high school student wishes to earn additional high school credits from a community college and enrolls in one or more adult secondary education courses at the community college, the student's school district must pay the community college for the costs incurred because of the high school student's coenrollment.*

(i)~~(l)~~ Instruction in *family and consumer services* ~~home economics~~.—Students in grades K through 12 who are enrolled for more than six semesters in practical arts home economics courses as defined in s. 228.041(22)(a)4. may not be counted as full-time equivalent students for this instruction.

(j)~~(m)~~ Instruction in exploratory career education.—Students in grades 7 through 12 who are enrolled for more than four semesters in exploratory career education may not be counted as full-time equivalent students for this instruction.

(k)~~(n)~~ Calculation of additional full-time equivalent membership based on international baccalaureate examination scores of students.—A value of 0.24 full-time equivalent student membership shall be calculated for each student enrolled in an international baccalaureate course who receives a score of 4 or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an international baccalaureate diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year.

(l)~~(o)~~ Instruction in career education.—Effective for the 1985-1986 school year and thereafter, district pupil progression plans shall provide for the substitution of vocational courses for the nonelective courses required for high school graduation pursuant to s. 232.246. A student in grades 9 through 12 who enrolls in and satisfactorily completes a job-preparatory program may substitute credit for a portion of the required four credits in English, three credits in mathematics, and three credits in science. The credit substituted for English, mathematics, or science earned through the vocational job-preparatory program shall be on a curriculum equivalency basis as provided for in the State Course Code Directory. Upon adoption of curriculum frameworks for vocational courses pursuant to s. 233.011, the State Board of Education shall authorize by rule vocational course substitutions not to exceed two credits in each of the nonelective academic subject areas of English, mathemat-

ics, and science. School districts shall provide for vocational course substitutions not to exceed two credits in each of the nonelective academic subject areas of English, mathematics, and science, upon adoption of vocational student performance standards by the school board pursuant to s. 232.2454. A vocational program which has been used as a substitute for a nonelective academic credit in one subject area may not be used as a substitute for any other subject area. The credit in practical arts or exploratory career education required for high school graduation pursuant to s. 232.246(1) shall be funded as a career education course.

~~(p) Instruction in supplemental vocational courses; and adult basic and secondary courses.—Vocational supplemental courses and adult basic and secondary education courses may be made available to any adult pursuant to s. 239.301.~~

~~1. A student in an adult basic and secondary education course shall be reported as an adult basic and secondary education full-time equivalent student if he or she is pursuing a program of studies to achieve literacy, prepare for the Test of General Educational Development (GED), or earn a high school diploma.~~

~~2. A student in a supplemental vocational course shall be reported as a supplemental vocational full-time equivalent student if he or she:~~

~~a. Currently holds wage-earning employment and is taking a course to enhance or upgrade skills related to that employment; or~~

~~b. Has an employment history and enrolls in a course related to that employment history with the intent to seek employment in an occupation directly related to the course and employment history; or~~

~~c. Has an employment history and wants to develop competence in the English language to qualify for employment.~~

(m)~~(q)~~ Calculation of additional full-time equivalent membership based on college board advanced placement scores of students.—A value of 0.24 full-time equivalent student membership shall be calculated for each student in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination for the prior year and added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year.

(n)~~(r)~~ Year-round-school programs.—The Commissioner of Education is authorized to adjust student eligibility definitions, funding criteria, and reporting requirements of statutes and rules in order that year-round-school programs may achieve equivalent application of funding requirements with non-year-round-school programs.

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

(p)~~(t)~~ Determination of the basic amount for current operation.—The basic amount for current operation to be included in the Florida Education Finance Program *for kindergarten through grade 12* for each district shall be the product of the following:

1. The full-time equivalent student membership in each program, multiplied by

2. The cost factor for each program, adjusted for the maximum as provided by paragraph (c), multiplied by

3. The base student allocation.

(2) DETERMINATION OF DISTRICT COST DIFFERENTIALS.—The commissioner shall annually compute for each district the current year's district cost differential. The district cost differential shall be calculated by adding each district's price level index as published in the Florida Price Level Index, prepared by the Executive Office of the Governor, for the most recent 3 years and dividing the resulting sum by 3. The result for each district shall be multiplied by 0.008 and to the resulting product shall be added 0.200; the sum thus obtained shall be the cost differential for that district for that year.

(3) INSERVICE EDUCATIONAL PERSONNEL TRAINING EXPENDITURE.—Of the amount computed in subsections (1) and (2), a percentage of the base student allocation per full-time equivalent student shall be expended for educational training programs as determined by the district school board as provided in s. 236.0811. This percentage shall remain constant and shall be calculated by dividing $6 by the 1990-1991 base student allocation. If a district has an approved teacher education center, at least two-thirds of the funds so determined shall be expended as provided in ss. 231.600-231.609, and such funds shall be used to provide the professional orientation program, pursuant to s. 231.17. Funds as provided herein may be expended only for the direct support of inservice training activities as prescribed below:

(a) Salaries and benefits of:

1. Personnel directly administering the approved inservice training program.

2. School board employees while such personnel are conducting an approved inservice training program.

3. Substitutes for personnel released to participate in an approved inservice training program or an inservice council activity.

(b) Other direct operating expenses, excluding capital outlay, required for administering the approved inservice training program, including, but not limited to, the following:

1. Inservice training materials for approved inservice training activities.

2. Data processing for approved inservice training activities.

3. Telephone for the approved inservice training program.

4. Office supplies for the personnel administering the approved inservice training program.

5. Duplicating and printing for approved inservice training activities.

6. Fees and travel and per diem expenses for consultants used in conducting approved inservice training activities.

7. Travel and per diem expenses for school district personnel attending approved inservice conferences, workshops, or visitations to schools.

8. Rental of facilities not owned by the school board for use in conducting an approved inservice training program.

(c) Compensation may be awarded under this subsection to employees engaged in inservice training activities which are outside of, or in addition to, regular hours of duty assignments or a regular day of a contract period for which regular compensation is provided. No moneys shall be authorized under this subsection for additional salaries and benefits constituting dual compensation to employees participating in inservice activities if such activities are within regular hours of duty assignments or within a regular day of a contract period for which regular compensation is provided.

(d) Funds may be expended to pay tuition or registration fees for college courses provided the course is identified in the district's approved master plan and the employee does not receive college credit. However, an employee may be awarded college credit for successful participation in exempted inservice programs that are identified by the Department of Education in State Board of Education rule and for which the employee shall pay the regular tuition and registration fees assessed by the credit-granting institution. Courses for these exempted programs shall be arranged and conducted in compliance with procedures that are developed cooperatively by the Department of Education and the Board of Regents and are also included in State Board of Education rule. Provision for payment of tuition and registration fees for such credit-earning courses shall be contained in State Board of Education rule.

(4) COMPUTATION OF DISTRICT-REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the General Appropriations Act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Pro-

gram *for kindergarten through grade 12 programs* shall be calculated as follows:

(a) Estimated taxable value calculations.—

1.a. Not later than 2 working days prior to July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the taxable value for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. Not later than July 19, the commissioner shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 95 percent of the estimated state total taxable value for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The commissioner shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district-required local effort for that year.

b. ~~For the 1996-1997 fiscal year only,~~ The General Appropriations Act *shall* ~~may~~ direct the computation of the statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district's revenue from required local effort millage will produce more than 90 percent of the district's total *K-12* Florida Education Finance Program calculation, and the adjustment of the required local effort millage rate of each district that produces more than 90 percent of its total Florida Education Finance Program entitlement to a level that will produce only 90 percent of its total Florida Education Finance Program entitlement. ~~This sub-subparagraph is repealed on July 1, 1997.~~

2. As revised data are received from property appraisers, the Department of Revenue shall amend the certification of the estimate of the taxable value for school purposes. The Commissioner of Education, in administering the provisions of *subparagraph (10)(a)2.* ~~paragraph (13)(b)~~, shall use the most recent taxable value for the appropriate year.

(b) Final calculation.—

1. The Department of Revenue shall, upon receipt of the official final assessed value of property from each of the property appraisers, certify to the commissioner the taxable value total for school purposes in each school district, subject to the provisions of paragraph (d). The commissioner shall use the official final taxable value for school purposes for each school district in the final calculation of the annual *K-12* Florida Education Finance Program allocations.

2. For the purposes of this paragraph, the official final taxable value for school purposes shall be the taxable value for school purposes on which the tax bills are computed and mailed to the taxpayers, adjusted to reflect final administrative actions of value adjustment boards and judicial decisions pursuant to part I of chapter 194. By September 1 of each year, the Department of Revenue shall certify to the commissioner the official prior year final taxable value for school purposes. For each county that has not submitted a revised tax roll reflecting final value adjustment board actions and final judicial decisions, the Department of Revenue shall certify the most recent revision of the official taxable value for school purposes. The certified value shall be the final taxable value for school purposes and no further adjustments shall be made, except those made pursuant to *subparagraph (10)(a)2* ~~paragraph (13)(b)~~.

(c) Equalization of required local effort.—

1. The Department of Revenue shall include with its certifications provided pursuant to paragraph (a) its most recent determination of the assessment level of the prior year's assessment roll for each county and for the state as a whole.

2. The commissioner shall adjust the required local effort millage of each district for the current year, computed pursuant to paragraph (a), as follows:

a. The equalization factor for the prior year's assessment roll of each district shall be multiplied by 95 percent of the taxable value for school purposes shown on that roll and by the prior year's required local-effort millage, exclusive of any equalization adjustment made pursuant to this paragraph. The dollar amount so computed shall be the additional required local effort for equalization for the current year.

b. Such equalization factor shall be computed as the quotient of the prior year's assessment level of the state as a whole divided by the prior year's assessment level of the county, from which quotient shall be subtracted 1.

c. The dollar amount of additional required local effort for equalization for each district shall be converted to a millage rate, based on 95 percent of the current year's taxable value for that district, and added to the required local effort millage determined pursuant to paragraph (a).

3. Notwithstanding the limitations imposed pursuant to s. 236.25(1), the total required local-effort millage, including additional required local effort for equalization, shall be an amount not to exceed 10 minus the maximum millage allowed as nonvoted discretionary millage, exclusive of millage authorized pursuant to s. 236.25(2). Nothing herein shall be construed to allow a millage in excess of that authorized in s. 9, Art. VII of the State Constitution.

4. For the purposes of this chapter, the term "assessment level" means the value-weighted mean assessment ratio for the county or state as a whole, as determined pursuant to s. 195.096, or as subsequently adjusted. In the event a court has adjudicated that the department failed to establish an accurate estimate of an assessment level of a county and recomputation resulting in an accurate estimate based upon the evidence before the court was not possible, that county shall be presumed to have an assessment level equal to that of the state as a whole.

5. If, in the prior year, taxes were levied against an interim assessment roll pursuant to s. 193.1145, the assessment level and prior year's nonexempt assessed valuation used for the purposes of this paragraph shall be those of the interim assessment roll.

(d) Exclusion.—In those instances in which:

1. There is litigation either attacking the authority of the property appraiser to include certain property on the tax assessment roll as taxable property or contesting the assessed value of certain property on the tax assessment roll; and

2. The assessed value of the property in contest involves more than 10 percent of the total nonexempt assessment roll;

the assessed value of the property in contest shall be excluded from the taxable value for school purposes for purposes of computing the district-required local effort.

(e) Recomputation.—Following final adjudication of any litigation on the basis of which an adjustment in taxable value was made pursuant to paragraph (d), the department shall recompute the required local effort for each district for each year affected by such adjustments, utilizing taxable values approved by the court, and shall adjust subsequent allocations to such districts accordingly.

~~(f) Required adult fees.—~~

~~1. Fees for all nonexempt students as defined in s. 239.117 shall be added to and made a part of the required local effort of each district.~~

~~2. Each district shall report the total fee-exempt, fee-nonexempt, fee-waived, fee-deferred, and nonresident full-time equivalent student enrollment for each adult program. Districts shall also report the total amount of fees collected from students as required by s. 239.117. The value of in-kind services accepted in lieu of fees shall not be added to and made a part of the total fee collection amount reported by the district.~~

~~3. Each district's total required local effort fee amount shall be calculated in the following manner:~~

~~a. A total resident fee amount shall be calculated for each district by summing the fee-nonexempt full-time equivalent enrollment for each adult program and by subtracting from that sum the district's nonresident full-time equivalent enrollment and by multiplying the difference by the fee amount specified in the General Appropriations Act.~~

~~b. A total nonresident fee amount shall be calculated for each district by multiplying each district's nonresident full-time equivalent enrollment by a number that is twice the fee amount specified in the General Appropriations Act.~~

~~c. A total unadjusted required local effort fee amount shall be calculated for each district by adding the resident fee amount calculated in sub-subparagraph a. to the nonresident fee amount calculated in sub-subparagraph b.~~

~~d. A fee collection credit amount shall be calculated for each district by adding the total amount of fees collected by the district to the district's maximum fee waiver amount as defined in s. 239.117.~~

~~e. Each district's total unadjusted required local fee amount calculated in sub-subparagraph c. shall be subtracted from its total fee collection credit amount calculated in sub-subparagraph d. If the difference is a positive number, the district's required fee adjustment amount shall be set to zero. If the difference is a negative number, a required fee adjustment amount shall be calculated by dividing the absolute value of such difference by the fee amount specified in the General Appropriations Act and multiplying the result, rounded to two decimal places, by the average of all program weights for adult programs for the year as specified in the General Appropriations Act, rounded to three decimal places; by the base student allocation defined in the General Appropriations Act; and by two.~~

~~f. A total required local effort fee amount shall be calculated for each district by adding the unadjusted fee amount calculated in sub-subparagraph c. to the fee adjustment amount calculated in sub-subparagraph e.~~

~~g. The fee adjustment amount calculated pursuant to sub-subparagraph e. shall be calculated for a given fiscal year by the Department of Education only in the final calculation of the Florida Education Finance Program and funds adjustments shall be handled as a prior year adjustment in the subsequent year. The data required for the calculation shall be submitted for the fiscal year by the school districts only in the last full-time equivalent student membership survey. A school district's amendments to the data submitted for calculation of the fee adjustment amount shall have the same limitation on submission as amendments to full-time equivalent student membership data.~~

(5) CATEGORICAL PROGRAMS.—The Legislature hereby provides for the establishment of selected categorical programs to assist in the development and maintenance of activities giving indirect support to the programs previously funded. These categorical appropriations may be funded as general and transitional categorical programs. It is the intent of the Legislature that no transitional categorical program be funded for more than 4 fiscal years from the date of original authorization. Such programs are as follows:

(a) General.—

1. Comprehensive school construction and debt service as provided by law.
2. Community schools as provided by law.
3. School lunch programs as provided by law.
4. Instructional material funds as provided by law.
5. Student transportation as provided by law.
6. Student development services as provided by law.
7. Diagnostic and learning resource centers as provided by law.
8. Comprehensive health education as provided by law.

(b) Transitional.—

1. Bilingual program as provided by law.

(6) DETERMINATION OF SPARSITY SUPPLEMENT.—

(a) Annually, in an amount to be determined by the Legislature through the General Appropriations Act, there shall be added to the basic amount for current operation of *the K-12 FEFP* qualified districts a sparsity supplement which shall be computed as follows:

$$\text{Sparsity Factor} = \frac{1101.8918}{2700 + \text{district sparsity index}} - 0.1101$$

except that districts with a sparsity index of 1,000 or less shall be computed as having a sparsity index of 1,000, and districts having a sparsity index of 7,308 and above shall be computed as having a sparsity factor of zero. A qualified district's full-time equivalent student membership shall equal or be less than that prescribed annually by the Legislature in the appropriations act. The amount prescribed annually by the Legislature shall be no less than 17,000, but no more than 24,000.

(b) The district sparsity index shall be computed by dividing the total number of full-time equivalent students in all programs in the district by the number of senior high school centers in the district, not in excess of three, which centers are approved as permanent centers by a survey made by the Department of Education.

(c) Each district's allocation of sparsity supplement funds shall be adjusted in the following manner:

1. A maximum discretionary levy per FTE value for each district shall be calculated by dividing the value of each district's maximum discretionary levy by its FTE student count;

2. A state average discretionary levy value per FTE shall be calculated by dividing the total maximum discretionary levy value for all districts by the state total FTE student count;

3. For districts that have a levy value per FTE as calculated in subparagraph 1. higher than the state average calculated in subparagraph 2., a sparsity wealth adjustment shall be calculated as the product of the difference between the state average levy value per FTE calculated in subparagraph 2. and the district's levy value per FTE calculated in subparagraph 1. and the district's FTE student count and -1;

4. Each district's sparsity supplement allocation shall be calculated by adding the amount calculated as specified in paragraphs (a) and (b) and the wealth adjustment amount calculated in this paragraph.

(7) DECLINE IN FULL-TIME EQUIVALENT STUDENTS.—In those districts where there is a decline between prior year and current year unweighted FTE students, 50 percent of the decline in the unweighted FTE students shall be multiplied by the prior year calculated FEFP per unweighted FTE student and shall be added to the allocation for that district. For this purpose, the calculated FEFP shall be computed by multiplying the weighted FTE students by the base student allocation and then by the district cost differential. If a district transfers a program to another institution not under the authority of the district's school board, the decline is to be multiplied by a factor of 0.15.

~~(8) ADULT BASIC SKILLS ADJUSTMENT.—There is created an adult basic skills education program adjustment. If any district's preceding year's adult basic skills education program expenditure per full-time equivalent student, as reported in s. 237.34, is 105 percent or more of the revenue per full-time equivalent student generated through the Florida Education Finance Program for adult basic skills education, the district entitlement shall be an amount calculated by multiplying the district's adult basic skills education full-time equivalent student count by the difference between the district's adult basic skills education program expenditure per student and 105 percent of the district's adult basic skills education program revenues per full-time equivalent student. The actual amount of the adjustments shall be as set in the General Appropriations Act.~~

~~(9) PROFOUNDLY HANDICAPPED SUPPLEMENT.—Annually, an amount established in the appropriations act shall be added to the basic amount for current operation of qualified districts as a profoundly handicapped program supplement which shall be computed as follows: If any district's preceding year's profoundly handicapped expenditure per full-time equivalent student membership as reported in the Annual District Cost Report is above a percent figure annually established by the Legislature in the General Appropriations Act of the revenue per full-time equivalent student membership generated through the Florida Education Finance Program for profoundly handicapped, the district shall receive an amount calculated by multiplying the district's profoundly handicapped full-time equivalent student membership count by the difference between the district's profoundly handicapped program expenditure per student and the percent set annually by the Legislature of the district's profoundly handicapped program revenues per full-time equivalent student membership. If the total amount to fully fund the entitlement exceeds the amount appropriated, each eligible district's allocation shall be prorated.~~

(8)~~(10)~~ CAPS ADJUSTMENT SUPPLEMENT.—If there are funds remaining in the appropriation, excluding any working capital funds after calculating subsection *(10)* ~~(12)~~, a caps adjustment supplement of

up to *20* ~~10~~ percent of the funds remaining in the appropriation shall be calculated as follows:

(a) As a first priority, the exceptional student programs weighted full-time equivalent student membership above cap group 2 shall be funded up to the level of the appropriation. If the level of appropriation does not allow funding of all weighted full-time equivalent student memberships above the cap provided in this paragraph, the funds available shall be prorated.

(b) As a second priority, ~~all other~~ group *3* ~~2 special~~ programs weighted full-time equivalent student membership above cap group *3* ~~2~~ shall be funded at the weighted average of the cost factors for basic grades 4-8 and 9-12 multiplied by the equivalent unweighted full-time equivalent student membership up to the level of the remaining Florida Education Finance Program appropriation. If the level of the remaining appropriation does not allow funding of all weighted full-time equivalent student memberships above the cap provided in this paragraph, the funds available shall be prorated.

(9)~~(11)~~ QUALITY ASSURANCE GUARANTEE.—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per *K-12* weighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per weighted FTE student which shall include the adjusted FTE dollars as provided in subsection *(10)* ~~(12)~~, ~~profoundly handicapped adjustment,~~ quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per weighted FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted FTE dollars as provided in subsection *(10)* ~~(12), profoundly handicapped adjustment,~~ and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per weighted FTE to prior year funds per weighted FTE shall be computed. For those school districts which have less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per weighted FTE student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

(10)~~(12)~~ TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR CURRENT OPERATION.—The total annual state allocation to each district for current operation *for the K-12 FEFP* shall be distributed periodically in the manner prescribed *in the General Appropriations Act.* ~~by regulations of the state board and shall be calculated as follows:~~

(a) The basic amount for current operation *for the K-12 FEFP* as determined in subsection (1), multiplied by the district cost differential factor as determined in subsection (2), plus the amount for the sparsity supplement as determined in subsection (6), the decline in full-time equivalent students as determined in subsection (7), ~~the adult basic skills adjustment as determined in subsection (8), the profoundly handicapped supplement as determined in subsection (9),~~ and the quality assurance guarantee as determined in subsection *(9)* ~~(11)~~, less the required local effort as determined in subsection (4). If the funds appropriated for the purpose of funding the total amount for current operation as provided in this paragraph are not sufficient to pay the state requirement in full, the department shall prorate the available state funds to each district in the following manner:

1. Determine the percentage of proration by dividing the sum of the total amount for current operation, as provided in this paragraph for all districts collectively, and the total district-required local effort into the sum of the state funds available for current operation and the total district-required local effort.

2. Multiply the percentage so determined by the sum of the total amount for current operation as provided in this paragraph and the required local effort for each individual district.

3. From the product of such multiplication, subtract the required local effort of each district; and the remainder shall be the amount of state funds allocated to the district for current operation.

(b) The amount thus obtained shall be the net annual allocation to each school district. However, if it is determined that any school district received an underallocation or overallocation for any prior year because of an arithmetical error, assessment roll change, full-time equivalent student membership error, or any allocation error revealed in an audit report, the allocation to that district shall be appropriately adjusted. If the Department of Education audit adjustment recommendation is based upon controverted findings of fact, the Commissioner of Education is authorized to establish the amount of the adjustment based on the best interests of the state.

(c) The amount thus obtained shall represent the net annual state allocation to each district; however, notwithstanding any of the provisions herein, each district shall be guaranteed a minimum level of funding in the amount and manner prescribed in the General Appropriations Act.

