



Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President King at 10:20 a.m. A quorum present—39:

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peadar
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Saunders
Bennett	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Excused: Senator Bullard

PRAYER

The following prayer was offered by Rabbi Schneur Z Oirechman, Chabad Lubavitch of the Panhandle, Tallahassee:

Almighty God, Creator of Mankind, King of the Universe:

Today marks the birthday of the late Rabbi Menachem Schneersohn, the Lubavitcher Rebbe, a leader of the spirit recognized by leaders of all spirits.

In the spirit of his universal, inclusive spirit, may your love and acceptance today embrace members of all spirits, both those assembled here and those represented here.

May the sacrifices of our distinguished Senators, who leave loved ones at home to serve the people, find a special place in your heart. May warmth and comfort for their families be your response in kind.

Almighty God, let the work of our public servants be not in vain; let them not falter in the discharge of their duties; bestow leadership upon them and grant them your grace.

From this chamber we ask you, Almighty God, to come to our aid as we strive to make our world a better place. Let our laws reflect the universal spiritual and moral principles that allow mankind to reach its potential. Let even our smallest decisions bring about the greatest results.

May justice and opportunity be the fruits of our labors, and may a world of everlasting peace flow forth from this day on. Amen.

PLEDGE

Senate Pages Danika Daly of Miami, Brian Prokes of Winter Park, Mark Kalivoda of Gainesville, Lindsay “Page” Painter of Tampa and Katie Capece of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Pruitt, by two-thirds vote **SB 120, SB 130, SB 226, CS for SB 2334, CS for CS for SB 546, CS for SB 558, CS for CS for SB 1142, CS for CS for CS for SB 1350, CS for CS for SB 1064, CS for CS for SB 1464, CS for CS for SB 1492, CS for SB 1588, CS for CS for SB 1604** and **CS for SB’s 1638, 1636 and 1640** were withdrawn from the Committee on Appropriations.

On motion by Senator Lee, by two-thirds vote **CS for SB 1194** was withdrawn from the Committees on Finance and Taxation; Appropriations Subcommittee on Transportation and Economic Development; Appropriations; and Rules and Calendar; and rereferred to the Committees on Judiciary; Finance and Taxation; Appropriations Subcommittee on Transportation and Economic Development; Appropriations; and Rules and Calendar; **CS for SB 1360** was withdrawn from the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on Transportation and Economic Development; Appropriations; and Rules and Calendar; and rereferred to the Committee on Transportation; Home Defense, Public Security, and Ports; Appropriations Subcommittee on Transportation and Economic Development; and Appropriations; **CS for SB 1358** was withdrawn from the Committees on Governmental Oversight and Productivity; and Rules and Calendar; **SB 534, CS for SB 552, HB 33** and **CS for SB 630** were removed from the calendar and referred to the Committee on Rules and Calendar; **CS for CS for SB 114** and **CS for SR 1078** were withdrawn from the Committee on Rules and Calendar; **CS for CS for SB 160, CS for SB 204, CS for CS for SB 2288** and **CS for CS for SB 2676** were withdrawn from the Committee on Finance and Taxation; **CS for SB 520** and **CS for SB 494** was withdrawn from the Committee on Health, Aging, and Long-Term Care; **CS for SB 1762** was withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations; **CS for SB 1870** was withdrawn from the Committee on Natural Resources; **CS for SB 2572** was withdrawn from the Committee on Education; **SB 2574** was withdrawn from the Committee on Criminal Justice; and **CS for SB 2640** was withdrawn from the Committee on Judiciary.

BILLS ON THIRD READING

CS for SB 2644—A bill to be entitled An act relating to trust funds; terminating specified trust funds within the Department of Environmental Protection, the Department of Financial Services, the Office of Financial Regulation, the Department of Management Services, the Department of Revenue, and the Department of Business and Professional Regulation; providing for the disposition of balances in and revenues of such trust funds; prescribing procedures for terminating such trust funds; terminating a trust fund within the Department of Environmental Protection on the date that the bonds secured by the fund mature; requiring the department to notify the Chief Financial Officer and the Legislature following such termination; requiring a report to the Legislature if the fund is not terminated by a date certain; declaring the findings of the Legislature that specified trust funds within the Department of Environmental Protection, the Department of Agriculture and