Section 51. This act shall take effect July 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to education finance; providing purposes of the act; providing for a revised funding model for exceptional student education programs and specifying use of a matrix of services; providing for review of delivery of services; providing for rules; providing funding requirements; amending s. 236.078, F.S.; conforming provisions; amending s. 236.083, F.S.; authorizing the transfer of certain funds for student transportation; correcting a cross-reference; amending s. 237.34, F.S.; revising provisions relating to cost accounting and reporting and program expenditure requirements; amending ss. 230.2305, 236.25, and 236.602, F.S.; correcting cross-references and conforming and clarifying provisions; amending s. 240.605, F.S.; revising funding provisions relating to Florida resident access grants; reappropriating certain funds to Florida Gulf Coast University; directing the State Board of Community Colleges and the Board of Regents to analyze the expenditure of PECO funds in order to reduce excessive costs; requiring the development of cost standards for facilities; requiring a report; providing for a task force on workforce development and prescribing its composition and duties; allowing school districts and community colleges to allocate specified funds using locally determined performance measures; creating s. 239.116, F.S.; providing for cost-accounting and reporting with respect to expenditures by school districts and community colleges for workforce education and providing for a database to be developed for specified purposes; reallocating positions and funding within the Department of Education; amending s. 229.551, F.S.; requiring expansion of the common course designation and numbering system; requiring the development of specified guidelines; providing for standard program lengths for postsecondary vocational programs; amending ss. 20.15, 215.16, F.S.; changing the names and responsibilities of the Division of Public Schools and the Division of Applied Technology and Adult Education within the Department of Education; amending s. 228.041, F.S.; amending the definition of "career education"; amending ss. 231.614, 233.056, 233.0561, 235.15, 235.199, 235.435, F.S.; conforming provisions; amending s. 237.34, F.S.; changing certain reporting responsibilities; conforming provisions; amending s. 239.105, F.S.; amending definitions to conform; removing certain programs from the category of adult general education; conforming provisions; amending s. 239.113, F.S.; conforming provisions; creating s. 239.115, F.S.; creating the workforce development education fund; providing definitions; authorizing funding for a program for disabled adults; requiring cost categories, output measures, and outcome measures; providing for certain student fees; providing state funding entitlements for workforce development program categories; delaying the implementation date for the workforce development performance based funding formula; amending s. 239.117, F.S.; conforming provisions; amending certain requirements regarding fee schedules for workforce development education; authorizing a higher fee for certain courses within a program; amending s. 239.201, F.S.; deleting a requirement for delivery of certain programs; conforming provisions; amending s. 239.229, F.S.; deleting a requirement regarding supplemental vocational programs; conforming provisions; amending s. 239.249, F.S.; conforming provisions; amending s. 239.301, F.S.; deleting restrictions on the authority to provide certain programs; changing the funding category for college preparatory instruction; conforming provisions; amending ss. 240.118, 240.147, F.S.; conforming provisions; amending s. 240.301, F.S.; amending the mission of community colleges; deleting restrictions; conforming provisions; amending s. 240.345, F.S.; revising certain requirements for fund sources; amending s. 240.35, F.S.; revising requirements for student fees at community colleges to conform; amending s. 240.359, F.S.; conforming provisions relating to fund sources; amending ss. 240.61, 242.3305, 242.331, 242.337; 288.047, 446.011,

446.041, 446.052, 616.21, F.S.; conforming provisions; repealing s. 229.8075(3), F.S., relating to a reporting requirement of the Florida Education and Training Placement Information Program; repealing s. 239.109, F.S., relating to interinstitutional articulation agreements; repealing sections 15 and 16 of ch. 94-232, Laws of Florida, relating to a direction to the Division of Statutory Revision to change certain terms relating to vocational education; amending s. 236.081, F.S., relating to funds for operation of schools; requiring the Commissioner of Education to specify a matrix of services and intensity levels for exceptional student education; revising program categories; revising provisions relating to calculation and funding of each school district's student enrollment; revising provisions relating to calculation and funding of students enrolled in vocational dual enrollment; providing for payment of costs for enrollment in certain adult secondary education courses; deleting provisions relating to instruction in supplemental vocational courses and adult basic and secondary courses; deleting provisions relating to required adult fees and the adult basic skills adjustment; revising the caps adjustment supplement; conforming provisions; providing an effective date.

On motion by Senator Sullivan, by two-thirds vote **HB 1839** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

On motion by Senator Grant, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 340, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 340—A bill to be entitled An act relating to school district personnel; amending s. 230.23, F.S.; requiring the school board to keep records of employee contractual status, termination and nonrenewal; amending s. 231.29, F.S.; revising performance assessments of school district instructional staff; requiring notice of unsatisfactory performance; requiring corrective action; providing for hearings; specifying district school board authority; requiring certain evaluations; amending s. 231.36, F.S.; revising contracts for school district instructional staff; specifying a probationary period; requiring performance assessments; providing for dismissal; providing for a hearing before the school board following dismissal or contract nonrenewal; specifying burden of proof; requiring a probationary period for certain administrative staff; restricting issuance of professional service contracts; applying new performance assessment and appeal procedures upon renewal of a professional service contract; amending s. 231.3605, F.S., relating to educational support employees; limiting probationary status to employees hired before a certain date; permitting annual and multi-year contracts for employees hired after a certain date; providing for dismissal; providing for appeals; providing that this act supersedes local laws; providing an effective date.

House Amendment 1 (with title amendment)—Remove from the bill everything after the enacting clause and insert in lieu thereof:

Section 1. Section 231.29, Florida Statutes, is amended to read:

231.29 Assessment procedures and criteria.—

(1) For the purpose of improving the quality of instructional, administrative, and supervisory services in the public schools of the state, the superintendent shall establish procedures for assessing the performance of duties and responsibilities of all instructional, administrative, and supervisory personnel employed *by the school* ~~in his or her~~ district. *The Department of Education must approve each district's instructional personnel assessment system.*

(2) The following conditions must be considered in the design of the district's instructional personnel assessment system:

(a) The system must be designed to support district and school level improvement plans.

(b) The system must provide appropriate instruments, procedures, and criteria for *continuous quality improvement of the professional skills of instructional personnel* ~~beginning, probationary, and nonprobationary stages of a teaching career~~.

(c) The system must include a mechanism to give parents an opportunity to provide input into employee performance assessments when appropriate.

(d)~~(c)~~ In addition to addressing generic teaching competencies, districts must determine those teaching fields for which special procedures and criteria will be developed.

(e) Each school board may establish a peer assistance process. The plan may provide a mechanism for assistance of persons who are placed on performance probation as well as offer assistance to other employees who request it.

(f)~~(d)~~ The school board shall provide training programs *that* ~~which~~ are based upon guidelines provided by the Department of Education to ensure that all individuals with evaluation responsibilities understand the proper use of the assessment criteria and procedures. ~~Such training programs may be provided under s. 231.087.~~

(3)~~(2)~~ The assessment procedure *for instructional personnel* shall comply with, but shall not be limited to, the following requirements:

(a) An assessment ~~relating to the criteria specified in subsection (3)~~ shall be conducted for each employee at least once a year. *The* ~~Such~~ assessment shall be based upon sound educational principles and contemporary research in effective educational practices. *The assessment must use data and indicators of improvement in student performance and may consider results of peer reviews in evaluating the employee's performance. The assessment criteria must include, but are not limited to, indicators that relate to the following:*

1. Ability to maintain appropriate discipline.

2. Knowledge of subject matter. The district school board shall make special provisions for evaluating teachers who are assigned to teach out-of-field.

3. Ability to plan and deliver instruction.

4. Ability to evaluate instructional needs.

5. Ability to communicate with parents.

6. Other professional competencies, responsibilities, and requirements as established by rules of the State Board of Education and policies of the district school board.

(b) All personnel shall be fully informed of the criteria and procedures associated with the assessment process before the assessment takes place.

(c) *The individual responsible for supervising the employee must assess the employee's performance. The evaluator must submit a written report of the assessment to the superintendent for the purpose of reviewing the employee's contract. The evaluator must submit the* ~~A~~ written report ~~of each assessment shall be made and a copy thereof shall be given~~ to the employee no later than 10 days after the assessment takes

place. The *evaluator must discuss the* written report of assessment ~~shall be discussed~~ with the employee ~~by the person responsible for preparing the report~~. The employee shall have the right to initiate a written response to the assessment, and the response shall become a permanent attachment to his or her personnel file.

(d) *If* ~~In the event that~~ an employee is not performing his or her duties in a satisfactory manner, the evaluator shall notify the employee in writing of such determination. *The notice must* ~~and~~ describe such unsatisfactory performance *and include notice of the following procedural requirements:*

1. Upon delivery of a notice of unsatisfactory performance, the evaluator must confer with the employee, make recommendations with respect to specific areas of unsatisfactory performance, and provide assistance in helping to correct deficiencies within a prescribed period of time.

2. The employee shall be placed on performance probation and governed by the provisions of this section for 90 calendar days from the receipt of the notice of unsatisfactory performance to demonstrate corrective action. School holidays and school vacation periods are not counted when calculating the 90-calendar-day period. During the 90 calendar days, the employee must be evaluated periodically and apprised of progress achieved and must be provided assistance and inservice training opportunities to help correct the noted performance deficiencies. At any time during the 90 calendar days, the employee may request a transfer to another appropriate position with a different supervising administrator; however, a transfer does not extend the period for correcting performance deficiencies.

3. Within 14 days after the close of the 90 calendar days, the evaluator must assess whether the performance deficiencies have been corrected and forward a recommendation to the superintendent. Within 14 days after receiving the evaluator's recommendation, the superintendent must notify the employee in writing whether the performance deficiencies have been satisfactorily corrected and whether the superintendent will recommend that the school board continue or terminate his or her employment contract. If the employee wishes to contest the superintendent's recommendation, the employee must, within 15 days after receipt of the superintendent's recommendation, submit a written request for a hearing. Such hearing shall be conducted at the school board's election in accordance with one of the following procedures:

a. A direct hearing conducted by the school board within 60 days after receipt of the written appeal. The hearing shall be conducted in accordance with the provisions of ss. 120.569 and 120.57. A majority vote of the membership of the school board shall be required to sustain the superintendent's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment; or

b. A hearing conducted by an administrative law judge assigned by the Division of Administrative Hearings of the Department of Management Services. The hearing shall be conducted within 60 days after receipt of the written appeal in accordance with chapter 120. The recommendation of the administrative law judge shall be made to the school board. A majority vote of the membership of the school board shall be required to sustain or change the administrative law judge's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment. ~~The evaluator shall thereafter confer with the employee, make recommendations with respect to specific areas of unsatisfactory performance, and provide assistance in helping to correct such deficiencies within a reasonable, prescribed period of time.~~

~~(3) A complete statement of the assessment criteria shall include, but shall not be limited to, observable indicators that relate to the following:~~

~~(a) Ability to use appropriate classroom management techniques, including ability to maintain appropriate discipline.~~

~~(b) Knowledge of subject matter. The district school board shall make special provisions for evaluating teachers who are assigned to teach out-of-field.~~

~~(c) Ability to plan and deliver instruction.~~

~~(d) Ability to evaluate instructional needs.~~

~~(e) Other professional competencies, responsibilities, and requirements as determined by the local district.~~

~~(4) The individual responsible for the supervision of the employee shall make the assessment of the employee and forward such assessment to the superintendent for the purpose of reviewing the employee's contract.~~

(4)~~(5)~~ The superintendent shall notify the department of any instructional personnel who receive two consecutive unsatisfactory ~~annual~~ evaluations and who have been given written notice by the district that their employment is being terminated or is not being renewed or that the school board intends to terminate, or not renew, their employment. The department shall conduct an investigation to determine whether action shall be taken against the certificateholder pursuant to s. 231.28(1)(b).

(5) The superintendent shall develop a mechanism for evaluating the effective use of assessment criteria and evaluation procedures by administrators who are assigned responsibility for evaluating the performance of instructional personnel. The use of the assessment and evaluation procedures shall be considered as part of the annual assessment of the administrator's performance. The system must include a mechanism to give parents and teachers an opportunity to provide input into the administrator's performance assessment, when appropriate.

(6) Nothing in this section shall be construed to grant a probationary employee a right to continued employment beyond the term of his or her contract.

(7) The district school board shall establish a procedure annually reviewing instructional personnel assessment systems to determine compliance with this section. All substantial revisions to an approved system must be reviewed and approved by the school board before being used to assess instructional personnel. Upon request by a school district, the department shall provide assistance in developing, improving, or reviewing an assessment system.

Section 2. Section 231.36, Florida Statutes, 1996 Supplement, is amended to read:

231.36 Contracts with instructional staff, supervisors, and principals.—

(1)(a) Each person employed as a member of the instructional staff in any district school system shall be properly certificated pursuant to s. 231.17 or employed pursuant to s. 231.1725 and shall be entitled to and shall receive a written contract as specified in chapter 230. All such contracts, except continuing contracts as specified in subsection (4), shall contain provisions for dismissal during the term of the contract only for just cause. Just cause includes, but is not limited to, misconduct in office, incompetency, gross insubordination, willful neglect of duty, or conviction of a crime involving moral turpitude.

(b) A supervisor or principal shall be properly certified and shall receive a written contract as specified in chapter 230. Such contract may be for an initial period not to exceed 3 years, subject to annual review and renewal. *The first 97 days of an initial contract is a probationary period. During the probationary period, the employee may be dismissed without cause or may resign from the contractual position without breach of contract.* After the first 3 years, the contract may be renewed for a period not to exceed 3 years and shall contain provisions for dismissal during the term of the contract only for just cause, in addition to such other provisions as are prescribed by the school board.

(2) Any person so employed on the basis of a written offer of a specific position by a duly authorized agent of the school board for a stated term of service at a specified salary, and who accepted such offer by telegram or letter or by signing the regular contract form, who violates the terms of such contract or agreement by leaving his or her position without first being released from his or her contract or agreement by the school board of the district in which the person is employed shall be subject to the jurisdiction of the Education Practices Commission. The school board shall take official action on such violation and shall furnish a copy of its official minutes to the Commissioner of Education.

(3)(a) The school board of each district shall provide a professional service contract as prescribed herein. Each member of the instructional

staff who completes the following requirements prior to July 1, 1984, shall be entitled to and shall be issued a continuing contract in the form prescribed by rules of the state board pursuant to s. 231.36, Florida Statutes 1981. Each member of the instructional staff who completes the following requirements on or after July 1, 1984, shall be entitled to and shall be issued a professional service contract in the form prescribed by rules of the state board as provided herein:

1. The member must hold a professional certificate as prescribed by s. 231.17 and rules of the State Board of Education.~~;~~

2. The member must have completed 3 years of probationary service in the district~~, 1 year of which must be the professional orientation program where required,~~ during a period not in excess of 5 successive years, except for leave duly authorized and granted.~~; and~~

3. The member must have been recommended by the superintendent for such contract and reappointed by the school board based on successful performance of duties and demonstration of professional competence.

4. For any person newly employed as a member of the instructional staff after June 30, 1997, the initial annual contract shall include a 97-day probationary period during which time the employee's contract may be terminated without cause or the employee may resign without breach of contract.

(b) The professional service contract shall be effective at the beginning of the school fiscal year following the completion of all requirements therefor.

(c) The period of service provided herein may be extended to 4 years when prescribed by the school board and agreed to in writing by the employee at the time of reappointment.

(d) A school board may issue a continuing contract prior to July 1, 1984, and may issue a professional service contract subsequent to July 1, 1984, to any employee who has previously held a professional service contract or continuing contract in the same or another district within this state. Any employee who holds a continuing contract may, but is not required to, exchange such continuing contract for a professional service contract in the same district.

(e) A professional service contract shall be renewed each year unless the superintendent, after receiving the recommendations required by s. 231.29~~(4)~~, charges the employee with unsatisfactory performance *and notifies the employee of performance deficiencies as required by s. 231.29. An employee who holds a professional service contract on July 1, 1997, is subject to the procedures set forth in paragraph (f) during the term of the existing professional service contract. The employee is subject to the procedures set forth in s. 231.29(3)(d) upon the next renewal of the professional service contract; however, if the employee is notified of performance deficiencies before the next contract renewal date, the procedures of s. 231.29(3)(d) do not apply until the procedures set forth in paragraph (f) have been exhausted and the professional service contract is subsequently renewed.*

(f) The superintendent shall notify an employee who holds a professional service contract on July 1, 1997, ~~as determined under the provisions of s. 231.29 and notifies the employee~~ in writing, no later than 6 weeks prior to the end of the postschool conference period, of performance deficiencies which may result in termination of employment, if not corrected during the subsequent year of employment (which shall be granted for an additional year in accordance with the provisions in subsection (1)). Except as otherwise hereinafter provided, this action shall not be subject to the provisions of chapter 120, but the following procedures shall apply:

1. On receiving notice of unsatisfactory performance, the employee, on request, shall be accorded an opportunity to meet with the superintendent or the superintendent's designee for an informal review of the determination of unsatisfactory performance.

2. An employee notified of unsatisfactory performance may request an opportunity to be considered for a transfer to another appropriate position, with a different supervising administrator, for the subsequent year of employment.

3. During the subsequent year, the employee shall be provided assistance and inservice training opportunities to help correct the noted performance deficiencies. The employee shall also be evaluated periodically so that he or she will be kept apprised of progress achieved.

4. Not later than 6 weeks prior to the close of the postschool conference period of the subsequent year, the superintendent, after receiving and reviewing the recommendation required by s. 231.29~~(4)~~, shall notify the employee, in writing, whether the performance deficiencies have been corrected. If so, a new professional service contract shall be issued to the employee. If the performance deficiencies have not been corrected, the superintendent may notify the school board and the employee, in writing, that the employee shall not be issued a new professional service contract; however, if the recommendation of the superintendent is not to issue a new professional service contract, and if the employee wishes to contest such recommendation, the employee will have 15 days from receipt of the superintendent's recommendation to demand, in writing, a hearing. In such hearing, the employee may raise as an issue, among other things, the sufficiency of the superintendent's charges of unsatisfactory performance. Such hearing shall be conducted at the *school board's* ~~employee's~~ election in accordance with one of the following procedures:

a. A direct hearing conducted by the school board within *60* ~~45~~ days of receipt of the written appeal. The hearing shall be conducted in accordance with the provisions of ss. 120.569 and 120.57. A majority vote of the membership of the school board shall be required to sustain the superintendent's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment; or

b. A hearing conducted by an administrative law judge assigned by the Division of Administrative Hearings of the Department of Management Services. The hearing shall be conducted within *60* ~~45~~ days of receipt of the written appeal in accordance with chapter 120. The recommendation of the administrative law judge shall be made to the school board. A majority vote of the membership of the school board shall be required to sustain or change the administrative law judge's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment.

(4)(a) An employee who has continuing contract status prior to July 1, 1984, shall be entitled to retain such contract and all rights arising therefrom in accordance with existing laws, rules of the State Board of Education, or any laws repealed by this act, unless the employee voluntarily relinquishes his or her continuing contract.

(b) Any member of the district administrative or supervisory staff and any member of the instructional staff, including any principal, who is under continuing contract may be dismissed or may be returned to annual contract status for another 3 years in the discretion of the school board, at the end of the school year, when a recommendation to that effect is submitted in writing to the school board on or before April 1 of any school year, giving good and sufficient reasons therefor, by the superintendent, by the principal if his or her contract is not under consideration, or by a majority of the school board. The employee whose contract is under consideration shall be duly notified in writing by the party or parties preferring the charges at least 5 days prior to the filing of the written recommendation with the school board, and such notice shall include a copy of the charges and the recommendation to the school board. The school board shall proceed to take appropriate action. Any decision adverse to the employee shall be made by a majority vote of the full membership of the school board. Any such decision adverse to the employee may be appealed by the employee pursuant to s. 120.68.

(c) Any member of the district administrative or supervisory staff and any member of the instructional staff, including any principal, who is under continuing contract may be suspended or dismissed at any time during the school year; however, the charges against him or her must be based on immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness, or conviction of a crime involving moral turpitude. Whenever such charges are made against any such employee of the school board, the school board may suspend such person without pay; but, if the charges are not sustained, he or she shall be immediately reinstated, and his or her back salary shall be paid. In cases of suspension by the school board or by the superintendent, the school board shall determine upon the evidence submitted whether the charges have been sustained and, if the charges are sustained, shall determine either to dismiss the employee or fix the terms under which

he or she may be reinstated. If such charges are sustained by a majority vote of the full membership of the school board and such employee is discharged, his or her contract of employment shall be thereby canceled. Any such decision adverse to the employee may be appealed by the employee pursuant to s. 120.68, provided such appeal is filed within 30 days after the decision of the school board.

(5) Should a school board have to choose from among its personnel who are on continuing contracts or professional service contracts as to which should be retained, such decisions shall be made pursuant to the terms of a collectively bargained agreement, when one exists. If no such agreement exists, the district school board shall prescribe rules to handle reductions in workforce.

(6)(a) Any member of the instructional staff, excluding an employee specified in subsection (4), may be suspended or dismissed at any time during the term of the contract *for*~~; however, the charges against him or her must be based on~~ just cause as provided in paragraph (1)(a). ~~Whenever such charges are made against any such employee of the school board,~~ The school board *must notify the employee in writing whenever charges are made against the employee and* may suspend such person without pay; but, if the charges are not sustained, the employee shall be immediately reinstated, and his or her back salary shall be paid. *If the employee wishes to contest the charges, the employee must, within 15 days after receipt of the written notice, submit a written request for a hearing. Such hearing shall be conducted at the school board's election in accordance with one of the following procedures:*

1. A direct hearing conducted by the school board within 60 days after receipt of the written appeal. The hearing shall be conducted in accordance with the provisions of ss. 120.569 and 120.57. A majority vote of the membership of the school board shall be required to sustain the superintendent's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment; or

2. A hearing conducted by an administrative law judge assigned by the Division of Administrative Hearings of the Department of Management Services. The hearing shall be conducted within 60 days after receipt of the written appeal in accordance with chapter 120. The recommendation of the administrative law judge shall be made to the school board. A majority vote of the membership of the school board shall be required to sustain or change the administrative law judge's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment. ~~When an employee is notified in writing of such charges, he or she will have 15 days from receipt of the notice to demand, in writing, a hearing to be conducted at the employee's election in accordance with either sub-subparagraph a. or sub-subparagraph b. of subparagraph (3)(e)4.~~

Any such decision adverse to the employee may be appealed by the employee pursuant to s. 120.68, provided such appeal is filed within 30 days after the decision of the school board.

(b) Any member of the district administrative or supervisory staff, including any principal but excluding an employee specified in subsection (4), may be suspended or dismissed at any time during the term of the contract; however, the charges against him or her must be based on immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness, or conviction of any crime involving moral turpitude. Whenever such charges are made against any such employee of the school board, the school board may suspend the employee without pay; but, if the charges are not sustained, he or she shall be immediately reinstated, and his or her back salary shall be paid. In cases of suspension by the school board or by the superintendent, the school board shall determine upon the evidence submitted whether the charges have been sustained and, if the charges are sustained, shall determine either to dismiss the employee or fix the terms under which he or she may be reinstated. If such charges are sustained by a majority vote of the full membership of the school board and such employee is discharged, his or her contract of employment shall be thereby canceled. Any such decision adverse to the employee may be appealed by him or her pursuant to s. 120.68, provided such appeal is filed within 30 days after the decision of the school board.

(7) The school board of any given district shall grant continuing service credit for time spent performing duties as a member of the Legislature to any district employee who possesses a professional service contract, multiyear contract, or continuing contract.

(8) Notwithstanding any other provision of law, any member who has retired may interrupt retirement and be reemployed in any public school. Any member so reemployed by the same district from which he or she retired may be employed on a probationary contractual basis as provided in subsection (1); however, no regular retirement employee shall be eligible to renew membership under a retirement system created by chapter 121 or chapter 238.

Section 3. This act shall take effect July 1, 1997.

And the title is amended as follows:

Remove the entire title and insert in lieu thereof: A bill to be entitled An act relating to school district personnel; amending s. 231.29, F.S.; revising performance assessments of school district instructional staff; requiring notice of unsatisfactory performance; requiring corrective action; providing for hearings; specifying district school board authority; requiring certain evaluations; amending s. 231.36, F.S.; revising provisions relating to contracts with instructional staff, supervisors, and principals; providing for a probationary period and for dismissal; requiring performance assessments; revising hearing procedures; providing an effective date.

On motion by Senator Grant, the Senate concurred in the House amendment.

CS for SB 340 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

On motion by Senator Harris, the rules were waived and the Senate reverted to—

CONSIDERATION OF BILLS ON THIRD READING

CS for HB 703—A bill to be entitled An act relating to school district personnel; amending s. 230.23, F.S., relating to powers and duties of district school boards; requiring the adoption of salary schedules based on performance assessments of instructional personnel; amending s. 230.33, F.S.; requiring superintendents to recommend salary schedules for instructional personnel based on performance assessments; requiring certain input; creating s. 231.2905, F.S.; creating the Florida School Recognition Program to provide financial awards to selected faculty and staff of identified schools; providing criteria for selection; amending s. 236.02, F.S., relating to participation in the Florida Education Finance Program; requiring expenditures for instructional personnel salaries based on performance assessments; providing an effective date.

—was read the third time by title.

On motion by Senator Harris, **CS for HB 703** was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Casas	Diaz-Balart	Harris
Bankhead	Childers	Dudley	Holzendorf
Bronson	Clary	Forman	Horne
Brown-Waite	Cowin	Grant	Jenne
Burt	Crist	Gutman	Jones
Campbell	Dantzler	Hargrett	Kirkpatrick

Klein	McKay	Rossin	Thomas
Kurth	Meadows	Scott	Williams
Latvala	Myers	Silver	
Lee	Ostalkiewicz	Sullivan	

Nays—1

Turner

On motion by Senator Clary, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment(s) to CS for HB 787 and requests the Senate to recede.

John B. Phelps, Clerk

CS for HB 787—A bill to be entitled An act relating to criminal and juvenile justice; amending s. 39.024, F.S.; changing the membership of the Department of Juvenile Justice Standards and Training Commission to include contract providers and a representative of the business community; creating s. 39.086, F.S.; defining the terms "sexual misconduct" and "employee"; providing that it is a second degree felony for an employee to engage in sexual misconduct with a juvenile offender detained or supervised by the department; providing penalties; providing certain exceptions; prohibiting certain employment, or providing for dismissal from departmental employment, of a person who has engaged in sexual misconduct with a juvenile offender; requiring an employee who witnesses sexual misconduct, or who has reasonable cause to suspect that sexual misconduct has been committed, to report such incident; providing for notification to the inspector general, facility superintendent, and district juvenile justice manager; providing that it is a first degree misdemeanor to knowingly and willfully fail to make a report as required, or to prevent another from doing so, or to submit inaccurate or untruthful information; providing penalties; providing that it is a third degree felony to coerce or threaten another person to alter testimony or a report with respect to an incident of sexual misconduct; providing penalties; creating s. 39.087, F.S.; prohibiting the introduction, removal, or possession of, and other specified acts with respect to, contraband articles on the grounds of a juvenile detention facility or other commitment program; specifying articles that are contraband; providing penalties; providing exceptions; providing an effective date.

On motion by Senator Clary, the Senate receded from the Senate amendments.

CS for HB 787 passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment(s) to HB 1469 and requests the Senate to recede.

John B. Phelps, Clerk

HB 1469—A bill to be entitled An act relating to food and beverage vending machines; amending s. 212.0515, F.S.; deleting requirements relating to quarterly reports filed by operators; providing effective dates.

On motion by Senator Clary, the Senate receded from the Senate amendments.

HB 1469 passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1646, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1646—A bill to be entitled An act relating to the Underground Facility Damage Prevention and Safety Act; amending s. 556.101, F.S.; revising legislative intent; amending s. 556.102, F.S.; revising definitions; amending s. 556.103, F.S.; requiring membership in a specified corporation; requiring a report; amending s. 556.104, F.S.; requiring participation in a specified system; providing exceptions; amending s. 556.105, F.S.; providing an exception to the notification requirement; amending s. 556.106, F.S.; revising liability of an excavator to nonmember operators; amending s. 556.110, F.S.; providing for monthly assessments for operating costs; exempting member operators from certain assessments under certain circumstances; providing an effective date.

House Amendment 1—On page 3, line 12, through page 5, line 12, remove from the bill all of said lines and insert in lieu thereof:

Section 3. Subsection (1) of section 556.103, Florida Statutes, is amended and subsection (5) is added to that section to read:

556.103 Creation of the corporation; establishment of the board of directors; authority of the board; annual report.—

(1) The "Sunshine State One-Call of Florida, Inc." is hereby created as a not-for-profit corporation. *Each* ~~Any~~ operator of an underground facility in this state *shall* ~~may~~ be a member of the corporation and *shall* ~~may~~ use and participate in the system, *except that a small city as defined in s. 120.52 may elect by January 1, 1998, not to participate in the system until January 1, 2003, through a written notification identifying any reasons for declining membership*. The corporation shall be formed by June 1, 1993. The corporation shall administer the provisions of this act. The corporation shall exercise its powers through a board of directors established pursuant to this section.

(5) Beginning in 1998, the board of directors shall submit to the President of the Senate, the Speaker of the House of Representatives, and the Governor, not later than 60 days before the convening of each regular session of the Legislature, an annual progress report on the participation by municipalities and counties in the one-call notification system created by this chapter.

Section 4. Section 556.104, Florida Statutes, is amended to read:

556.104 One-call notification system.—The corporation shall establish a one-call toll-free telephone notification system which shall be operational by June 1, 1994. Any person who furnishes or transports

materials or services by means of an underground facility in this state *shall* ~~may elect to~~ participate as a member operator of the system *except that a small city as defined in s. 120.52 may elect not to participate in the system in the manner set forth in s. 556.103(1).* The purpose of the system is to receive notification of planned excavation or demolition activities and to notify member operators of such planned excavation or demolition activities. The system shall provide a single toll-free telephone number within this state which excavators can use to notify member operators of planned excavation or demolition activities.

Section 5. Subsection (4) of section 556.105, Florida Statutes, 1996 Supplement, is amended to read:

556.105 Procedures.—

(4) All member operators within the defined area of a proposed excavation or demolition shall be promptly notified through the system, *except that member operators with state-owned underground facilities located within the right-of-way of a state highway need not be notified of excavation or demolition activities and are under no obligation to mark or locate such facilities.*

Section 6. Paragraph (e) of subsection (2) of section 556.106, Florida Statutes, is amended to read:

556.106 Liability of the member operator, excavator, and system.—

(2)

(e) When an excavator knows or should know of the presence of an underground facility *of a nonmember small city as defined in s. 120.52,* he *or she* shall make reasonable efforts to contact the *small city that* ~~person who~~ owns or operates that facility prior to commencing an excavation or demolition~~, regardless of whether that person is a member operator~~.

On motion by Senator Lee, the Senate concurred in the House amendment.

CS for SB 1646 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Dantzler	Jenne	Rossin
Bronson	Diaz-Balart	Jones	Scott
Brown-Waite	Dudley	Kirkpatrick	Silver
Burt	Dyer	Klein	Sullivan
Campbell	Forman	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	Lee	Williams
Clary	Harris	McKay	
Cowin	Holzendorf	Myers	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has reconsidered SB 258, and passed SB 258, with further amendment(s) and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 258—A bill to be entitled An act relating to parole; amending ss. 947.16, 947.174, 947.1745, F.S., relating to eligibility for parole, parole interviews, and the establishment of a parole release date; providing for the Parole Commission to review an inmate's presumptive parole release date less frequently; providing an effective date.

House Amendment 1 (with title amendment)—Remove from the bill everything after the enacting clause and insert in lieu thereof:

Section 1. Paragraphs (c), (g), and (h) of subsection (4) of section 947.16, Florida Statutes, are amended to read:

947.16 Eligibility for parole; initial parole interviews; powers and duties of commission.—

(4) A person who has become eligible for an initial parole interview and who may, according to the objective parole guidelines of the commission, be granted parole shall be placed on parole in accordance with the provisions of this law; except that, in any case of a person convicted of murder, robbery, burglary of a dwelling or burglary of a structure or conveyance in which a human being is present, aggravated assault, aggravated battery, kidnapping, sexual battery or attempted sexual battery, incest or attempted incest, an unnatural and lascivious act or an attempted unnatural and lascivious act, lewd and lascivious behavior, assault or aggravated assault when a sexual act is completed or attempted, battery or aggravated battery when a sexual act is completed or attempted, arson, or any felony involving the use of a firearm or other deadly weapon or the use of intentional violence, at the time of sentencing the judge may enter an order retaining jurisdiction over the offender for review of a commission release order. This jurisdiction of the trial court judge is limited to the first one-third of the maximum sentence imposed. When any person is convicted of two or more felonies and concurrent sentences are imposed, then the jurisdiction of the trial court judge as provided herein applies to the first one-third of the maximum sentence imposed for the highest felony of which the person was convicted. When any person is convicted of two or more felonies and consecutive sentences are imposed, then the jurisdiction of the trial court judge as provided herein applies to one-third of the total consecutive sentences imposed.

(c) In such a case of retained jurisdiction, the commission, within 30 days after the entry of its release order, shall send notice of its release order to the original sentencing judge and to the appropriate state attorney. The release order shall be made contingent upon entry of an order by the appropriate circuit judge relinquishing jurisdiction as provided for in *paragraphs (d) and (f)* ~~paragraph 5(d) and (f)~~. If the original sentencing judge is no longer in service, such notice shall be sent to the chief judge of the circuit in which the offender was sentenced. The chief judge may designate any circuit judge within the circuit to act in the place of the original sentencing judge. Such notice shall stay the time requirements of s. 947.1745.

(g) The decision of the original sentencing judge or, in his absence, the chief judge of the circuit to vacate any parole release order as provided in this *section* ~~act~~ is not appealable. Each inmate whose parole release order has been vacated by the court shall be reinterviewed within 2 years after the date of receipt of the vacated release order and every 2 years thereafter, or earlier by order of the court retaining jurisdiction. *However, each inmate whose parole release order has been vacated by the court and who has been:*

1. Convicted of murder or attempted murder;

2. Convicted of sexual battery or attempted sexual battery; or

3. Sentenced to a 25 year minimum mandatory sentence previously provided in s. 775.082,

shall be reinterviewed once within 5 years after the date of receipt of the vacated release order and once every 5 years thereafter, if the commission finds that it is not reasonable to expect that parole would be granted during the following years and states the bases for the finding in writing. For any inmate who is within 7 years of his or her tentative release date, the commission may establish a reinterview date prior to the 5-year schedule.

(h) An inmate whose parole release order has been vacated by the court may not be given a presumptive parole release date during the period of retention of jurisdiction by the court. During such period, a new effective parole release date may be authorized at the discretion of the commission without further interview unless an interview is requested by no fewer than two commissioners. Any such new effective parole release date *must* ~~shall~~ be reviewed in accordance with the provisions of paragraphs (c), (d), (e), (f), and (g).

Section 2. Subsection (1) of section 947.174, Florida Statutes, is amended to read:

947.174 Subsequent interviews.—

(1)*(a)* For any inmate, *except an inmate convicted of an offense enumerated in paragraph (b),* whose presumptive parole release date falls more

than 2 years after the date of the initial interview, a hearing examiner shall schedule an interview for review of the presumptive parole release date. Such interview shall take place within 2 years after the initial interview and every 2 years thereafter.

(b) For any inmate convicted of murder, attempted murder, sexual battery, attempted sexual battery, or who has been sentenced to a 25 year minimum mandatory sentence previously provided in s. 775.082, and whose presumptive parole release date is more than 5 years after the date of the initial interview, a hearing examiner shall schedule an interview for review of the presumptive parole release date. Such interview shall take place once within 5 years after the initial interview and once every 5 years thereafter if the commission finds that it is not reasonable to expect that parole will be granted at a hearing during the following years and states the bases for the finding in writing. For any inmate who is within 7 years of his or her tentative release date, the commission may establish an interview date prior to the 5-year schedule.

(c) Such interviews shall be limited to determining whether or not information has been gathered which might affect the presumptive parole release date. The provisions of this subsection shall not apply to an inmate serving a concurrent sentence in another jurisdiction pursuant to s. 921.16(2).

Section 3. Subsection (6) of section 947.1745, Florida Statutes, is amended to read:

947.1745 Establishment of effective parole release date.—If the inmate's institutional conduct has been satisfactory, the presumptive parole release date shall become the effective parole release date as follows:

(6) Within 90 days before the effective parole release date interview, the commission shall send written notice to the sentencing judge of any inmate who has been scheduled for an effective parole release date interview. If the sentencing judge is no longer serving, the notice must be sent to the chief judge of the circuit in which the offender was sentenced. The chief judge may designate any circuit judge within the circuit to act in the place of the sentencing judge. Within 30 days after receipt of the commission's notice, the sentencing judge, or the designee, shall send to the commission notice of objection to parole release, if the judge objects to such release. If there is objection by the judge, such objection may constitute good cause in exceptional circumstances as described in s. 947.173, and the commission may schedule a subsequent review within 2 years, extending the presumptive parole release date beyond that time. *However, for an inmate who has been:*

1. Convicted of murder or attempted murder;

2. Convicted of sexual battery or attempted sexual battery; or

3. Sentenced to a 25 year minimum mandatory sentence previously provided in s. 775.082,

the commission may schedule a subsequent review under this subsection once every 5 years, extending the presumptive parole release date beyond that time if the commission finds that it is not reasonable to expect that parole would be granted at a review during the following years and states the bases for the finding in writing. For any inmate who is within 7 years of his or her release date, the commission may schedule a subsequent review prior to the 5 year schedule. With any subsequent review the same procedure outlined above will be followed. If the judge remains silent with respect to parole release, the commission may authorize an effective parole release date. This subsection applies if the commission desires to consider the establishment of an effective release date without delivery of the effective parole release date interview. Notice of the effective release date must be sent to the sentencing judge, and either the judge's response to the notice must be received or the time period allowed for such response must elapse before the commission may authorize an effective release date.

Section 4. Section 947.1748, Florida Statutes, is created to read:

947.1748 Establishing parole interview dates; exceptions.—For any inmate serving a parole-eligible sentence whose reinterview date, as authorized under section 947.16, interview date, as authorized under section 947.174, or subsequent review date, as authorized under section 947.1745, is scheduled once every 5 years, the commission may establish a reinterview, interview or subsequent review date prior to the 5-year schedule if:

(1) the inmate is permanently or irreversibly physically incapacitated or terminally ill due to injury, disease, or illness;

(2) the inmate performs an outstanding deed; or

(3) the inmate's circumstances are exceptional and significant.

Section 5. This act shall take effect October 1, 1997, and shall apply to the setting of subsequent interview dates as authorized by section 947.16(4)(g), Florida Statutes, and section 947.174(1), Florida Statutes, and the setting of subsequent review dates as authorized by section 947.1745(6), Florida Statutes, on or after such effective date.

And the title is amended as follows:

On page 1, lines 1-8, remove the entire title of the bill and insert in lieu thereof: A bill to be entitled An act relating to parole; amending ss. 947.16, 947.174, 947.1745, F.S., relating to eligibility for parole, parole interviews, and the establishment of a parole release date; providing for the Parole Commission to review the presumptive release dates of certain inmates less frequently; requiring the commission to make certain written findings; allowing the commission to establish earlier review dates for certain inmates who are within a designated time of their tentative release dates; creating s. 947.1748, F.S.; allowing the commission to establish earlier review dates for certain inmates under certain circumstances; providing an effective date.

House Amendment 1 (with title amendment) to House Amendment 1 (with title amendment)—On page 6, lines 18-31, on page 7, lines 1 and 2, remove from the amendment all of said lines

(Renumber subsequent section[s])

And the title is amended as follows:

On page 7, lines 28-31, of the amendment remove all of said lines and insert in lieu thereof: dates; providing an effective date.

On motion by Senator Crist, the Senate concurred in the House amendments.

SB 258 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Holzendorf

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment(s) 1, and concurred in same as amended, and passed HB 1073 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

HB 1073—A bill to be entitled An act relating to land reclamation; amending s. 378.601, F.S.; exempting certain heavy mineral mining operations from requirements for development of regional impact review; requiring certain permits or plan approvals; amending s. 378.035, F.S.; providing for use of Nonmandatory Land Reclamation Trust Fund moneys for reclamation and management of phosphate lands; providing

for liens; requiring a report; amending s. 378.901, F.S.; providing conditions when a life-of-the-mine permit for sand mines may be issued; providing an effective date.

House Amendment 1 (with title amendment) to Senate Amendment 1—On page 15, lines 19-31, remove from the amendment all of said lines and insert:

Section 9. Subsections (8) and (9) of section 403.182, Florida Statutes, are renumbered as subsections (9) and (10), respectively, and a new subsection (9) is added to said section to read:

403.182 Local pollution control programs.—

(8) If any local program changes any rule, regulation, or order, whether or not of a stricter or more stringent nature, such change shall not apply to any installation or source located north of the Cross Florida Greenway, permitted and under construction as of May 1, 1997. Provisions of this subsection shall not apply to any facility which primarily generates electric power.

And the title is amended as follows:

On page 23, lines 10 and 11 of the amendment remove all of said lines and insert in lieu thereof: installation or source permitted and under construction at the time of the change under certain conditions;

On motion by Senator Kirkpatrick, the Senate concurred in the House amendment to the Senate amendment.

HB 1073 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 750, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 750—A bill to be entitled An act relating to the Florida Mobile Home Act; amending s. 723.021, F.S.; providing for reasonable costs and attorney's fees when the obligation of good faith and fair dealing is breeched; amending s. 723.037, F.S.; revising provisions with respect to lot rental increases; amending s. 723.0381, F.S.; revising arbitration procedures; amending s. 723.071, F.S.; revising provisions with respect to the sale of mobile home parks; providing an effective date.

House Amendment 1 (with title amendment)—On page 3, line 25, through page 4, line 23 remove from the bill all of said lines and insert in lieu thereof:

Section 4. Subsections (9) and (10) of section 723.006, Florida Statutes, are created to read:

723.006 Powers and duties of division.—In performing its duties, the division has the following powers and duties:

(9) The division shall adopt rules establishing a category of minor violations of this chapter or rules promulgated pursuant hereto. A minor violation means a violation which does not endanger the health, safety or welfare of mobile home residents, which does not involve the failure to make full and fair disclosure, or which does not cause economic harm to mobile home park residents.

(10) The division is authorized to require disclosures to fully and fairly disclose all matters required by chapter 723. If a park owner or operator, in good faith, has attempted to comply with the requirements of this chapter, and if, in fact, the park owner or operator has substantially complied with the disclosure requirements of this chapter, nonmaterial errors or omissions in the disclosure materials shall not be actionable.

(11) Upon adoption of rules establishing minor violations and a determination by the division that the violation is a minor violation, the division may levy a civil penalty of up to $250 but shall not require a refund of rent increases, fees, charges or assessments, including pass-through and pass-ons collected from mobile home owners. Until rules have been adopted as provided in this section, the enforcement procedures of the division in existence on the effective date of this act shall be in effect.

And the title is amended as follows:

On page 1, lines 9-11, remove from the title of the bill: amending s. 723.071, F.S.; revising provisions with respect to the sale of mobile home parks; and insert in lieu thereof: amending s. 723.006, F.S.; revising language with respect to the powers and duties of the Division of Florida Land Sales, Condominiums, and Mobile Homes; providing that the division is authorized to require disclosures to fully and fairly disclose all matters required by ch. 723, F.S.; providing for good faith compliance by park owners or operators; directing the division not to require refunds under certain circumstances; providing a fine for minor violations; providing for certain rules;

On motion by Senator Latvala, the Senate concurred in the House amendment.

CS for SB 750 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment(s) 2, 3 and 4, amended Senate Amendment(s) 1 and concurred in same as amended, and passed CS for HB 915 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for HB 915—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.06, F.S.; exempting certain vessels used by vessel manufacturers and dealers solely for demonstration, sales promotional, or testing purposes from said tax; providing a definition; providing for application; amending s. 212.11, F.S.; revising provisions which require dealers who paid $100,000 or more in tax in the prior year to make estimated tax payments; providing that certain dealers engaged in the sale of boats, motor vehicles, or aircraft may make estimated tax payments for a portion of sales, while remitting the tax for sales of $100,000 or more at the time of sale; providing an effective date.

House Amendment 1 (with title amendment) to Senate Amendment 1—On page 6, line 31, after the period (.) insert:

Section 4. Paragraph (a) of subsection (1) of section 212.031, Florida Statutes, 1996 Supplement, is amended to read:

212.031 Lease or rental of or license in real property.—

(1)(a) It is declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing, letting, or granting a license for the use of any real property unless such property is:

1. Assessed as agricultural property under s. 193.461.

2. Used exclusively as dwelling units.

3. Property subject to tax on parking, docking, or storage spaces under s. 212.03(6).

4. Recreational property or the common elements of a condominium when subject to a lease between the developer or owner thereof and the condominium association in its own right or as agent for the owners of individual condominium units or the owners of individual condominium units. However, only the lease payments on such property shall be exempt from the tax imposed by this chapter, and any other use made by the owner or the condominium association shall be fully taxable under this chapter.

5. A public or private street or right-of-way occupied or used by a utility for utility purposes.

6. A public street or road which is used for transportation purposes.

7. Property used at an airport exclusively for the purpose of aircraft landing or aircraft taxiing or property used by an airline for the purpose of loading or unloading passengers or property onto or from aircraft or for fueling aircraft.

8.*a.* Property used at a port authority, as defined in s. 315.02(2), exclusively for the purpose of oceangoing vessels or tugs docking, or such vessels mooring on property used by a port authority for the purpose of loading or unloading passengers or cargo onto or from such a vessel, or property used at a port authority for fueling such vessels, *or to the extent that the amount paid for the use of any property at the port is based on the charge for the amount of tonnage actually imported or exported through the port by a tenant.*

b. The amount charged for the use of any property at the port in excess of the amount charged for tonnage actually imported or exported shall remain subject to tax except as provided in sub-subparagraph a.

9. Property used as an integral part of the performance of qualified production services. As used in this subparagraph, the term "qualified production services" means any activity or service performed directly in connection with the production of a qualified motion picture, as defined in s. 212.06(1)(b), and includes:

a. Photography, sound and recording, casting, location managing and scouting, shooting, creation of special and optical effects, animation, adaptation (language, media, electronic, or otherwise), technological modifications, computer graphics, set and stage support (such as electricians, lighting designers and operators, greensmen, prop managers and assistants, and grips), wardrobe (design, preparation, and management), hair and makeup (design, production, and application), performing (such as acting, dancing, and playing), designing and executing stunts, coaching, consulting, writing, scoring, composing, choreographing, script supervising, directing, producing, transmitting dailies, dubbing, mixing, editing, cutting, looping, printing, processing, duplicating, storing, and distributing;

b. The design, planning, engineering, construction, alteration, repair, and maintenance of real or personal property including stages, sets, props, models, paintings, and facilities principally required for the performance of those services listed in sub-subparagraph a.; and

c. Property management services directly related to property used in connection with the services described in sub-subparagraphs a. and b.

10. Leased, subleased, or rented to a person providing food and drink concessionaire services within the premises of a movie theater, a business operated under a permit issued pursuant to chapter 550, or any publicly owned arena, sports stadium, convention hall, exhibition hall, auditorium, or recreational facility. A person providing retail concessionaire services involving the sale of food and drink or other tangible personal property within the premises of an airport shall be subject to tax on the rental of real property used for that purpose, but shall not be subject to the tax on any license to use the property. For purposes of this subparagraph, the term "sale" shall not include the leasing of tangible personal property.

11. Property occupied pursuant to an instrument calling for payments which the department has declared, in a Technical Assistance Advisement issued on or before March 15, 1993, to be nontaxable pursuant to rule 12A-1.070(19)(c), Florida Administrative Code; provided that this subparagraph shall only apply to property occupied by the same person before and after the execution of the subject instrument and only to those payments made pursuant to such instrument, exclusive of renewals and extensions thereof occurring after March 15, 1993.

(Renumber subsequent section[s])

And the title is amended as follows:

On page 7, line 7, of the amendment after the semicolon (;) insert: amending s. 212.031, F.S.; relating to the lease or rental of or license in real property; providing language with respect to property located at a port;

On motion by Senator Williams, the Senate concurred in the House amendment to the Senate amendment.

CS for HB 915 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment(s) 1, and concurred in same as amended, and passed HB 1545 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

HB 1545—A bill to be entitled An act relating to education; amending ss. 239.117, 240.235, and 240.35, F.S.; allowing children adopted from the Department of Children and Family Services to be exempt from certain student fees; amending s. 240.334, F.S.; conforming provisions; amending s. 240.36, F.S.; renaming the Florida Academic Improvement Trust Fund for Community Colleges; providing the community college system with the opportunity to receive and match challenge grants; specifying the State Board of Community Colleges as an eligible community college entity; providing for matching funds by any community college entity; requiring transfer of state matching funds to foundations; requiring each community college entity to establish its own academic improvement trust fund for the deposit of funds; specifying the use of funds; deleting certain requirements restricting the use of money for specified scholarship purposes; creating s. 240.4041, F.S.; permitting part-time students with a disability to be eligible for state financial aid; amending s. 240.6045, F.S.; revising provisions relating to a limited access competitive grant program; amending s. 229.551, F.S.; including private postsecondary education institutions; providing an exception to the course leveling requirement; amending s. 240.107, F.S., and reenacting s. 239.213(3), F.S., relating to vocational-preparatory instruction, to incorporate said amendment in a reference; deleting an alternative to

the College Level Academic Skills Test; deleting a testing requirement; amending s. 240.116, F.S., relating to dual enrollment; providing an exception to grade point average requirements under certain circumstances; amending s. 240.117, F.S.; revising provisions relating to common placement testing for dual enrollment students; amending s. 240.1163, F.S.; providing limitations for calculating dual enrollment grades; authorizing the approval of dual enrollment agreements for limited course offerings with statewide appeal; creating s. 240.65, F.S.; 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 duties of the institute; providing review and approval by Florida Distance Learning Network; repealing s. 240.65, F.S., after a date certain; creating s. 240.66, F.S.; directing the State Board of Community Colleges to establish the Florida Community College Distance Learning Consortium; providing for consortium membership; providing duties of the consortium; providing review and approval by Florida Distance Learning Network; amending s. 120.542, F.S.; providing that public employees are not persons subject to regulation for the purposes of waiver and variance; amending s. 120.81, F.S.; providing for exceptions to notice requirements and filing requirements; providing for retroactive effect; amending s. 231.17, F.S.; providing specific authority to adopt rules related to the educational certification of speech pathologists; amending ss. 228.041, 231.1725, 232.246, 233.067 and 236.081, F.S.; renaming home economics courses as family and consumer sciences courses; amending s. 239.105, F.S.; revising definitions of the terms "adult secondary education," "basic literacy," and "functional literacy"; defining the terms "beginning literacy" and "family literacy"; amending s. 239.205, F.S.; deleting a rulemaking requirement regarding career education programs; amending s. 239.213, F.S.; revising provisions relating to standards of basic skills mastery; providing for the use of adult basic education to meet certain needs; amending s. 239.229, F.S.; requiring the identification of vocational standards related to work experience; requiring the development of additional program standards and benchmarks; amending s. 239.301, F.S., relating to adult general education; conforming language to revised definitions; amending s. 239.305, F.S., relating to adult literacy; conforming language to revised definitions; removing a State Board of Education rule requirement; removing specific annual reporting requirements; providing for status reports in lieu of annual reports; deleting a requirement for the submission of a plan to the Commissioner of Education; amending s. 240.313, F.S.; providing for an odd number of members on the Florida Community College at Jacksonville Board of Trustees; amending s. 240.319, F.S., relating to duties and powers of community college district boards of trustees; providing for specific authority; repealing ss. 240.3575(5), 240.3815(1), and 240.382(5), F.S., relating to annual reports of economic development centers, annual reports of community college campus crime statistics, and rules for the operation of child development training centers; amending s. 229.595, F.S.; requiring the inclusion of student postsecondary preparedness information in manuals and handbooks; amending s. 229.601, F.S.; providing for recommended high school coursework information; creating s. 232.2466, F.S.; providing requirements for a college-ready diploma program; requiring a task force to recommend incentives for pursuit of a college-ready diploma; amending s. 239.117, F.S.; requiring the payment of fees for the continuous enrollment of students in college-preparatory instruction; providing an exception; amending s. 239.301, F.S.; deleting conflicting language; requiring the payment of fees for the continuous enrollment of students in college-preparatory instruction; providing an exception; amending s. 240.1161, F.S.; requiring implementation strategies for reducing the incidence of postsecondary remediation; requiring an assessment of activities and the presentation of outcomes; providing for the promotion of "tech prep" activities; amending s. 240.117, F.S.; requiring the administration of the common placement test or an equivalent test during the tenth grade; requiring the administration of an institutionally developed test in lieu of the common placement test as an exit exam from remedial instruction; clarifying language regarding the offering of college-preparatory instruction; requiring payment of fees for the continuous enrollment of students in college-preparatory instruction; providing an exception; creating s. 240.124, F.S.; providing for an increase in fees for undergraduate students who continually enroll in the same college credit courses; providing for exceptions; amending s. 240.321, F.S.; applying entrance requirements to all degree programs; permitting a demonstration of competency as an alternative degree program admission requirement; providing an exemption from the testing requirement under certain circumstances; requiring the establishment of institutional policies regarding alternatives to traditional college-preparatory instructional methods; amending s. 239.117, F.S., relating to postsecondary student fees; allowing payment for the cost of fee exemptions to be made through a contract with the local WAGES coalition; amending s. 239.249, F.S.; providing an appeal process for school districts and community colleges to allow exemption from participation in performance-based incentive funding; amending s. 239.301, F.S.; providing for services for WAGES clients negotiated through the jobs and education regional board by school districts and community colleges to be funded by the local WAGES coalition; amending s. 240.35, F.S., relating to student fees; allowing payment for the cost of fee exemptions to be made through a contract with the local WAGES Coalition; amending s. 414.065, F.S., relating to work requirements for participation in the WAGES Program; including paid apprenticeship activities, the work component of cooperative education activities, and work-study activities in work activities; permitting educational institutions to provide training and receive subsidies to offset the cost of the training; providing reasons for placement in community service; defining work experience; clarifying the role of remedial or basic skills training; revising requirements for payment to a provider of vocational education or training; requiring the development of programs to address the needs of "hard-to-place" recipients; expanding the definition of job skills training; providing additional literacy or basic skills requirements related to work activity requirements; requiring the establishment of a task force to investigate issues associated with job training and workforce development; providing effective dates.

House Amendment 2 to Senate Amendment 1—On page 22, line 18 through page 23, line 23, remove from the amendment all of said lines and renumber subsequent section[s].

House Amendment 4 (with title amendment) to Senate Amendment 1—On page 38, between lines 2 and 3, of the amendment insert:

Section 27. Subsection (2) of s. 240.313, Florida Statutes, is amended to read:

(2) Community college district boards of trustees shall be comprised of five members when a community college district is confined to one school board district; seven members when a community college district is confined to one school board district and the board of trustees so elects; and not more than nine members when the district contains two or more school board districts, as provided by regulations of the state board. *However, Florida Community College at Jacksonville shall have an odd number of trustees.*

(Renumber subsequent section[s])

And the title is amended as follows:

On page 71, line 11, of the amendment after the semicolon (;) insert: amending s. 240.313, F.S.; providing for an odd number of members on the Florida Community College at Jacksonville Board of Trustees;

House Amendment 5 to Senate Amendment 1—On page 46, line 27, through page 48, line 20, remove from the amendment all of said lines and insert in lieu thereof:

Section 33. Paragraph (e) of subsection (2) of section 239.117, Florida Statutes, 1996 Supplement, 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:

(e) A student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or pursuant to parts III and V of chapter 39, for whom the permanency planning goal pursuant to part V of chapter 39 is long-term foster care or independent living, *or who is adopted from the Department of Children and Family Services after December 31, 1997.* Such exemption includes fees associated with enrollment in college-preparatory instruction and completion of the college-level communication and computation skills testing program. *Such exemption shall be available to any student adopted from the Department of Children and Family Services after December 31, 1997; however, the exemption shall be valid for no more than 4 years after the date of graduation from high school.*

Section 34. Paragraph (a) of subsection (5) of section 240.235, Florida Statutes, is amended to read:

240.235 Fees.—

(5)(a) Any student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or parts III and V of chapter 39, for whom the permanency planning goal pursuant to part V of chapter 39 is long-term foster care or independent living, *or who is adopted from the Department of Children and Family Services after December 31, 1997,* shall be exempt from the payment of all undergraduate fees, including fees associated with enrollment in college-preparatory instruction or completion of college-level communication and computation skills testing programs. Before a fee exemption can be given, the student shall have applied for and been denied financial aid, pursuant to s. 240.404, which would have provided, at a minimum, payment of all undergraduate fees. *Such exemption shall be available to any student adopted from the Department of Children and Family Services after December 31, 1997; however, the exemption shall be valid for no more than 4 years after the date of graduation from high school.*

Section 35. Paragraph (a) of subsection (2) of section 240.35, Florida Statutes, 1996 Supplement, 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.

(2)(a) Any student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or parts III and V of chapter 39, for whom the permanency planning goal pursuant to part V of chapter 39 is long-term foster care or independent living, *or who is adopted from the Department of Children and Family Services after December 31, 1997, shall be* ~~is~~ exempt from the payment of all undergraduate fees, including fees associated with enrollment in college-preparatory instruction or completion of the college-level communication and computation skills testing program. Before a fee exemption can be given, the student shall have applied for and been denied financial aid, pursuant to s. 240.404, which would have provided, at a minimum, payment of all student fees. *Such exemption shall be available to any student adopted from the Department of Children and Family Services after December 31, 1997; however, the exemption shall be valid for no more than 4 years after the date of graduation from high school.*

House Amendment 6 (with title amendment) to Senate Amendment 1—On page 13, between lines 20 and 21, insert:

Section 10. Paragraph (c) of subsection (5) of section 240.605, Florida Statutes, 1996 Supplement, is amended to read:

240.605 Florida resident access grants.—

(5)

(c) For the *1997-1998* ~~1996-1997~~ fiscal year only, funding for the Florida resident access grant shall be the amount set forth in the General Appropriations Act. This paragraph is repealed on July 1, *1998* ~~1997~~.

(Renumber subsequent section[s].)

And the title is amended as follows:

On page 68, line 21, of the amendment after "test;" insert: amending s. 240.605, F.S.; revising language with respect to Florida resident access grants; revising dates;

On motion by Senator Grant, the Senate concurred in the House amendments to the Senate amendment.

HB 1545 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Madam President	Casas	Diaz-Balart	Hargrett
Bankhead	Childers	Dudley	Harris
Bronson	Clary	Dyer	Holzendorf
Brown-Waite	Cowin	Forman	Horne
Burt	Crist	Grant	Jenne
Campbell	Dantzler	Gutman	Jones
Kirkpatrick	Lee	Ostalkiewicz	Sullivan
Klein	McKay	Rossin	Turner
Kurth	Meadows	Scott	Williams
Latvala	Myers	Silver	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1660, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 1660—A bill to be entitled An act relating to taxation; amending ss. 203.01, 203.63, F.S., relating to the tax on gross receipts for utility services and the tax on interstate and international telecommunication services; providing clarification with respect to the separate statement of such taxes on bills or invoices; amending s. 212.02, F.S., relating to sales, use, and other transactions; defining the terms "self-propelled farm equipment," "power-drawn farm equipment," and "power-driven farm equipment" for purposes of ch. 212, F.S.; amending s. 212.04, F.S.; exempting admissions to postseason collegiate football games from the tax on admissions; amending ss. 212.04, 212.12, F.S.; increasing the maximum amount of sales and use tax remitted by a dealer to which the dealer's credit applies; amending s. 212.05, F.S.; providing clarification with respect to the imposition of the tax on sales, use, and other transactions on telecommunication service; exempting transactions in excess of a specified amount from the tax on the sale of coins or currency; amending s. 212.0598, F.S.; establishing a sales tax exemption for certain businesses that create a large number of new jobs; providing a limitation on the exemption; providing an expiration date; amending s. 212.06, F.S.; authorizing the establishment of cost price amounts for industry groups; clarifying taxation of improvements to real property; amending s. 212.08, F.S., relating to sales, use, and other transactions; revising the sales tax exemption provided for food and drinks; providing definitions; revising application of the partial exemption for self-propelled or power-drawn farm equipment; including power-driven farm equipment within such exemption; providing a tax exemption for industrial machinery and equipment purchased for use in expanding certain printing or publishing facilities; removing a provision that prevents an exemption for industrial machinery and equipment purchased for use in new or expanding businesses from applying to certain publishing firms; exempting the sale of steam energy used in manufacturing; providing an exception to the exemption for aircraft repair and maintenance labor charges; revising the activities that constitute a manufacturing function for purposes of the sales tax exemption on certain uses of electricity; providing a threshold for electricity use; deleting a requirement that the electricity be separately metered; providing a sales tax exemption for the sale of gold, silver, or platinum bullion in excess of a specified amount; providing a sales tax exemption for the sale or lease of certain aircraft used by a common carrier; providing a sales tax exemption for the repair and maintenance of certain commercial aircraft; providing for application of the sales tax when an advertising agency acts as an agent of its client; providing an exemption for the Gasparilla Distance Classic Association, Inc., in specified circumstances; providing an exemption for certain foods, drinks, and other items provided to customers on a complimentary basis by a dealer who sells food products at retail; providing an exemption for foods and beverages donated by such dealers to certain organizations; providing an exemption for the sale or purchase of tangible personal property or services sold to raise funds for support of a school; revising provisions relating to the technical assistance advisory committee established to provide advice in determining taxability of foods and medicines; providing membership requirements; directing the Department of Revenue to develop guidelines for such determination and providing requirements with respect thereto; providing for use of the guidelines by the committee; providing for determination of the taxability of specific products by the department; authorizing the department to develop a central database with respect thereto; amending s. 213.053, F.S.; authorizing the department to provide certain information to the Department of Labor and Employment Security; amending s. 212.08, F.S.; providing an exemption from the sales and use tax for certain machinery and equipment; amending s. 288.095, F.S.; revising provisions relating to tax refunds made from the Economic Development Trust Fund; amending s. 213.21, F.S.; revising provisions which authorize the department to

delegate to the executive director authority to approve a settlement or compromise of tax liability, to increase the limit on the amount of tax reduction with respect to which such delegation may be made; specifying a time period for which the department may settle and compromise tax and interest due when a taxpayer voluntarily self-discloses a tax liability and authorizing further settlement and compromise under certain circumstances; creating s. 213.285, F.S.; authorizing the department to initiate a certified audits project under which taxpayers may hire qualified practitioners to review and report on their tax compliance; providing definitions; providing requirements for participation by such practitioners and taxpayers; providing requirements for the conduct of certified audits; providing status of the audit report; amending s. 220.03, F.S.; updating references to the Internal Revenue Code for corporate income tax purposes; amending s. 220.15, F.S., relating to the apportionment of adjusted federal income under the Florida Income Tax Code; providing that the property factor fraction may not include real or tangible personal property that is dedicated to research and development activities conducted in conjunction with a state university; providing that the payroll factor fraction does not include compensation paid to any employee who is dedicated to such research and development activities; requiring certification of such activities and providing intent with respect thereto; requiring the Department of Revenue to adopt rules; amending s. 221.02, F.S.; extending the time for utilizing emergency excise tax credits for purposes of Florida corporate income tax; providing for emergency rules; providing legislative intent; amending s. 196.198, F.S.; specifying conditions under which property is deemed owned by an educational institution for purposes of ad valorem tax exemption; providing effective dates.

House Amendment 1 (with title amendment)—Remove from the bill everything after the enacting clause and insert in lieu thereof:

Section 1. Subsection (5) of section 203.01, Florida Statutes, 1996 Supplement, is amended to read:

203.01 Tax on gross receipts for utility services.—

(5) The tax imposed pursuant to this part relating to the provision of any utility services at the option of the person supplying the taxable services may be separately stated as Florida gross receipts tax on the total amount of any bill, invoice, or other tangible evidence of the provision of such taxable services and, *when separately stated, the tax becomes* ~~may be added as a component~~ part of the total charge *for the utility service*. Whenever a provider of taxable services elects to separately state such tax as a component of the charge for the provision of such taxable services, every person, including all governmental units, shall remit the tax to the person who provides such taxable services as a part of the total bill, and the tax is a component part of the debt of the purchaser to the person who provides such taxable services until paid and, if unpaid, is recoverable at law in the same manner as any other part of the charge for such taxable services. For a utility, the decision to separately state any increase in the rate of tax imposed by this part which is effective after December 31, 1989, and the ability to recover the increased charge from the customer shall not be subject to regulatory approval.

Section 2. Subsection (1) of section 203.63, Florida Statutes, is amended to read:

203.63 Tax on interstate and international telecommunication services.—

(1) The tax imposed pursuant to this part relating to the provision of any telecommunication services, at the option of the person supplying the taxable services may be separately stated as Florida gross receipts tax on the total amount of any bill, invoice, or other tangible evidence of the provision of such taxable services and, *when separately stated, the tax becomes part of the total charge for the utility service* ~~may be added as a component part of such charge~~. Whenever a provider of taxable services elects to separately state such tax as a component of the charge for the provision of such taxable services, every person, including all governmental units, shall remit the tax to the person who provides such taxable services as a part of the total bill, and the tax is a debt of the purchaser to the person who provides such taxable services until paid and, if unpaid, is recoverable at law in the same manner as the original charge for such taxable services.

Section 3. Subsections (27), (28), (29), and (30) are added to section 212.02, Florida Statutes, 1996 Supplement, to read:

212.02 Definitions.—The following terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(27) "Self-propelled farm equipment" means equipment that contains within itself the means for its own propulsion, including, but not limited to, tractors.

(28) "Power-drawn farm equipment" means equipment that is pulled, dragged, or otherwise attached to self-propelled equipment, including, but not limited to, discs, harrows, hay balers, and mowers.

(29) "Power-driven farm equipment" means moving or stationary equipment that is dependent upon an external power source in order to perform its function, including, but not limited to, conveyors, augers, feeding systems, and vacuum pumps.

(30) "Forest" means the land stocked by trees of any size used in the production of forest products, or formerly having such tree cover, and not currently developed for nonforest use.

Section 4. Paragraph (a) of subsection (1) of section 212.031, Florida Statutes, 1996 Supplement, is amended to read:

212.031 Lease or rental of or license in real property.—

(1)(a) It is declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing, letting, or granting a license for the use of any real property unless such property is:

1. Assessed as agricultural property under s. 193.461.

2. Used exclusively as dwelling units.

3. Property subject to tax on parking, docking, or storage spaces under s. 212.03(6).

4. Recreational property or the common elements of a condominium when subject to a lease between the developer or owner thereof and the condominium association in its own right or as agent for the owners of individual condominium units or the owners of individual condominium units. However, only the lease payments on such property shall be exempt from the tax imposed by this chapter, and any other use made by the owner or the condominium association shall be fully taxable under this chapter.

5. A public or private street or right-of-way occupied or used by a utility for utility purposes.

6. A public street or road which is used for transportation purposes.

7. Property used at an airport exclusively for the purpose of aircraft landing or aircraft taxiing or property used by an airline for the purpose of loading or unloading passengers or property onto or from aircraft or for fueling aircraft.

8.*a.* Property used at a port authority, as defined in s. 315.02(2), exclusively for the purpose of oceangoing vessels or tugs docking, or such vessels mooring on property used by a port authority for the purpose of loading or unloading passengers or cargo onto or from such a vessel, or property used at a port authority for fueling such vessels, *or to the extent that the amount paid for the use of any property at the port is based on the charge for the amount of tonnage actually imported or exported through the port by a tenant.*

b. The amount charged for the use of any property at the port in excess of the amount charged for tonnage actually imported or exported shall remain subject to tax except as provided in sub-subparagraph a.

9. Property used as an integral part of the performance of qualified production services. As used in this subparagraph, the term "qualified production services" means any activity or service performed directly in connection with the production of a qualified motion picture, as defined in s. 212.06(1)(b), and includes:

a. Photography, sound and recording, casting, location managing and scouting, shooting, creation of special and optical effects, animation, adaptation (language, media, electronic, or otherwise), technological

modifications, computer graphics, set and stage support (such as electricians, lighting designers and operators, greensmen, prop managers and assistants, and grips), wardrobe (design, preparation, and management), hair and makeup (design, production, and application), performing (such as acting, dancing, and playing), designing and executing stunts, coaching, consulting, writing, scoring, composing, choreographing, script supervising, directing, producing, transmitting dailies, dubbing, mixing, editing, cutting, looping, printing, processing, duplicating, storing, and distributing;

b. The design, planning, engineering, construction, alteration, repair, and maintenance of real or personal property including stages, sets, props, models, paintings, and facilities principally required for the performance of those services listed in sub-subparagraph a.; and

c. Property management services directly related to property used in connection with the services described in sub-subparagraphs a. and b.

10. Leased, subleased, or rented to a person providing food and drink concessionaire services within the premises of a movie theater, a business operated under a permit issued pursuant to chapter 550, or any publicly owned arena, sports stadium, convention hall, exhibition hall, auditorium, or recreational facility. A person providing retail concessionaire services involving the sale of food and drink or other tangible personal property within the premises of an airport shall be subject to tax on the rental of real property used for that purpose, but shall not be subject to the tax on any license to use the property. For purposes of this subparagraph, the term "sale" shall not include the leasing of tangible personal property.

11. Property occupied pursuant to an instrument calling for payments which the department has declared, in a Technical Assistance Advisement issued on or before March 15, 1993, to be nontaxable pursuant to rule 12A-1.070(19)(c), Florida Administrative Code; provided that this subparagraph shall only apply to property occupied by the same person before and after the execution of the subject instrument and only to those payments made pursuant to such instrument, exclusive of renewals and extensions thereof occurring after March 15, 1993.

Section 5. Paragraph (a) of subsection (2) of section 212.04, Florida Statutes, 1996 Supplement, is amended to read:

212.04 Admissions tax; rate, procedure, enforcement.—

(2)(a)1. No tax shall be levied on admissions to athletic or other events sponsored by elementary schools, junior high schools, middle schools, high schools, community colleges, public or private colleges and universities, deaf and blind schools, facilities of the youth services programs of the Department of Health and Rehabilitative Services, and state correctional institutions when only student, faculty, or inmate talent is used. However, this exemption shall not apply to admission to athletic events sponsored by an institution within the State University System, and the proceeds of the tax collected on such admissions shall be retained and used by each institution to support women's athletics as provided in s. 240.533(3)(c).

2.a. No tax shall be levied on dues, membership fees, and admission charges imposed by not-for-profit sponsoring organizations. To receive this exemption, the sponsoring organization must qualify as a not-for-profit entity under the provisions of s. 501(c)(3) of the United States Internal Revenue Code of 1954, as amended.

b. No tax imposed by this section and not actually collected before August 1, 1992, shall be due from any museum or historic building owned by any political subdivision of the state.

3. No tax shall be levied on an admission paid by a student, or on the student's behalf, to any required place of sport or recreation if the student's participation in the sport or recreational activity is required as a part of a program or activity sponsored by, and under the jurisdiction of, the student's educational institution, provided his or her attendance is as a participant and not as a spectator.

4. No tax shall be levied on admissions to the National Football League championship game, *on admissions to any semifinal game or championship game of a national collegiate tournament, or on admissions to a Major League Baseball all-star game.*

5. A participation fee or sponsorship fee imposed by a governmental entity as described in s. 212.08(6) for an athletic or recreational program is exempt when the governmental entity by itself, or in conjunction with an organization exempt under s. 501(c)(3) of the United States Internal Revenue Code of 1954, as amended, sponsors, administers, plans, supervises, directs, and controls the athletic or recreational program.

6. Also exempt from the tax imposed by this section to the extent provided in this subparagraph are admissions to live theater, live opera, or live ballet productions in this state which are sponsored by an organization that has received a determination from the Internal Revenue Service that the organization is exempt from federal income tax under s. 501(c)(3) of the United States Internal Revenue Code of 1954, as amended, if the organization actively participates in planning and conducting the event, is responsible for the safety and success of the event, is organized for the purpose of sponsoring live theater, live opera, or live ballet productions in this state, has more than 10,000 subscribing members and has among the stated purposes in its charter the promotion of arts education in the communities which it serves, and will receive at least 20 percent of the net profits, if any, of the events which the organization sponsors and will bear the risk of at least 20 percent of the losses, if any, from the events which it sponsors if the organization employs other persons as agents to provide services in connection with a sponsored event. Prior to March 1 of each year, such organization may apply to the department for a certificate of exemption for admissions to such events sponsored in this state by the organization during the immediately following state fiscal year. The application shall state the total dollar amount of admissions receipts collected by the organization or its agents from such events in this state sponsored by the organization or its agents in the year immediately preceding the year in which the organization applies for the exemption. Such organization shall receive the exemption only to the extent of $1.5 million multiplied by the ratio that such receipts bear to the total of such receipts of all organizations applying for the exemption in such year; however, in no event shall such exemption granted to any organization exceed 6 percent of such admissions receipts collected by the organization or its agents in the year immediately preceding the year in which the organization applies for the exemption. Each organization receiving the exemption shall report each month to the department the total admissions receipts collected from such events sponsored by the organization during the preceding month and shall remit to the department an amount equal to 6 percent of such receipts reduced by any amount remaining under the exemption. Tickets for such events sold by such organizations shall not reflect the tax otherwise imposed under this section.

7. No tax shall be levied on admissions to any postseason collegiate football game sanctioned by the National Collegiate Athletic Association.

Section 6. Effective January 1, 1998, subsection (5) of section 212.04, Florida Statutes, 1996 Supplement, is amended to read:

212.04 Admissions tax; rate, procedure, enforcement.—

(5) All of the provisions of this chapter relating to collection, investigation, discovery, and aids to collection of taxes upon sales of tangible personal property shall likewise apply to all privileges described or referred to in this section, and the obligations imposed in this chapter upon retailers are hereby imposed upon the seller of such admissions. When tickets or admissions are sold and not used but returned and credited by the seller, the seller may apply to the department for a credit allowance for such returned tickets or admissions if advance payments have been made by the buyer and have been returned by the seller, upon such form and in such manner as the department may from time to time prescribe. The department may, upon obtaining satisfactory proof of the refunds on the part of the seller, credit the seller for taxes paid upon admissions that have been returned unused to the purchaser of those admissions. The seller of admissions, upon the payment of the taxes before they become delinquent and the rendering of the returns in accordance with the requirement of the department and as provided in this law, shall be entitled to a discount of 2.5 percent of the amount of taxes upon the payment thereof before such taxes become delinquent, in the same manner as permitted the sellers of tangible personal property in this chapter. However, if the amount of the tax due and remitted to the department for the reporting period exceeds *$1,400* ~~$1,200~~, no discount shall be allowed for all amounts in excess of *$1,400* ~~$1,200~~.

Section 7. Effective January 1, 1998, subsection (1) of section 212.12, Florida Statutes, 1996 Supplement, is amended to read:

212.12 Dealer's credit for collecting tax; penalties for noncompliance; powers of Department of Revenue in dealing with delinquents; brackets applicable to taxable transactions; records required.—

(1) Notwithstanding any other provision of law and for the purpose of compensating persons granting licenses for and the lessors of real and personal property taxed hereunder, for the purpose of compensating dealers in tangible personal property, for the purpose of compensating dealers providing communication services and taxable services, for the purpose of compensating owners of places where admissions are collected, and for the purpose of compensating remitters of any taxes or fees reported on the same documents utilized for the sales and use tax, as compensation for the keeping of prescribed records and the proper accounting and remitting of taxes by them, such seller, person, lessor, dealer, owner, and remitter (except dealers who make mail order sales) shall be allowed 2.5 percent of the amount of the tax due and accounted for and remitted to the department, in the form of a deduction in submitting his or her report and paying the amount due by him or her; the department shall allow such deduction of 2.5 percent of the amount of the tax to the person paying the same for remitting the tax in the manner herein provided, for paying the amount due to be paid by him or her, and as further compensation to dealers in tangible personal property for the keeping of prescribed records and for collection of taxes and remitting the same. However, if the amount of the tax due and remitted to the department for the reporting period exceeds *$1,400* ~~$1,200~~, no allowance shall be allowed for all amounts in excess of *$1,400* ~~$1,200~~. The executive director of the department is authorized to negotiate a collection allowance, pursuant to rules promulgated by the department, with a dealer who makes mail order sales. The rules of the department shall provide guidelines for establishing the collection allowance based upon the dealer's estimated costs of collecting the tax, the volume and value of the dealer's mail order sales to purchasers in this state, and the administrative and legal costs and likelihood of achieving collection of the tax absent the cooperation of the dealer. However, in no event shall the collection allowance negotiated by the executive director exceed 10 percent of the tax remitted for a reporting period.

(a) The collection allowance may not be granted, nor may any deduction be permitted, if the tax is delinquent at the time of payment.

(b) The Department of Revenue may reduce the collection allowance by 10 percent or $50, whichever is less, if a taxpayer files an incomplete return.

1. An "incomplete return" is, for purposes of this chapter, a return which is lacking such uniformity, completeness, and arrangement that the physical handling, verification, or review of the return may not be readily accomplished.

2. The department shall adopt rules requiring such information as it may deem necessary to ensure that the tax levied hereunder is properly collected, reviewed, compiled, and enforced, including, but not limited to: the amount of gross sales; the amount of taxable sales; the amount of tax collected or due; the amount of lawful refunds, deductions, or credits claimed; the amount claimed as the dealer's collection allowance; the amount of penalty and interest; the amount due with the return; and such other information as the Department of Revenue may specify. The department shall require that transient rentals and agricultural equipment transactions be separately shown. For returns remitted on or after February 1, 1992, the department shall also require that sales made through vending machines as defined in s. 212.0515 be separately shown. For returns remitted on or after February 1, 1995, sales made through coin-operated amusement machines as defined by s. 212.02 and the number of machines operated must be separately shown on the return or on a form prescribed by the department. If a separate form is required, the same penalties for late filing, incomplete filing, or failure to file as provided for the sales tax return shall apply to said form.

(c) The collection allowance and other credits or deductions provided in this part shall be applied proportionally to any taxes or fees reported on the same documents used for the sales and use tax.

Section 8. Paragraphs (e) and (l) of subsection (1) of section 212.05, Florida Statutes, 1996 Supplement, are amended to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making mail order sales, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(e)1. At the rate of *7* ~~6~~ percent on *the total charge* ~~charges~~ for:

a. ~~All telegraph messages and long-distance telephone calls beginning and terminating in this state,~~ Telecommunication service as defined in s. 203.012, and those services described in s. 203.012(2)(a). *The tax shall be applied to the total charge for each message, call, or other segment or component of telecommunication service for which a customer is charged*~~, except that the tax rate for charges for telecommunication service is 7 percent~~.

b. Electrical power or energy.

2. At the rate of 6 percent on charges for:

a.~~b.~~ Any television system program service.

b.~~c.~~ The installation of telecommunication and telegraphic equipment.

~~d. Electrical power or energy, except that the tax rate for charges for electrical power or energy is 7 percent.~~

3.~~2.~~ For purposes of this part, "television system program service" means the transmitting, by any means, of any audio or video signal to a subscriber for other than retransmission, or the installing, connecting, reconnecting, disconnecting, moving, or changing of any equipment related to such service. For purposes of this part, the term "telecommunication service" does not include local service provided through a pay telephone. The provisions of s. 212.17(3), regarding credit for tax paid on charges subsequently found to be worthless, shall be equally applicable to any tax paid under the provisions of this section on charges for telecommunication or telegraph services or electric power subsequently found to be uncollectible. The word "charges" in this paragraph does not include any excise or similar tax levied by the Federal Government, any political subdivision of the state, or any municipality upon the purchase or sale of telecommunication, television system program, or telegraph service or electric power, which tax is collected by the seller from the purchaser.

4.~~3.~~ Telegraph messages and telecommunication services which originate or terminate in this state, other than interstate private communication services, and are billed to a customer, telephone number, or device located within this state are taxable under this paragraph. Interstate private communication services are taxable under this paragraph as follows:

a. One hundred percent of the charge imposed at each channel termination point within this state;

b. One hundred percent of the charge imposed for the total channel mileage between each channel termination point within this state; and

c. The portion of the interstate interoffice channel mileage charge as determined by multiplying said charge times a fraction, the numerator of which is the air miles between the last channel termination point in this state and the vertical and horizontal coordinates, 7856 and 1756, respectively, and the denominator of which is the air miles between the last channel termination point in this state and the first channel termination point outside this state. The denominator of this fraction shall be adjusted, if necessary, by adding the numerator of said fraction to similarly determined air miles in the state in which the other channel termination point is located, so that the summation of the apportionment factor for this state and the apportionment factor for the other state is not greater than one, to ensure that no more than 100 percent of the interstate interoffice channel mileage charge can be taxed by this state and another state.

5.~~4.~~ The tax imposed pursuant to this paragraph shall not exceed $50,000 per calendar year on charges to any person for interstate telecommunications services defined in s. 203.012(4) and (7)(b), if the majority of such services used by such person are for communications originating outside of this state and terminating in this state. This exemption shall only be granted to holders of a direct pay permit issued pursuant to this subparagraph. No refunds shall be given for taxes paid prior to receiving a direct pay permit. Upon application, the department may issue a direct pay permit to the purchaser of telecommunications services authorizing such purchaser to pay tax on such services directly to

the department. Any vendor furnishing telecommunications services to the holder of a valid direct pay permit shall be relieved of the obligation to collect and remit the tax on such service. Tax payments and returns pursuant to a direct pay permit shall be monthly. For purposes of this subparagraph, the term "person" shall be limited to a single legal entity and shall not be construed as meaning a group or combination of affiliated entities or entities controlled by one person or group of persons.

6.~~5.~~ If the sale of a television system program service, as defined in this paragraph, also involves the sale of an item exempt under s. 212.08(7)(j), the tax shall be applied to the value of the taxable service when it is sold separately. If the company does not offer this service separately, the consideration paid shall be separately identified and stated with respect to the taxable and exempt portions of the transaction as a condition of the exemption, except that the amount identified as taxable shall not be less than the cost of the service.

(l)1. Notwithstanding any other provision of this part, there is hereby levied a tax on the sale, use, consumption, or storage for use in this state of any coin or currency, whether in circulation or not, when such coin or currency:

a. Is not legal tender;

b. If legal tender, is sold, exchanged, or traded at a rate in excess of its face value; or

c. Is sold, exchanged, or traded at a rate based on its precious metal content.

2. Such tax shall be at a rate of 6 percent of the price at which the coin or currency is sold, exchanged, or traded, except that, with respect to a coin or currency which is legal tender of the United States and which is sold, exchanged, or traded at a rate in excess of its face value, the tax shall be at a rate of 6 percent of the difference between the price at which it is sold, exchanged, or traded and its face value.

3. There are exempt from this tax exchanges of coins or currency which are in general circulation in, and legal tender of, one nation for coins or currency which are in general circulation in, and legal tender of, another nation when exchanged solely for use as legal tender and at an exchange rate based on the relative value of each as a medium of exchange.

4. With respect to any transaction that involves the sale of coins or currency taxable under this paragraph in which the taxable amount represented by the sale of such coins or currency exceeds $500, the entire amount represented by the sale of such coins or currency shall be exempt from the tax imposed by this paragraph. The dealer must maintain proper documentation, as prescribed by rule of the department, to identify that portion of a transaction which involves the sale of coins or currency and is exempt under this subparagraph.

Section 9. Paragraph (b) of subsection (2) of section 212.054, Florida Statutes, 1996 Supplement, is amended to read:

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

(2)

(b) However:

1. The tax on any sales amount above $5,000 on any item of tangible personal property and on long-distance telephone service shall not be subject to the surtax. For purposes of administering the $5,000 limitation on an item of tangible personal property, if two or more taxable items of tangible personal property are sold to the same purchaser at the same time and, under generally accepted business practice or industry standards or usage, are normally sold in bulk or are items that, when assembled, comprise a working unit or part of a working unit, such items must be considered a single item for purposes of the $5,000 limitation when supported by a charge ticket, sales slip, invoice, or other tangible evidence of a single sale or rental. The limitation provided in this subparagraph does not apply to the sale of any other service.

2. In the case of utility, telecommunication, or television system program services billed on or after the effective date of any such surtax, the entire amount of the tax for utility, telecommunication, or television system program services shall be subject to the surtax. In the case of utility, telecommunication, or television system program services billed after the last day the surtax is in effect, the entire amount of the tax on said items shall not be subject to the surtax.

3. In the case of written contracts which are signed prior to the effective date of any such surtax for the construction of improvements to real property or for remodeling of existing structures, the surtax shall be paid by the contractor responsible for the performance of the contract. However, the contractor may apply for one refund of any such surtax paid on materials necessary for the completion of the contract. Any application for refund shall be made no later than 15 months following initial imposition of the surtax in that county. The application for refund shall be in the manner prescribed by the department by rule. A complete application shall include proof of the written contract and of payment of the surtax. The application shall contain a sworn statement, signed by the applicant or its representative, attesting to the validity of the application. The department shall, within 30 days after approval of a complete application, certify to the county information necessary for issuance of a refund to the applicant. Counties are hereby authorized to issue refunds for this purpose and shall set aside from the proceeds of the surtax a sum sufficient to pay any refund lawfully due. Any person who fraudulently obtains or attempts to obtain a refund pursuant to this subparagraph, in addition to being liable for repayment of any refund fraudulently obtained plus a mandatory penalty of 100 percent of the refund, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4. Transactions that are subject to the tourist development tax levied and imposed under s. 125.0104(3) are not subject to the discretionary surtax levied under s. 212.055 by the governing body of a high tourism impact county if:

a. The aggregate rate of the tourist development tax levied and imposed on such transactions within the county equals or exceeds 5 percent; and

b. The discretionary surtax that is initially levied by the governing body of the county has an effective date of January 1, 1998, or later.

If the tourist development tax is levied and imposed only in a subcounty special district and not in the entire county, the exemption provided under this subparagraph applies only in the subcounty special district. If the aggregate rate of the tourist development tax levied and imposed within the county or subcounty special district is reduced to less than 5 percent, the exemption provided under this subparagraph no longer applies within the county or subcounty special district.

Section 10. Subsection (1) of section 212.06, Florida Statutes, is amended and subsection (13) is added to that section to read:

212.06 Sales, storage, use tax; collectible from dealers; "dealer" defined; dealers to collect from purchasers; legislative intent as to scope of tax.—

(1)(a) The aforesaid tax at the rate of 6 percent of the retail sales price as of the moment of sale, 6 percent of the cost price as of the moment of purchase, or 6 percent of the cost price as of the moment of commingling with the general mass of property in this state, as the case may be, shall be collectible from all dealers as herein defined on the sale at retail, the use, the consumption, the distribution, and the storage for use or consumption in this state of tangible personal property or services taxable under this part. The full amount of the tax on a credit sale, installment sale, or sale made on any kind of deferred payment plan shall be due at the moment of the transaction in the same manner as on a cash sale.

(b) Except as otherwise provided, any person who manufactures, produces, compounds, processes, or fabricates in any manner tangible personal property for his or her own use shall pay a tax upon the cost of the product manufactured, produced, compounded, processed, or fabricated without any deduction therefrom on account of the cost of material used, labor or service costs, or transportation charges, notwithstanding the provisions of s. 212.02 defining "cost price." However, the tax levied under this paragraph shall not be imposed upon any person who manufactures or produces electrical power or energy, steam energy, or other energy at a single location, when such power or energy is used directly and exclusively at such location, or at other locations if the energy is transferred through facilities of the owner in the operation of

machinery or equipment that is used to manufacture, process, compound, produce, fabricate, or prepare for shipment tangible personal property for sale or to operate pollution control equipment, maintenance equipment, or monitoring or control equipment used in such operations. The manufacture or production of electrical power or energy that is used for space heating, lighting, office equipment, or air-conditioning or any other nonmanufacturing, nonprocessing, noncompounding, nonproducing, nonfabricating, or nonshipping activity is taxable. Electrical power or energy consumed or dissipated in the transmission or distribution of electrical power or energy for resale is also not taxable. Fabrication labor shall not be taxable when a person is using his or her own equipment and personnel, for his or her own account, as a producer, subproducer, or coproducer of a qualified motion picture. For purposes of this part, the term "qualified motion picture" means all or any part of a series of related images, either on film, tape, or other embodiment, including, but not limited to, all items comprising part of the original work and film-related products derived therefrom as well as duplicates and prints thereof and all sound recordings created to accompany a motion picture, which is produced, adapted, or altered for exploitation in, on, or through any medium or device and at any location, primarily for entertainment, commercial, industrial, or educational purposes. A person who manufactures factory-built buildings for his or her own use in the performance of contracts for the construction or improvement of real property shall pay a tax only upon the person's cost price of items used in the manufacture of such buildings.

(c) Notwithstanding the provisions of paragraph (b), the use tax on asphalt manufactured for one's own use shall be calculated with respect to paragraph (b) only upon the cost of materials which become a component part or which are an ingredient of the finished asphalt and upon the cost of the transportation of such components and ingredients. In addition, an indexed tax of 38 cents per ton of such manufactured asphalt shall be due at the same time and in the same manner as taxes due pursuant to paragraph (b). Beginning July 1, 1989, the indexed tax shall be adjusted each July 1 to an amount, rounded to the nearest cent, equal to the product of 38 cents multiplied by a fraction, the numerator of which is the annual average of the "materials and components for construction" series of the producer price index, as calculated and published by the United States Department of Labor, Bureau of Statistics, for the previous calendar year, and the denominator of which is the annual average of said series for calendar year 1988.

(d) For purposes of paragraph (b), the department may establish a cost price amount for industry groups that manufacture, produce, compound, process, or fabricate tangible personal property for their own use in the performance of contracts for improvements to real property. Such cost price amount must be established as a percentage, rounded to the nearest whole number, of the total contract price charged for the improvement. The cost price percentages established must be adopted by rule pursuant to the procedures provided in s. 120.54, upon petition of a majority of the members of an industry group or by a statewide association that represents such industry group, and must be based on a reasonable estimate of average costs incurred by members of the petitioning industry group. The department is required to adopt a cost price percentage only if sufficient information is available to determine such percentage. The information considered by the department to establish the cost price percentage must be that set forth in the petition or that which is otherwise made available to the department. Any cost price percentage so established must be available only by election of a member of the industry group for which the percentage was established and may apply only to such periods or contracts for which the election is made. The election shall be made by the taxpayer by timely accruing and remitting tax on the contract using the established percentage figure. If the taxpayer does not timely accrue and remit the use tax due for a contract using the percentage figure, the taxpayer shall not later be allowed to use this method of calculating the use tax due for that contract. Taxpayers must maintain adequate records reflecting the accrual of tax using the percentage figure on actual cost price. Any cost price so established must remain available for use for a period of at least 5 years from the date of its adoption and must be reviewed and be subject to adjustment by the department no more frequently than at 5-year intervals. The provisions of this paragraph shall not be available to those persons subject to the provisions of paragraph (c).

(13) For the purpose of determining whether a person is improving real property, the term:

(a) "Real property" means the land, improvements thereto, and fixtures, and is synonymous with the terms "realty" and "real estate."

(b) "Fixtures" means items that are an accessory to a building, other structure, or land and that do not lose their identity as accessories when installed, but that do become permanently attached to realty. However, the term does not include the following items, whether or not such items are attached to real property in a permanent manner: trade fixtures; property of a type that is required to be registered, licensed, titled, or documented by this state or by the United States Government, including, but not limited to, mobile homes, except mobile homes assessed as real property; or machinery or equipment. To be considered a fixture, it is not necessary that the owner of the fixture also own the real property to which it is attached.

(c) "Improvements to real property" includes the activities of building, erecting, constructing, altering, improving, repairing, or maintaining real property.

Section 11. Subsections (1) and (3), paragraph (b) of subsection (5), paragraphs (o), (ff), and (ii) of subsection (7), and subsection (14) of section 212.08, Florida Statutes, 1996 Supplement, are amended, and paragraphs (nn), (oo), (pp), (qq), (rr), (ss), and (tt) are added to subsection (7) of that section, 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.

(1) EXEMPTIONS; GENERAL GROCERIES.—

(a) Food products for human consumption are exempt from the tax imposed by this chapter.

(b) As used in this subsection, "food products" means edible commodities, whether processed, cooked, raw, canned, or in any other form, which are generally regarded as food. This includes, but is not limited to:

1. Cereals and cereal products, baked goods, oleomargarine, meat and meat products, fish and seafood products, frozen foods and dinners, poultry, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices, salt, sugar and sugar products, milk and dairy products, and products intended to be mixed with milk.

2. Natural fruit or vegetable juices or their concentrates or reconstituted natural concentrated fruit or vegetable juices, whether frozen or unfrozen, dehydrated, powdered, granulated, sweetened or unsweetened, seasoned with salt or spice, or unseasoned; coffee, coffee substitutes, or cocoa; and tea, unless it is sold in a liquid form.

3. Bakery products sold by bakeries, pastry shops, or like establishments which do not have eating facilities.

(c) The exemption provided by this subsection does not apply:

1. When the food products are sold as meals for consumption on or off the premises of the dealer.

2. When the food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware, whether provided by the dealer or by a person with whom the dealer contracts to furnish, prepare, or serve food products to others.

3. When the food products are ordinarily sold for immediate consumption on the premises or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location, even though such products are sold on a "take out" or "to go" order and are actually packaged or wrapped and taken from the premises of the dealer.

4. To sandwiches sold ready for immediate consumption on or off the premises.

5. When the food products are sold ready for immediate consumption within a place, the entrance to which is subject to an admission charge.

6. When the food products are sold as hot prepared food products.

7. To soft drinks, which include, but are not limited to, any nonalcoholic beverage, any preparation or beverage commonly referred to as a

"soft drink," or any noncarbonated drink made from milk derivatives or tea, when sold in cans or similar containers.

8. To ice cream, frozen yogurt, and similar frozen diary or nondairy products in cones, small cups, or pints, popsicles, frozen fruit bars, or other novelty items, whether or not sold separately.

9. To food prepared, whether on or off the premises, and sold for immediate consumption. This does not apply to food prepared off the premises and sold in the original sealed container, or the slicing of products into smaller portions.

10. When the food products are sold through a vending machine, pushcart, motor vehicle, or any other form of vehicle.

11. To candy and any similar product regarded as candy or confection, based on its normal use, as indicated on the label or advertising thereof.

12. To bakery products sold by bakeries, pastry shops, or like establishments which have eating facilities, except when sold for consumption off the premises.

13. When food products are served, prepared, or sold in or by restaurants, lunch counters, cafeterias, hotels, taverns, or other like places of business.

(d) As used in this subsection:

1. "For consumption off the premises" means that the food or drink is intended by the customer to be consumed at a place away from the dealer's premises.

2. "For consumption on the premises" means that the food or drink sold may be immediately consumed on the premises where the dealer conducts his or her business. In determining whether an item of food is sold for immediate consumption, there shall be considered the customary consumption practices prevailing at the selling facility.

3. "Premises" shall be construed broadly, and means, but is not limited to, the lobby, aisle, or auditorium of a theater; the seating, aisle, or parking area of an arena, rink, or stadium; or the parking area of a drive-in or outdoor theater. The premises of a caterer with respect to catered meals or beverages shall be the place where such meals or beverages are served.

4. "Hot prepared food products" means those products, items, or components which have been prepared for sale in a heated condition and which are sold at any temperature which is higher than the air temperature of the room or place where they are sold. "Hot prepared food products," for the purposes of this subsection, includes a combination of hot and cold food items or components where a single price has been established for the combination and the food products are sold in such combination, such as a hot meal, a hot specialty dish or serving, or a hot sandwich or hot pizza, including cold components or side items.

~~(a) There are exempt from the tax imposed by this chapter food and drinks for human consumption except candy. Unless the exemption provided by paragraph (7)(q) for school lunches, paragraph (7)(i) for meals to certain patients or inmates, paragraph (7)(k) for meals provided by certain nonprofit organizations, or paragraph (7)(z) for food or drinks sold through vending machines pertains, none of such items of food or drinks means:~~

~~1. Food or drinks served, prepared, or sold in or by restaurants; drugstores; lunch counters; cafeterias; hotels; amusement parks; racetracks; taverns; concession stands at arenas, auditoriums, carnivals, fairs, stadiums, theaters, or other like places of business; or by any business or place required by law to be licensed by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, except bakery products sold in or by pastry shops, doughnut shops, or like establishments for consumption off the premises;~~

~~2. Foods and drinks sold ready for immediate consumption from vending machines, pushcarts, motor vehicles, or any other form of vehicle;~~

~~3. Soft drinks, which include, but are not limited to, any nonalcoholic beverage, any preparation or beverage commonly referred to as a "soft drink," or any noncarbonated drink made from milk derivatives or tea, when sold in cans or similar containers. The term "soft drink" does not include: natural fruit or vegetable juices or their concentrates or reconstituted natural concentrated fruit or vegetable juices, whether frozen or unfrozen, dehydrated, powdered, granulated, sweetened or unsweetened, seasoned with salt or spice, or unseasoned; coffee or coffee substitutes; tea except when sold in containers as provided herein; cocoa; products intended to be mixed with milk; or natural fluid milk;~~

~~4. Foods or drinks cooked or prepared on the seller's premises and sold ready for immediate consumption either on or off the premises, excluding bakery products for off-premises consumption unless such foods are taxed under subparagraph 1. or subparagraph 2.; or~~

~~5. Sandwiches sold ready for immediate consumption.~~

~~For the purposes of this paragraph, "seller's premises" shall be construed broadly, and means, but is not limited to, the lobby, aisle, or auditorium of a theater; the seating, aisle, or parking area of an arena, rink, or stadium; or the parking area of a drive-in or outdoor theater. The premises of a caterer with respect to catered meals or beverages shall be the place where such meals or beverages are served.~~

(e)~~(b)~~1. Food or drinks not exempt under *paragraphs (a), (b), (c), and (d)* ~~paragraph (a)~~ shall be exempt, notwithstanding *those paragraphs* ~~that paragraph~~, when purchased with food coupons or Special Supplemental Food Program for Women, Infants, and Children vouchers issued under authority of federal law.

2. This paragraph is effective only while federal law prohibits a state's participation in the federal food coupon program or Special Supplemental Food Program for Women, Infants, and Children if there is an official determination that state or local sales taxes are collected within that state on purchases of food or drinks with such coupons.

3. This paragraph shall not apply to any food or drinks on which federal law shall permit sales taxes without penalty, such as termination of the state's participation.

4. Notwithstanding any other provision of law, the department shall make refunds or allow credits to a distributor equal to the fee imposed and paid under s. 403.7197 on containers purchased by consumers with food coupons or Special Supplemental Food Program for Women, Infants, and Children vouchers issued under authority of federal law.

(3) EXEMPTIONS, PARTIAL; CERTAIN FARM EQUIPMENT.—There shall be taxable at the rate of 3 percent the sale, use, consumption, or storage for use in this state of self-propelled, ~~or~~ power-drawn, *or power-driven* farm equipment used exclusively *on a farm or in a forest* ~~by a farmer on a farm owned, leased, or sharecropped by the farmer~~ in plowing, planting, cultivating, or harvesting crops *or products as produced by those agricultural industries included in s. 570.02(1). Harvesting is not to be construed to include processing activities. This partial exemption is not forfeited by the act of moving farm equipment between farms or forests.* The rental of self-propelled, ~~or~~ power-drawn, *or power-driven* farm equipment shall be taxed at the rate of 6 percent.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(b) Machinery and equipment used to increase productive output.—

1. Industrial machinery and equipment purchased for use in new businesses which manufacture, process, compound, or produce for sale, or for exclusive use in spaceport activities as defined in s. 212.02, items of tangible personal property at fixed locations are exempt from the tax imposed by this chapter upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used in a new business in this state. Such purchases must be made prior to the date the business first begins its productive operations, and delivery of the purchased item must be made within 12 months of that date.

2.*a.* Industrial machinery and equipment purchased for use in expanding manufacturing facilities or plant units which manufacture, process, compound, or produce for sale, or for exclusive use in spaceport activities as defined in s. 212.02, items of tangible personal property at fixed locations in this state are exempt from any amount of tax imposed by this chapter in excess of $50,000 per calendar year upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the productive output of such expanded business by not less than 10 percent.

b. Notwithstanding any other provision of this section, industrial machinery and equipment purchased for use in expanding printing or publishing manufacturing facilities or plant units that manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations in this state are exempt from any amount of tax imposed by this chapter upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the productive output of such expanded business by not less than 10 percent.

3.a. To receive an exemption provided by subparagraph 1. or subparagraph 2., a qualifying business entity shall apply to the department for a temporary tax exemption permit. The application shall state that a new business exemption or expanded business exemption is being sought. Upon a tentative affirmative determination by the department pursuant to subparagraph 1. or subparagraph 2., the department shall issue such permit.

b. The applicant shall be required to maintain all necessary books and records to support the exemption. Upon completion of purchases of qualified machinery and equipment pursuant to subparagraph 1. or subparagraph 2., the temporary tax permit shall be delivered to the department or returned to the department by certified or registered mail.

c. If, in a subsequent audit conducted by the department, it is determined that the machinery and equipment purchased as exempt under subparagraph 1. or subparagraph 2. did not meet the criteria mandated by this paragraph or if commencement of production did not occur, the amount of taxes exempted at the time of purchase shall immediately be due and payable to the department by the business entity, together with the appropriate interest and penalty, computed from the date of purchase, in the manner prescribed by this chapter.

d. In the event a qualifying business entity fails to apply for a temporary exemption permit or if the tentative determination by the department required to obtain a temporary exemption permit is negative, a qualifying business entity shall receive the exemption provided in subparagraph 1. or subparagraph 2. through a refund of previously paid taxes. No refund may be made for such taxes unless the criteria mandated by subparagraph 1. or subparagraph 2. have been met and commencement of production has occurred.

4. The department shall promulgate rules governing applications for, issuance of, and the form of temporary tax exemption permits; provisions for recapture of taxes; and the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of increased productive output, commencement of production, and qualification for exemption.

5. The exemptions provided in subparagraphs 1. and 2. do not apply to machinery or equipment purchased or used by electric utility companies, communications companies, phosphate or other solid minerals severance, mining, or processing operations, oil or gas exploration or production operations, ~~publishing firms that do not export at least 50 percent of their finished product out of the state,~~ any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, or any firm which does not manufacture, process, compound, or produce for sale, or for exclusive use in spaceport activities as defined in s. 212.02, items of tangible personal property.

6. For the purposes of the exemptions provided in subparagraphs 1. and 2., these terms have the following meanings:

a. "Industrial machinery and equipment" means "section 38 property" as defined in s. 48(a)(1)(A) and (B)(i) of the Internal Revenue Code, provided "industrial machinery and equipment" shall be construed by regulations adopted by the Department of Revenue to mean tangible property used as an integral part of the manufacturing, processing, compounding, or producing for sale, or for exclusive use in spaceport activities as defined in s. 212.02, of items of tangible personal property. Such term includes parts and accessories only to the extent that the exemption thereof is consistent with the provisions of this paragraph.

b. "Productive output" means the number of units actually produced by a single plant or operation in a single continuous 12-month period, irrespective of sales. Increases in productive output shall be measured by the output for 12 continuous months immediately following the completion of installation of such machinery or equipment over the output for the 12 continuous months immediately preceding such installation. However, if a different 12-month continuous period of time would more accurately reflect the increase in productive output of machinery and equipment purchased to facilitate an expansion, the increase in productive output may be measured during that 12-month continuous period of time if such time period is mutually agreed upon by the Department of Revenue and the expanding business prior to the commencement of production; provided, however, in no case may such time period begin later than 2 years following the completion of installation of the new machinery and equipment. The units used to measure productive output shall be physically comparable between the two periods, irrespective of sales.

7. Notwithstanding any other provision in this paragraph to the contrary, in order to receive the exemption provided in this paragraph a taxpayer must register with the WAGES Program Business Registry established by the local WAGES coalition for the area in which the taxpayer is located. Such registration establishes a commitment on the part of the taxpayer to hire WAGES program participants to the maximum extent possible consistent with the nature of their business.

(7) MISCELLANEOUS EXEMPTIONS.—

(o) Religious, charitable, scientific, educational, and veterans' institutions and organizations.—

1. There are exempt from the tax imposed by this part transactions involving:

a. Sales or leases directly to churches or sales or leases of tangible personal property by churches;

b. Sales or leases to nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational institutions when used in carrying on their customary nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational activities, including church cemeteries; and

c. Sales or leases to the state headquarters of qualified veterans' organizations and the state headquarters of their auxiliaries when used in carrying on their customary veterans' organization activities. If a qualified veterans' organization or its auxiliary does not maintain a permanent state headquarters, then transactions involving sales or leases to such organization and used to maintain the office of the highest ranking state official are exempt from the tax imposed by this part.

2. The provisions of this section authorizing exemptions from tax shall be strictly defined, limited, and applied in each category as follows:

a. "Religious institutions" means churches, synagogues, and established physical places for worship at which nonprofit religious services and activities are regularly conducted and carried on. The term "religious institutions" includes nonprofit corporations the sole purpose of which is to provide free transportation services to church members, their families, and other church attendees. The term "religious institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of religious organizations or members. The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1986, as amended, which owns and operates a Florida *radio or* television station, at least 90 percent of the programming of which station consists of programs of a religious nature, and the financial support for which, exclusive of receipts for broadcasting from other nonprofit organizations, is predominantly from contributions from the general public. The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1986, as amended, which provides regular religious services to Florida state prisoners and which from its own established physical place of worship, operates a ministry providing worship and services of a charitable nature to the community on a weekly basis. *The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1986, as amended, the primary activity of which is distribution of audio recordings of religious scriptures to blind or visually impaired persons at no charge. The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1986, as amended, the sole or primary function of which is to provide, at*

any location, nonprofit religious services, evangelistic services, religious education, or missionary activities for, or in direct participation with, one or more churches, synagogues, or established places of worship at which nonprofit religious services and activities are regularly conducted.

b. "Charitable institutions" means only nonprofit corporations qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1954, as amended, and other nonprofit entities, the sole or primary function of which is to provide, or to raise funds for organizations which provide, one or more of the following services if a reasonable percentage of such service is provided free of charge, or at a substantially reduced cost, to persons, animals, or organizations that are unable to pay for such service:

(I) Medical aid for the relief of disease, injury, or disability;

(II) Regular provision of physical necessities such as food, clothing, or shelter;

(III) Services for the prevention of or rehabilitation of persons from alcoholism or drug abuse; the prevention of suicide; or the alleviation of mental, physical, or sensory health problems;

(IV) Social welfare services including adoption placement, child care, community care for the elderly, and other social welfare services which clearly and substantially benefit a client population which is disadvantaged or suffers a hardship;

(V) Medical research for the relief of disease, injury, or disability;

(VI) Legal services; or

(VII) Food, shelter, or medical care for animals or adoption services, cruelty investigations, or education programs concerning animals;

and the term includes groups providing volunteer staff to organizations designated as charitable institutions under this sub-subparagraph; nonprofit organizations the sole or primary purpose of which is to coordinate, network, or link other institutions designated as charitable institutions under this sub-subparagraph with those persons, animals, or organizations in need of their services; and nonprofit national, state, district, or other governing, coordinating, or administrative organizations the sole or primary purpose of which is to represent or regulate the customary activities of other institutions designated as charitable institutions under this sub-subparagraph. Notwithstanding any other requirement of this section, any blood bank that relies solely upon volunteer donations of blood and tissue, that is licensed under chapter 483, and that qualifies as tax exempt under s. 501(c)(3) of the Internal Revenue Code constitutes a charitable institution and is exempt from the tax imposed by this part. *Sales to a health system, qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1986, as amended, which filed an application for exemption with the department prior to April 5, 1997, and which application is subsequently approved, shall be exempt as to any unpaid taxes on purchases made from January 1, 1994, to June 1, 1997.*

c. "Scientific organizations" means scientific organizations which hold current exemptions from federal income tax under s. 501(c)(3) of the Internal Revenue Code and also means organizations the purpose of which is to protect air and water quality or the purpose of which is to protect wildlife and which hold current exemptions from the federal income tax under s. 501(c)(3) of the Internal Revenue Code.

d. "Educational institutions" means state tax-supported or parochial, church and nonprofit private schools, colleges, or universities which conduct regular classes and courses of study required for accreditation by, or membership in, the Southern Association of Colleges and Schools, the Department of Education, the Florida Council of Independent Schools, or the Florida Association of Christian Colleges and Schools, Inc., or nonprofit private schools which conduct regular classes and courses of study accepted for continuing education credit by a Board of the Division of Medical Quality Assurance of the Department of Business and Professional Regulation or which conduct regular classes and courses of study accepted for continuing education credit by the American Medical Association. Nonprofit libraries, art galleries, and museums open to the public are defined as educational institutions and are eligible for exemption. The term "educational institutions" includes private nonprofit organizations the purpose of which is to raise funds for schools teaching grades kindergarten through high school, colleges, and universities. The term "educational institutions" includes any nonprofit newspaper of free or paid circulation primarily on university or college campuses which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code, and any educational television or radio network or system established pursuant to s. 229.805 or s. 229.8051 and any nonprofit television or radio station which is a part of such network or system and which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code. The term "educational institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of educational organizations or members. The term "educational institutions" also includes a nonprofit educational cable consortium which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, whose primary purpose is the delivery of educational and instructional cable television programming and whose members are composed exclusively of educational organizations which hold a valid consumer certificate of exemption and which are either an educational institution as defined in this sub-subparagraph, or qualified as a nonprofit organization pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, as amended.

e. "Veterans' organizations" means nationally chartered or recognized veterans' organizations, including, but not limited to, Florida chapters of the Paralyzed Veterans of America, Catholic War Veterans of the U.S.A., Jewish War Veterans of the U.S.A., and the Disabled American Veterans, Department of Florida, Inc., which hold current exemptions from federal income tax under s. 501(c)(4) or (19) of the Internal Revenue Code.

(ff) Aircraft repair and maintenance labor charges.—There shall be exempt from the tax imposed by this part all labor charges for the repair and maintenance of aircraft or more than 20,000 pounds maximum certified takeoff weight. *Except as otherwise provided in this chapter,* charges for parts and equipment furnished in connection with such labor charges are taxable.

(ii) Certain electricity uses.—

1. Charges for electricity *or steam* used *to operate machinery and equipment* ~~directly and exclusively~~ at a fixed location in this state *when such* ~~to operate~~ machinery and equipment ~~that~~ is used to manufacture, process, compound, ~~or~~ produce, *or prepare for shipment* items of tangible personal property for sale, or to operate pollution control equipment, recycling equipment, maintenance equipment, or monitoring or control equipment used in such operations are exempt *to the extent provided in this paragraph* ~~from the tax imposed by this part as provided in subparagraph 2~~. *In order to qualify for this exemption, 75 percent or more of the electricity used at the fixed location must be used to operate qualifying machinery or equipment.* ~~The exemption provided for herein is applicable if the electricity that is used for the exempt purposes is separately metered, or if it is not separately metered, it is irrevocably presumed that 50 percent of the charge for electricity is for nonexempt purposes.~~

2. This exemption ~~only~~ applies *only* to industries classified under SIC Industry Major Group Numbers 10, 12, 13, 14, 20, ~~21,~~ 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39 *and Industry No. 2121.* As used in this paragraph, "SIC" means those classifications contained in the Standard Industrial Classification Manual, 1987, as published by the Office of Management and Budget, Executive Office of the President.

3. Possession by a seller of a written certification by the purchaser, certifying the purchaser's entitlement to an exemption permitted by this subsection, relieves the seller from the responsibility of collecting the tax on the nontaxable amounts, and the department shall look solely to the purchaser for recovery of such tax if it determines that the purchaser was not entitled to the exemption.

4. Such exemption shall be applied as follows:

a.~~1.~~ Beginning July 1, 1996, 20 percent of the charges for such electricity shall be exempt.

b.~~2.~~ Beginning July 1, 1997, 40 percent of the charges for such electricity *or steam* shall be exempt.

c.~~3.~~ Beginning July 1, 1998, 60 percent of the charges for such electricity *or steam* shall be exempt.

d.~~4.~~ Beginning July 1, 1999, 80 percent of the charges for such electricity *or steam* shall be exempt.

e.~~5.~~ Beginning July 1, 2000, 100 percent of the charges for such electricity *or steam* shall be exempt.

5. Notwithstanding any other provision in this paragraph to the contrary, in order to receive the exemption provided in this paragraph a taxpayer must *first* register with the WAGES Program Business Registry established by the local WAGES coalition for the area in which the taxpayer is located. Such registration establishes a commitment on the part of the taxpayer to hire WAGES program participants to the maximum extent possible consistent with the nature of their business.

6.a. In order to determine whether the exemption provided in this paragraph from the tax on charges for electricity *or steam* has an effect on retaining or attracting companies to this state, the Office of Program Policy Analysis and Governmental Accountability shall periodically monitor and report on the industries receiving the exemption.

b. The first report shall be submitted no later than January 1, 1997, and must be conducted in such a manner as to specifically determine the number of companies within each SIC Industry Major Group receiving the exemption as of September 1, 1996, and the number of individuals employed by companies within each SIC Industry Major Group receiving the exemption as of September 1, 1996.

c. The second report shall be submitted no later than January 1, 2001, and must be comprehensive in scope, but, at a minimum, must be conducted in such a manner as to specifically determine the number of companies within each SIC Industry Major Group receiving the exemption as of September 1, 2000, the number of individuals employed by companies within each SIC Industry Major Group receiving the exemption as of September 1, 2000, whether the change, if any, in such number of companies or employees is attributable to the exemption provided in this paragraph, whether it would be sound public policy to continue or discontinue the exemption, and the consequences of doing so.

d. Both reports shall be submitted to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.

(nn) Bullion.—The sale of gold, silver, or platinum bullion, or any combination thereof in a single transaction, is exempt if the sales price exceeds $500. The dealer must maintain proper documentation, as prescribed by rule of the department, to identify that portion of a transaction which involves the sale of gold, silver, or platinum bullion and is exempt under this paragraph.

(oo) Aircraft sales or leases.—The sale or lease of an aircraft of more than 20,000 pounds maximum certified takeoff weight for use by a common carrier is exempt from the tax imposed by this part. As used in this paragraph, the term "common carrier" means an airline operating under part 121 or 129 of the federal aviation regulations.

(pp) Aircraft repair and maintenance.—There shall be exempt from the tax imposed by this chapter replacement engines, parts, and equipment used in the repair or maintenance of commercial aircraft of more than 20,000 pounds maximum certified takeoff weight, when such parts or equipment are installed on such aircraft that is being repaired or maintained in this state.

(qq) Gasparilla Distance Classic Association, Inc.—Also exempt from the tax imposed by this part are sales or leases to the Gasparilla Distance Classic Association, Inc., if that organization holds a current exemption from federal corporate income tax liability pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, as amended.

(rr) Complimentary items.—There is exempt from the tax imposed by this chapter:

1. Any food or drink, whether or not cooked or prepared on the premises, provided without charge as a sample or for the convenience of customers by a dealer that primarily sells food product items at retail.

2. Any item given to a customer as part of a price guarantee plan related to point-of-sale errors by a dealer that primarily sells food products at retail.

The exemptions in this paragraph do not apply to businesses with the primary activity of serving prepared meals or alcoholic beverages for immediate consumption.

(ss) Donated foods or beverages.—Any food or beverage donated by a dealer that sells food products at retail to a food bank or an organization that holds a current exemption from federal corporate income tax pursuant to s. 501(c) of the Internal Revenue Code of 1986, as amended, is exempt from the tax imposed by this chapter.

(tt) Sales involving schools.—There is exempt from the tax imposed under this part the sale or purchase of tangible personal property or services by a public, parochial, church, or nonprofit school operated for and attended by pupils of grades kindergarten through 12, or by a parent-teacher organization or parent-teacher association affiliated with a school, for the purpose of raising funds to support the school.

(14)*(a)* The department shall establish a technical assistance advisory committee with public and private sector members, *including representatives of both manufacturers and retailers,* to advise the Department of Revenue and the Department of *Children and Family* ~~Health and Rehabilitative~~ Services in determining the taxability of specific products and product lines pursuant to subsection (1) and paragraph (2)(a). In determining taxability and in preparing a list of specific products and product lines which are or are not taxable, the committee shall not be subject to the provisions of chapter 120. Private sector members shall not be compensated for serving on the committee.

(b) The department, with the advice of the committee, shall develop guidelines for determining the taxability of specific products. The guidelines shall not be subject to the provisions of chapter 120 and shall be a public record. In developing the guidelines, if the department determines that a proposed guideline substantially affects a particular person, it shall notify the person of the development of the proposed guideline. The guidelines shall be submitted to the Administrative Procedures Committee and the department shall respond to any comments made by the committee or to any person substantially affected by the guidelines.

(c) The advisory committee shall use guidelines determined by the department in making its recommendations. The committee shall forward its recommendations to the department, which shall determine the taxability of specific products. The determination shall be a public record; shall be final upon its publication; and shall remain effective unless a change of determination is published. The determination may be challenged pursuant to a proceeding conducted under ss. 120.569 and 120.57.

(d) The department is authorized to develop a central database and to publish the determination as to the taxability of specific products in a manner that generally provides retailers with information to properly tax products based on their universal product codes. To assure maximum benefit to the retail community, the advisory committee shall help in identifying the scope of information that should be included in the central database and the appropriate methods to assure efficient and effective communication. Information contained in the central database shall not be subject to the provisions of chapter 120 and shall be a public record.

Section 12. Paragraphs (o) and (p) are added to subsection (7) of section 213.053, Florida Statutes, 1996 Supplement, to read:

213.053 Confidentiality and information sharing.—

(7) Notwithstanding any other provision of this section, the department may provide:

(o) Information relative to chapters 212 and 220 to the Department of Labor and Employment Security in the conduct of its official duties.

(p) Information contained in returns, reports, accounts, or declarations to the Board of Accountancy in connection with a disciplinary proceeding conducted pursuant to chapter 473 when related to a certified public accountant participating in the certified audit project, or to the court in connection with a civil proceeding brought by the department relating to a claim for recovery of taxes due to negligence on the part of a certified public accountant participating in the certified audit project. In any judicial proceeding brought by the department, upon motion for protective order, the court shall limit disclosure of tax information when necessary to effectuate the purposes of this section. This paragraph is repealed on July 1, 1999.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 13. Paragraph (j) is added to subsection (5) of section 212.08, Florida Statutes, 1996 Supplement, 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.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(j) Machinery and equipment used in silicon technology production and research and development.—

1. Industrial machinery and equipment purchased for use in silicon technology facilities certified under subparagraph 4. to manufacture, process, compound, or produce silicon technology products for sale or for use by these facilities are exempt from the tax imposed by this chapter.

2. Machinery and equipment are exempt from the tax imposed by this chapter if purchased for use predominately in silicon wafer research and development activities in a silicon technology research and development facility certified under subparagraph 4.

3. The exemptions authorized in subparagraph 1. and subparagraph 2. accrue to the taxpayer through a refund of previously paid taxes. A refund may not be made unless the criteria mandated by subparagraph 1. or subparagraph 2. have been met and the business has been certified by the Office of Tourism, Trade, and Economic Development as authorized in this paragraph.

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

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

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

5.a. A business certified to receive this exemption may apply once each year for the refund of all eligible taxes paid during the previous calendar year. The refund shall be subject to a specific annual appropriation from the Legislature to the Office of Tourism, Trade, and Economic Development for the payment of such refunds.

b. The first claim submitted by a business may include all eligible expenditures made after the date the business was certified.

c. To apply for the annual refund, the business shall submit a refund claim to the Office of Tourism, Trade, and Economic Development, which claim indicates and documents the sales and use taxes paid on eligible machinery and equipment. The claim shall also indicate, for program evaluation purposes only, the average number of full-time equivalent employees at the facility over the preceding calendar year, the average wage and benefits paid to those employees over the preceding calendar year, and the total investment made in real and tangible personal property over the preceding calendar year or, for the first claim submitted, since the date of certification. The department shall assist the Office of Tourism, Trade, and Economic Development in evaluating and verifying information provided in the application for an annual refund.

d. An application for refund must be submitted to the Office of Tourism, Trade, and Economic Development by February 15 of each year. In the event that the Legislature does not appropriate an amount sufficient to satisfy all refund applications received by the Office of Tourism, Trade, and Economic Development, the office shall, not later than April 15 of each year, determine the proportion of each refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the total dollar amount of refund claims received. The amount of each claim for a tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, there are appropriated funds remaining, the office shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

e. The Office of Tourism, Trade, and Economic Development may use the information reported on the claims for evaluation purposes only and shall prepare an annual report on the exemption program and its cost and impact. The annual report for the preceding fiscal year shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by September 30 of each fiscal year. This report may be submitted in conjunction with the annual report required in s. 288.095(3)(c).

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

7. As used in this paragraph, the term:

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

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

c. "Silicon technology products" means raw silicon wafers that are transformed into semiconductor memory or logic wafers, including wafers containing mixed memory and logic circuits; related assembly and test operations; active-matrix flat panel displays; semiconductor chips; and related silicon technology products as determined by the Office of Tourism, Trade, and Economic Development.

Section 14. Section 288.095, Florida Statutes, 1996 Supplement, is amended to read:

288.095 Economic Development Trust Fund.—

(1) The Economic Development Trust Fund is created within the Office of Tourism, Trade, and Economic Development. Moneys deposited into the fund must be used only to support the authorized activities and operations of the office.

(2) There is created, within the Economic Development Trust Fund, the Economic Development Incentives Account. The Economic Development Incentives Account consists of moneys appropriated to the account for purposes of the tax incentives programs authorized under *ss. 288.1045* ~~ss. 288.104~~ and 288.106, and local financial support provided under *ss. 288.1045* ~~ss. 288.104~~ and 288.106. Moneys in the Economic Development Incentives Account shall be subject to the provisions of s. 216.301(1)(a).

(3)(a) Contingent upon an annual appropriation by the Legislature, the Office of Tourism, Trade, and Economic Development may approve

~~not more than the lesser of $10 million in~~ tax refunds pursuant to *ss. 288.1045* ~~ss. 288.104~~ and 288.106. *The office may not approve tax refunds in excess of* ~~or~~ the amount appropriated to the Economic Development Incentives Account for such tax refunds, for a fiscal year pursuant to paragraph (b).

(b) The total amount of tax refunds approved by the Office of Tourism, Trade, and Economic Development pursuant to *ss. 288.1045* ~~ss. 288.104~~ and 288.106 shall not exceed the amount appropriated to the Economic Development Incentives Account for such purposes for the fiscal year. In the event the Legislature does not appropriate an amount sufficient to satisfy projections by the *office* ~~department~~ for tax refunds under *ss. 288.1045* ~~ss. 288.104~~ and 288.106 in a fiscal year, the Office of Tourism, Trade, and Economic Development shall, not later than July 15 of such year, determine the proportion of each refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the projected total of refund claims for the fiscal year. The amount of each claim for a tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, funds remain in the Economic Development Incentives Account for tax refunds, the *office* ~~secretary~~ shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

(c) By September 30 of each year, the Office of Tourism, Trade, and Economic Development shall submit a complete and detailed report to the board of directors of Enterprise Florida, Inc., created under part VII of this chapter, of all applications received, final decisions issued, tax refund agreements executed, and tax refunds paid or other payments made under all programs funded out of the Economic Development Incentives Account, including analyses of benefits and costs, types of projects supported, and employment and investment created. The Office of Tourism, Trade, and Economic Development shall also include a separate analysis of the impact of such tax refunds on state enterprise zones designated pursuant to s. 290.0065~~, including the finding required by s. 288.106(4)(e)2~~. By December 1 of each year, the board of directors of Enterprise Florida, Inc., shall review and comment on the report, and the board shall submit the report, together with the comments of the board, to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must discuss whether the authority and moneys appropriated by the Legislature to the Economic Development Incentives Account were managed and expended in a prudent, fiducially sound manner.

(d) Moneys in the Economic Development Incentives Account may be used only to pay tax refunds and other payments authorized under *s. 288.1045* ~~s. 288.104~~ or s. 288.106.

(e) The Office of Tourism, Trade, and Economic Development may adopt rules necessary to carry out the provisions of this subsection, including rules providing for the use of moneys in the Economic Development Incentives Account and for the administration of the Economic Development Incentives Account.

Section 15. Paragraph (a) of subsection (2) of section 213.21, Florida Statutes, 1996 Supplement, is amended, and subsections (7) and (8) are added to that section, to read:

213.21 Informal conferences; compromises.—

(2)(a) The executive director of the department or his or her designee is authorized to enter into a written closing agreement with any taxpayer settling or compromising the taxpayer's liability for any tax, interest, or penalty assessed under any of the chapters specified in s. 72.011(1). When such a closing agreement has been approved by the department and signed by the executive director or his or her designee and the taxpayer, it shall be final and conclusive; and, except upon a showing of fraud or misrepresentation of material fact or except as to adjustments pursuant to ss. 198.16 and 220.23, no additional assessment may be made by the department against the taxpayer for the tax, interest, or penalty specified in the closing agreement for the time period specified in the closing agreement, and the taxpayer shall not be entitled to institute any judicial or administrative proceeding to recover any tax, interest, or penalty paid pursuant to the closing agreement. The department is authorized to delegate to the executive director the authority to approve any such closing agreement resulting in a tax reduction of *$250,000* ~~$100,000~~ or less.

(7)(a) When a taxpayer voluntarily self-discloses a liability for tax to the department, the department may settle and compromise the tax and interest due under the voluntary self-disclosure to those amounts due for the 7 years immediately preceding the date that the taxpayer initially contacted the department concerning the voluntary self-disclosure. For purposes of this paragraph, "years" means tax years or calendar years, whichever is applicable to the tax that is voluntarily self-disclosed. A voluntary self-disclosure shall not be deemed to exist if the department has contacted or informed the taxpayer that the department is inquiring into the taxpayer's liability for tax or whether the taxpayer is subject to tax in Florida.

(b) The department may further settle and compromise the tax and interest due under a voluntary self-disclosure when the department is able to determine that such further settlement and compromise is in the best interest of this state. When making this determination the department shall consider, but is not limited to considering, the following:

1. The amount of tax and interest that will be collected and compromised under the voluntary self-disclosure.

2. The financial ability of the taxpayer and the future outlook of the taxpayer's business and the industry involved.

3. Whether the taxpayer has paid or will be paying other taxes to the state.

4. The future voluntary compliance of the taxpayer.

5. Any other factor the department determines to be relevant to making this determination.

(c) This subsection does not limit the department's ability to enter into further settlement and compromise of the liability that is voluntarily self-disclosed based on any other provision of this section.

(d) This subsection shall not be applicable to a voluntary self-disclosure when the taxpayer collected but failed to remit the tax to the state.

(8) In order to determine whether certified audits are an effective tool in the overall state tax collection effort, the executive director of the department or the executive director's designee shall settle or compromise penalty liabilities of taxpayers who participate in the certified audits project. As further incentive for participating in the program, the department shall abate the first $25,000 of any interest liability and 25 percent of any interest due in excess of the first $25,000. A settlement or compromise of penalties or interest pursuant to this subsection shall not be subject to the provisions of paragraph (3)(a), except for the requirement relating to maintenance of records of compromises and the confidentiality of those records. The department may consider an additional compromise of tax or interest pursuant to the provisions of paragraph (3)(a). This subsection does not apply to any liability related to taxes collected but not remitted to the department. This subsection is repealed July 1, 1999.

Section 16. Section 213.285, Florida Statutes, is created to read:

213.285 Certified audits.—

(1) As used in this section:

(a) "Certification program" means an instructional curriculum and examination for professional development of certified public accountants which is administered by an independent provider and which is officially approved by the department to ensure that a certified public accountant possesses the necessary skills and abilities to successfully perform an attestation engagement for tax compliance review in a certified audits project.

(b) "Department" means the Department of Revenue.

(c) "Participating taxpayer" means any person subject to the revenue laws administered by the department who enters into an engagement with a qualified practitioner for tax compliance review and who is approved by the department under the certified audits project.

(d) "Qualified practitioner" means a certified public accountant who is licensed to practice in Florida, who is in good standing with the Board of Accountancy, and who has completed the certification program.

(2)(a) The department is authorized to initiate a certified audits project to further enhance tax compliance reviews performed by qualified

practitioners and to encourage taxpayers to hire qualified practitioners at their own expense to review and report on their tax compliance. The nature of certified audit work performed by qualified practitioners shall be agreed-upon procedures in which the department is the specified user of the resulting report.

(b) The department is authorized to adopt rules necessary to implement a certified audits project.

(c) As an incentive for taxpayers to incur the costs of a certified audit, the department shall compromise penalties and abate interest due on any tax liabilities revealed by a certified audit as provided in s. 213.21. This authority to compromise penalties or abate interest shall not apply to any liability for taxes that were collected by the participating taxpayer but that were not remitted to the department.

(d) The certified audits project is repealed on July 1, 1999, or upon completion of the project as determined by the department, whichever occurs first.

(3) Any practitioner responsible for planning, directing, or conducting a certified audit or reporting on a participating taxpayer's tax compliance in a certified audit must be a qualified practitioner. For the purposes of this subsection, a practitioner is considered responsible for:

1. "Planning" in a certified audit when performing work that involves determining the objectives, scope, and methodology of the certified audit, when establishing criteria to evaluate matters subject to the review as part of the certified audit, when gathering information used in planning the certified audit, or when coordinating the certified audit with the department.

2. "Directing" in a certified audit when the work involves supervising the efforts of others who are involved or when reviewing the work to determine whether it is properly accomplished and complete.

3. "Conducting" a certified audit when performing tests and procedures or field audit work necessary to accomplish the audit objectives in accordance with applicable standards.

4. "Reporting" on a participating taxpayer's tax compliance in a certified audit when determining report contents and substance or reviewing reports for technical content and substance prior to issuance.

(4)(a) The qualified practitioner shall notify the department of an engagement to perform a certified audit and shall provide the department with the information the department deems necessary to identify the taxpayer, to confirm that the taxpayer is not already under audit by the department, and to establish the basic nature of the taxpayer's business and the taxpayer's potential exposure to Florida revenue laws. The information provided in the notification shall include the taxpayer's name, federal employer identification or social security number, state tax account number, mailing address, business location, and the specific taxes and period proposed to be covered by the engagement for the certified audit. In addition, the notice shall include the name, address, identification number, contact person, and telephone number of the engaged firm.

(b) If the taxpayer has not been issued a written notice of intent to conduct an audit, the taxpayer shall be a participating taxpayer and the department shall so advise the qualified practitioner in writing within 10 days after receipt of the engagement notice. However, the department may exclude a taxpayer from a certified audit or may limit the taxes or periods subject to the certified audit on the basis that the department has previously conducted an audit, that it is in the process of conducting an investigation or other examination of the taxpayer's records, or for just cause determined solely by the department.

(c) Notice of the qualification of a taxpayer for a certified audit shall toll the statute of limitations provided in s. 95.091 with respect to the taxpayer for the tax and periods covered by the engagement.

(d) Within 30 days of receipt of the notice of qualification from the department, the qualified practitioner shall contact the department and submit a proposed audit plan and procedures for review and agreement by the department. The department may extend the time for submission of the plan and procedures for reasonable cause. The qualified practitioner shall initiate action to advise the department that amendment or modification of the plan and procedures is necessary in the event the qualified practitioner's inspection reveals the taxpayer's circumstances or exposure to the revenue laws is substantially different than as described in the engagement notice.

(5) Upon the department's designation of the agreed-upon procedures to be followed by the practitioner in the certified audit, the qualified practitioner shall proceed to perform the engagement and shall timely submit a completed report to the department. The report shall attest to the taxpayer's compliance with the specific laws during the periods specified in the notification. The report shall affirm completion of the agreed-upon procedures and shall provide any required disclosures.

(6) The department shall review the report of the certified audit and shall accept it when it is determined to be complete. Once the report is accepted by the department, the department shall issue a notice of proposed assessment reflecting the determination of any additional liability reflected in the report and shall provide the taxpayer with all the normal payment, protest, and appeal rights with respect to the liability. In cases where the report indicates an overpayment has been made, the taxpayer shall submit a properly executed application for refund to the department. Otherwise, the certified audit report is a final and conclusive determination with respect to the tax and period covered. No additional assessment may be made by the department for the specific taxes and period referenced in the report, except upon a showing of fraud or misrepresentation of material facts and except for adjustments made under s. 220.23 or s. 198.16. This determination shall not prevent the department from collecting liabilities not covered by the report or from conducting an audit or investigation and making an assessment for additional tax, penalty, or interest for any tax or period not covered by the report.

Section 17. Effective upon this act becoming a law and operating retroactively to January 1, 1997, paragraph (n) of subsection (1) and paragraph (c) of subsection (2) of section 220.03, Florida Statutes, 1996 Supplement, are amended to read:

220.03 Definitions.—

(1) SPECIFIC TERMS.—When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following meanings:

(n) "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended and in effect on January 1, *1997* ~~1996~~, except as provided in subsection (3).

(2) DEFINITIONAL RULES.—When used in this code and neither otherwise distinctly expressed nor manifestly incompatible with the intent thereof:

(c) Any term used in this code shall have the same meaning as when used in a comparable context in the Internal Revenue Code and other statutes of the United States relating to federal income taxes, as such code and statutes are in effect on January 1, *1997* ~~1996~~. However, if subsection (3) is implemented, the meaning of any term shall be taken at the time the term is applied under this code.

Section 18. Paragraph (c) is added to subsection (2) of section 220.15, Florida Statutes, paragraph (c) is added to subsection (4) of that section, and subsection (8) is added to that section, to read:

220.15 Apportionment of adjusted federal income.—

(2)

(c) The property factor fraction shall not include any real or tangible personal property located in this state that is certified to the Department of Revenue by the Board of Regents that such property is dedicated exclusively to research and development activities performed pursuant to sponsored research contracts conducted in conjunction with and through a state university.

(4) The payroll factor is a fraction the numerator of which is the total amount paid in this state during the taxable year or period by the taxpayer for compensation and the denominator of which is the total compensation paid everywhere during the taxable year or period.

(c) The payroll factor fraction shall not include any compensation paid to any employee located in this state that is certified to the Department of Revenue by the Board of Regents that such compensation was paid to employees dedicated exclusively to research and development

activities performed pursuant to sponsored research contracts conducted in conjunction with and through a state university.

(8) No research and development activities certified by the Board of Regents as being conducted in conjunction with and through a state university within this state shall cause any corporation to become subject to the taxes imposed by this chapter if the corporation would otherwise not be subject to the tax levied herein. The property and payroll eliminated from the apportionment formula pursuant to the provisions of paragraphs (2)(c) and (4)(c) shall be eliminated only for the duration of the contractual period specified in the contracts for the conduct of the sponsored research. The reduction in tax due as a result of the property and payroll eliminated from the apportionment formula pursuant to the provisions of paragraphs (2)(c) and (4)(c) may not exceed the amount paid to the state university for the conduct of the sponsored research. No sponsored research contracts in existence prior to July 1, 1997, shall be eligible to participate in the provisions of paragraphs (2)(c) and (4)(c).

Section 19. *The Department of Revenue is directed to adopt any rules necessary to administer the provisions of section 220.15(8), Florida Statutes. The Board of Regents shall monitor the various sponsored research contracts and make a report to the Legislature by February 1, 1999, which shall provide any necessary information which indicates if the provisions of this act have been successful in attracting additional sponsored research contracts.*

Section 20. *It is the intent of the Legislature that the amendments by this act to sections 203.01, 203.63, and 212.05(1)(e), Florida Statutes, are remedial and are intended to clarify existing law.*

Section 21. *The Department of Revenue is authorized to adopt emergency rules pursuant to section 120.54(4), Florida Statutes, 1996 Supplement, for purposes of implementing the provisions of this act relating to sales and use tax exemptions under chapter 212, Florida Statutes, for certain sales of coins or currency, or gold, silver, or platinum bullion. Notwithstanding any other provision of law, such emergency rules shall remain effective for 6 months from the date of adoption. This section shall take effect upon this act becoming a law.*

Section 22. Section 196.198, Florida Statutes, is amended to read:

196.198 Educational property exemption.—Educational institutions within this state and their property used by them or by any other exempt entity or educational institution exclusively for educational purposes shall be exempt from taxation. Sheltered workshops providing rehabilitation and retraining of disabled individuals and exempted by a certificate under s. (d) of the federal Fair Labor Standards Act of 1938, as amended, are declared wholly educational in purpose and shall be exempted from certification, accreditation, and membership requirements set forth in s. 196.012. Those portions of property of college fraternities and sororities certified by the president of the college or university to the appropriate property appraiser as being essential to the educational process, shall be exempt from ad valorem taxation. The use of property by public fairs and expositions chartered by chapter 616 is presumed to be an educational use of such property and shall be exempt from ad valorem taxation to the extent of such use. Property used exclusively for educational purposes shall be deemed owned by an educational institution if the entity owning 100 percent of the educational institution is owned by the identical persons who own the property. *If the title to land is held by the trustee of an irrevocable inter vivos trust and if the trust grantor is 100 percent owner of the corporation which operates the educational institution, then the property shall be deemed owned by the educational institution.* Property owned by an educational institution shall be deemed to be used for an educational purpose if the institution has taken affirmative steps to prepare the property for educational use. Affirmative steps means environmental or land use permitting activities, creation of architectural plans or schematic drawings, land clearing or site preparation, construction or renovation activities, or other similar activities that demonstrate commitment of the property to an educational use.

Section 23. *(1) As used in this section, "chamber of commerce" means an organization whose operations and membership are defined without regard to any specific industry or industries, and which is qualified as a "chamber of commerce" under s. 501(c)(6) of the Internal Revenue Code of 1986, as amended, and which is organized as a not-for-profit corporation.*

(2) No tax imposed by chapter 212, Florida Statutes, on the following transactions, and not actually paid or collected by a chamber of commerce before December 31, 1994, shall be due from that chamber of commerce:

(a) Purchases by a chamber of commerce for use in its operations to foster business intended to occur within the state.

(b) Revenues of a chamber of commerce derived from activities of the chamber of commerce that are intended to foster business within the state for its members and the general business community, including dues and fees to members, the conduct of events for admission, charges to businesses for participation in trade shows and similar events, circulation of printed materials, including newspapers and newsletters regardless of the quantity of advertising content and regardless of the frequency of distribution, and business seminars and events to assist businesses with their operations, with compliance with laws, or with activities within their communities. Any revenues derived by a chamber of commerce from resales by the chamber of commerce of materials routinely and directly available to any person without the participation of the chamber of commerce, and which would occur without participation, addition, or modification in any material way by the chamber of commerce, are not qualified as an exempt transaction of the chamber of commerce under this section.

(3) Any chamber of commerce that has paid taxes that have been imposed by chapter 212, Florida Statutes, and that would be exempted from such taxes according to paragraph (2)(a) shall be entitled to a refund of the taxes paid. The claim for this refund must be filed on or before July 1, 1998.

Section 24. Except as otherwise provided in this act, this act shall take effect July 1, 1997.

And the title is amended as follows:

Remove from the title of the bill the entire title and insert in lieu thereof: A bill to be entitled An act relating to taxation; amending ss. 203.01, 203.63, F.S., relating to the tax on gross receipts for utility services and the tax on interstate and international telecommunication services; providing clarification with respect to the separate statement of such taxes on bills or invoices; amending s. 212.02, F.S., relating to sales, use, and other transactions; defining the terms "self-propelled farm equipment," "power-drawn farm equipment," "power-driven farm equipment," and "forest" for purposes of ch. 212, F.S.; amending s. 212.031, F.S.; revising the exemption from the tax on the lease or rental of or license in real property for certain property used at a port authority; amending s. 212.04, F.S.; exempting admissions to certain collegiate tournament games, baseball all-star games, and postseason collegiate football games from the tax on admissions; amending ss. 212.04, 212.12, F.S.; increasing the maximum amount of sales and use tax remitted by a dealer to which the dealer's credit applies; amending s. 212.05, F.S.; providing clarification with respect to the imposition of the tax on sales, use, and other transactions on telecommunication service; exempting transactions in excess of a specified amount from the tax on the sale of coins or currency; amending s. 212.054, F.S.; exempting from newly enacted discretionary sales surtaxes transactions that are subject to specified tourist development taxes in an aggregate rate that exceeds a specified maximum; amending s. 212.06, F.S.; authorizing the establishment of cost price amounts for industry groups; clarifying taxation of improvements to real property; amending s. 212.08, F.S., relating to sales, use, and other transactions; revising the sales tax exemption provided for food and drinks; providing definitions; revising application of the partial exemption for self-propelled or power-drawn farm equipment; including power-driven farm equipment within such exemption; providing a tax exemption for industrial machinery and equipment purchased for use in expanding certain printing or publishing facilities; removing a provision that prevents an exemption for industrial machinery and equipment purchased for use in new or expanding businesses from applying to certain publishing firms; including within the definition of "religious institutions" for exemption purposes certain radio stations, certain nonprofit corporations which distribute audio recordings to blind or visually impaired persons, and certain nonprofit corporations which provide religious services for or with established places of worship; providing an exemption for sales to certain health systems for a specified period; providing an exception to the exemption for aircraft repair and maintenance labor charges; revising the activities that constitute a manufacturing function for purposes of the sales tax exemption on certain uses of electricity; exempting the sale of steam energy used in manufacturing; providing a threshold for electricity use; deleting a

requirement that the electricity be separately metered; revising application of the exemption; providing a sales tax exemption for the sale of gold, silver, or platinum bullion in excess of a specified amount; providing a sales tax exemption for the sale or lease of certain aircraft used by a common carrier; providing a sales tax exemption for the repair and maintenance of certain commercial aircraft; providing an exemption for the Gasparilla Distance Classic Association, Inc., in specified circumstances; providing an exemption for certain foods, drinks, and other items provided to customers on a complimentary basis by a dealer who sells food products at retail; providing an exemption for foods and beverages donated by such dealers to certain organizations; providing an exemption for certain sales or purchases of tangible personal property or services by a school or affiliated organization; revising provisions relating to the technical assistance advisory committee established to provide advice in determining taxability of foods and medicines; providing membership requirements; directing the Department of Revenue to develop guidelines for such determination and providing requirements with respect thereto; providing for use of the guidelines by the committee; providing for determination of the taxability of specific products by the department; authorizing the department to develop a central database with respect thereto; amending s. 213.053, F.S.; authorizing the department to provide certain information to the Department of Labor and Employment Security; amending s. 212.08, F.S.; providing an exemption from the sales and use tax for certain machinery and equipment; amending s. 288.095, F.S.; revising provisions relating to tax refunds made from the Economic Development Trust Fund; amending s. 213.21, F.S.; revising provisions which authorize the department to delegate to the executive director authority to approve a settlement or compromise of tax liability, to increase the limit on the amount of tax reduction with respect to which such delegation may be made; specifying a time period for which the department may settle and compromise tax and interest due when a taxpayer voluntarily self-discloses a tax liability and authorizing further settlement and compromise under certain circumstances; creating s. 213.285, F.S.; authorizing the department to initiate a certified audits project under which taxpayers may hire qualified practitioners to review and report on their tax compliance; providing definitions; providing requirements for participation by such practitioners and taxpayers; providing requirements for the conduct of certified audits; providing status of the audit report; amending s. 213.053, F.S.; authorizing the department to provide certain information to the Board of Accountancy or to a court with respect to a certified public accountant participating in the project; amending s. 213.21, F.S.; authorizing settlement or compromise of penalties and abatement of interest for taxpayers who participate in the project; providing for repeal of the certified audit program; amending s. 220.03, F.S.; updating references to the Internal Revenue Code for corporate income tax purposes; amending s. 220.15, F.S., relating to the apportionment of adjusted federal income under the Florida Income Tax Code; providing that the property factor fraction may not include real or tangible personal property that is dedicated to research and development activities conducted in conjunction with a state university; providing that the payroll factor fraction does not include compensation paid to any employee who is dedicated to such research and development activities; requiring certification of such activities and providing intent with respect thereto; requiring the Department of Revenue to adopt rules; providing for emergency rules; providing legislative intent; amending s. 196.198, F.S.; specifying conditions under which property is deemed owned by an educational institution for purposes of ad valorem tax exemption; providing that no tax under ch. 212, F.S., on certain purchases by, and revenues of, a chamber of commerce not actually paid or collected before a specified date shall be due from that chamber of commerce; providing for refund of certain taxes paid; providing effective dates.

House Amendment 1 (with title amendment) to House Amendment 1 (with title amendment)—On page 20, between lines 19 and 20, insert:

Section 10. Section 212.0598, Florida Statutes, is amended to read:

212.0598 Special provisions; air carriers*; major employers.—It is the legislative intent that the policies of the state comprehensive plan be furthered to develop a system of incentives to enhance the livability character of urban areas, promote the use of existing public facilities, and attract new job-producing industries and corporate headquarters. Consistent with these policies, the Legislature establishes state tax abatement for certain businesses that create a large number of new jobs in urban areas.*

(1) *AIR CARRIERS.*—Notwithstanding other provisions of this part to the contrary, any air carrier utilizing mileage apportionment for corporate income tax purposes in this state pursuant to chapter 220 may elect, upon the conditions prescribed in *paragraph (c)* ~~subsection (4)~~, to be subject to the tax imposed by this part on tangible personal property according to the provisions of this section.

(a)~~(2)~~ The basis of the tax shall be the ratio of Florida mileage to total mileage as determined pursuant to chapter 220 and this section. The ratio shall be determined at the close of the carrier's preceding fiscal year. The ratio shall be applied each month to the carrier's total systemwide gross purchases of tangible personal property and services otherwise taxable in Florida. Additionally, the ratio shall be applied each month to the carrier's total systemwide payments for the lease or rental of, or license in, real property used by the carrier substantially for aircraft maintenance if that carrier employed, on average, during the previous calendar quarter in excess of 3,000 full-time equivalent maintenance or repair employees at one maintenance base that it leases, rents, or has a license in, in this state. In all other instances, the tax on real property leased, rented, or licensed by the carrier shall be as provided in s. 212.031.

(b)~~(3)~~ It is the legislative intent that air carriers are hereby determined to be susceptible to a distinct and separate classification for taxation under the provisions of this part, if the provisions of this section are met.

(c)~~(4)~~ The election provided for in this section shall not be allowed unless the purchaser makes a written request, in a manner prescribed by the Department of Revenue, to be taxed under the provisions of *this* subsection ~~(1)~~, and such person registers with the Department of Revenue as a dealer and extends to his or her vendor at the time of purchase, if required to do so, a certificate stating that the item or items to be partially exempted are for the exclusive use designated herein.

(d)~~(5)~~ Notwithstanding other provisions of this part to the contrary, any air carrier eligible for the election provided in *this* subsection ~~(1)~~ which does not so elect shall be subject to the tax imposed by this part on the purchase or use of tangible personal property purchased or used in this state, as well as other taxes imposed herein.

(2) MAJOR EMPLOYERS.—The purchase or lease of real or tangible personal property by a business engaged in the activities of air transportation and courier service companies (SIC Industry Numbers 451 and 452) or insurance carriers (SIC Major Group 63) is not subject to the tax imposed by this chapter if the business is a major employer. A business is a major employer if, between July 1, 1996, and October 1, 1997, it increases its Florida workforce by more than 1,000 full-time-equivalent employee positions. A position is considered to be a full-time-equivalent employee position if the person occupying the position performs duties in connection with the operation of the business on a regular, full-time basis, and the person is performing such duties for an average of at least 36 hours per week each month.

(a) If, before July 1, 2002, the number of full-time-equivalent employee positions created or added to the service company's Florida workforce falls below 1,000, the exemption granted under this section does not apply during the period in which the business has fewer than the 1,000 additional employees.

(b) The exemption pursuant to this subsection may only be taken by refund and may not exceed $1 million per calendar year for any major employer that qualifies for the refund. Refunds shall be made available to major employers according to the method established in s. 212.095.

(c) If any part of this subsection is judicially declared to be unconstitutional or invalid, the validity of any provision taxing real property or tangible personal property shall not be affected, and all real property or tangible personal property exempted pursuant to this subsection shall be subject to tax as if the exemption were never enacted. Every business benefitting from such exemption shall be liable for and make payment of all taxes for which the exemption was granted. However, the business will not be subject to penalty or interest with respect to any taxes for which the exemption was granted if the exemption is judicially declared to be unconstitutional or invalid.

And the title is amended as follows:

On page 68, line 7, of the amendment after the semicolon (;) insert: amending s. 212.0598, F.S.; establishing a sales tax exemption for

certain businesses that create a large number of new jobs; providing a limitation on the exemption; providing an expiration date;

House Amendment 2 (with title amendment) to House Amendment 1 (with title amendment)—On page 66, between lines 25 and 26, insert:

Section 24. Section 221.02, Florida Statutes, is amended to read:

221.02 Credit for emergency excise tax paid.—The emergency excise tax paid pursuant to s. 221.01 plus any credit or carryover properly applied to reduce the amount of the emergency excise tax due for the taxable year shall be allowed as a credit against the emergency excise tax, if any, to be charged and collected pursuant to this chapter for the return filed for the fifth taxable year following the taxable year for which the tax was paid or, if earlier, the taxable year for which a final return is required. To the extent that the credit exceeds the emergency excise tax, if any, for the return filed for the fifth taxable year following the taxable year for which the tax was paid or, if earlier, the taxable year for which a final return is required, such excess shall be allowed as a reduction of, and credit against, any tax imposed by chapter 220 upon the taxpayer for the fifth taxable year following the taxable year for which the tax was paid or, if earlier, the taxable year for which a final return is required. If the taxpayer is unable to fully utilize the credit in the year in which it is first allowed, it may be carried over to each of the 5 taxable years immediately thereafter*; however, any such credit which would have expired on or after July 1, 1996, may be carried over until such credit is fully utilized*.

(Renumber subsequent section[s].)

And the title is amended as follows:

On page 72, line(s) 16, of the amendment after the semicolon (;) insert: amending s. 221.02, F.S.; extending the time for utilizing emergency excise tax credits for purposes of Florida corporate income tax;

On motion by Senator Ostalkiewicz, the Senate concurred in the House amendments.

CS for CS for SB 1660 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Madam President	Dantzler	Jenne	Ostalkiewicz
Bankhead	Diaz-Balart	Jones	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Grant	Kurth	Sullivan
Casas	Gutman	Latvala	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	
Crist	Horne	Myers	

Nays—2

Campbell	Forman

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed HB 2137 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Bloom—

HB 2137—A bill to be entitled An act relating to student performance standards; amending s. 229.565, F.S.; requiring the establishment of standards in certain subject areas; providing an effective date.

—was read by title.

On motions by Senator Bankhead, by unanimous consent, **HB 2137** was taken up out of order and by two-thirds vote read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—1

Jenne

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Consent Calendar for Friday, May 2, 1997: SB 126, CS for SB 238, SB 354, CS for SB 470, CS for SB 490, CS for CS for SB 514, CS for SB 650, SB 660, SB 678, SB 686, CS for SB 700, SB 714, CS for SB 774, CS for SB's 818, 1136 and 1242, SB 824, SB 826, CS for SB 876, CS for SB 888, CS for SB 904, CS for SB 1006, CS for SB 1012, SB 1092, CS for CS for SB 1234, SB 1304, CS for SB 1360, CS for SB 1466, SB 1484, CS for SB 1594, SB 1634, CS for SB's 1678 and 2404, CS for SB 1850, CS for SB 1880, SB 1906, CS for SB's 1964 and 1742, SB 1980, SB 2062, CS for SB 2186, SB 2272, SB 2282, CS for SB 2450

Respectfully submitted,
W. G. (Bill) Bankhead, Chairman

EXECUTIVE BUSINESS

Pursuant to s. 114.05(1)(e), Florida Statutes, the Senate failed to act upon the following appointments during the 1997 regular session of the Legislature:

Office and Appointment	*For Term Ending*
Game and Fresh Water Fish Commission	
Bruner, Maxwell Joseph	01/04/2001
Board of Opticianry	
Trask, William Alan	10/31/1998

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 238, SB 840, CS for SB 876, CS for SB 904, CS for SB 1760, CS for CS for SB 1234, CS for SB 1594, SB 1634 and SB 1906.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 to House Amendment 4 and Senate Amendment 1 to House Amendment 8, receded from House Amendments 6, 10 and 14, and passed CS for SB 1002 as further amended.

John B. Phelps, Clerk

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed CS for CS for SB's 1688, 792, 1334 and 2254 as amended by the Conference Committee Report.

John B. Phelps, Clerk

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed SB 2400 as amended by the Conference Committee Report.

John B. Phelps, Clerk

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed SB 2402 as amended by the Conference Committee Report.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered engrossed and then enrolled.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed CS for HB's 37 and 127, CS for HB 55, CS for HB 241, HB 259, CS for CS for HB 313, CS for HB 417, HB 425, CS for HB 433, HB 571, CS for HB's 715, 1249, 1321 and 1339, CS for CS for HB's 1119 and 1577, HB 1165, HB 1291, HB 1323, HB 1369, CS for CS for HB 1371, HB 1835, HB 1837 and HB 2121 as amended.

John B. Phelps, Clerk

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendment 2 to Senate Amendment 1 and House Amendment 1 to Senate Amendment 1 and passed CS for HB's 1309, 1143, 847, 697, 1391 and 203.

John B. Phelps, Clerk

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has concurred in unengrossed House Amendment 1 to House Amendment 1 to Senate Amendment 1 and receded from unengrossed House Amendment 2 to House Amendment 1 to Senate Amendment 1 and passed HB 1925, as amended.

John B. Phelps, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 1 was corrected and approved.

CO-SPONSORS

Senators Dudley—CS for SB 1006; Forman—CS for CS for SB 2194; Turner—CS for CS for SB's 566 and 626

VOTES RECORDED

Senator Clary was recorded as voting "yea" on the following bills: **CS for HB 269**, which was considered April 28; **CS for CS for HB 725**, **HB 835**, **HB 1965**, which were considered April 30; **HB 1369**, **SB 840**, which were considered May 1; and **CS for CS for SB 170**, which was considered May 2.

ADJOURNMENT

On motion by Senator Bankhead, the Senate adjourned sine die at 5:57 p.m.