Consumer Services, the Department of Management Services, the Department of Revenue, the Department of Financial Services, the State Board of Administration, and the Division of Bond Finance are exempt from the termination requirements of s. 19(f), Art. III of the State Constitution; renaming specified trust funds within the Department of Financial Services and the Office of Financial Regulation; amending s. 17.43, F.S.; renaming a trust fund within the Department of Financial Services; repealing s. 20.2553, F.S., relating to the Federal Law Enforcement Trust Fund within the Department of Environmental Protection; repealing s. 110.151(7), F.S., relating to the State Employee Child Care Revolving Trust Fund within the Department of Management Services; amending s. 199.292, F.S.; requiring that proceeds of the intangible personal property tax be deposited into the General Revenue Fund rather than a special trust fund; deleting provisions requiring that a portion of such proceeds be used for enforcement purposes; amending ss. 121.011, 121.031, and 121.141, F.S.; providing for payment of certain social security contributions to the Internal Revenue Service rather than the Social Security Contribution Trust Fund; repealing s. 122.13, F.S., relating to certain payments made into a retirement trust fund, to conform; amending ss. 122.26 and 122.27, F.S., and repealing s. 122.30, F.S.; deleting references to the Social Security Contribution Trust Fund, to conform; amending s. 122.35, F.S., and repealing s. 122.351, F.S.; deleting obsolete provisions relating to payments made to the Social Security Contribution Trust Fund; amending s. 199.292, F.S.; providing for the deposit of intangible personal property taxes into the General Revenue Fund; providing an exception for certain leasehold taxes; repealing s. 213.31, F.S., relating to the Corporation Tax Administration Trust Fund; amending s. 215.20, F.S., relating to the service charge imposed on state trust funds; conforming provisions to changes made by the act; amending s. 215.32, F.S.; providing requirements for state agencies with respect to the use of various trust funds; requiring an agency to recommend the creation of a trust fund under certain circumstances; amending s. 253.03, F.S.; deleting provisions referencing the Forfeited Property Trust Fund in the Department of Environmental Protection; amending s. 287.064, F.S.; deleting provisions referencing the Consolidated Payment Trust Fund of the Chief Financial Officer; repealing s. 440.501, F.S., relating to the Workers' Compensation Administration Trust Fund within the Department of Business and Professional Regulation; amending s. 450.155, F.S., relating to the Child Labor Law Trust Fund; providing for the transfer of moneys to the Professional Regulation Trust Fund of the Department of Financial Services; creating s. 450.165, F.S.; requiring separate accounts for child labor enforcement and farm labor registration activities; amending ss. 450.30 and 450.31, F.S.; deleting provisions referencing the Crew Chief Registration Trust Fund; amending ss. 494.0017, 494.0041, and 494.0072, F.S.; deleting provisions referencing the Mortgage Brokerage Guaranty Fund; amending s. 501.2101, F.S.; designating trust funds for the deposit of moneys received by certain enforcing authorities; repealing s. 569.205, F.S., relating to the Department of Business and Professional Regulation Tobacco Settlement Trust Fund; amending ss. 650.04 and 650.05, F.S., and repealing s. 650.06, F.S., relating to payments to the Social Security Contribution Trust Fund; conforming provisions to changes made by the act; amending ss. 895.09 and 932.7055, F.S.; deleting provisions referencing the Forfeited Property Trust Fund to conform to changes made by the act; providing an effective date.

—was read the third time by title.

On motions by Senator Clary, **CS for SB 2644** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Crist	Lee
Alexander	Dawson	Lynn
Argenziano	Dockery	Margolis
Aronberg	Fasano	Miller
Atwater	Garcia	Peaden
Bennett	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Saunders
Clary	Jones	Sebesta
Constantine	Klein	Siplin
Cowin	Lawson	Smith

Villalobos	Webster	Wise
Wasserman Schultz	Wilson	
Nays—None		

SB 2648—A bill to be entitled An act relating to trust funds; re-creating the Regulatory Trust Fund within the Department of Financial Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the third time by title.

On motions by Senator Clary, **SB 2648** was passed by the required constitutional three-fifths vote of the membership and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Peaden
Alexander	Fasano	Posey
Argenziano	Garcia	Pruitt
Aronberg	Geller	Saunders
Atwater	Haridopolos	Sebesta
Bennett	Hill	Siplin
Campbell	Jones	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—None

SB 2650—A bill to be entitled An act relating to the Lake Okeechobee Protection Trust Fund; creating s. 570.206, F.S.; creating the Lake Okeechobee Protection Trust Fund within the Department of Agriculture and Consumer Services; providing sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the third time by title.

On motions by Senator Clary, **SB 2650** was passed by the required constitutional three-fifths vote of the membership and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Saunders
Bennett	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

On motion by Senator Pruitt, by two-thirds vote **HB 1835** was withdrawn from the Committee on Appropriations.

On motion by Senator Pruitt, by two-thirds vote—

HB 1835—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2004, and ending June 30, 2005, to pay salaries and other expenses, capital outlay build-

ings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

—a companion measure, was substituted for **SB 2500** as amended and by two-thirds vote read the second time by title.

Senator Pruitt moved **Amendment 1** which was adopted.

Pursuant to Rule 7.6, **Amendment 1** constituted an entirely new bill and was not published in the Journal.

On motions by Senator Pruitt, by two-thirds vote **HB 1835** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Campbell	Hill	Smith
Carlton	Jones	Villalobos
Clary	Lawson	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—1

Klein

On motion by Senator Pruitt, by two-thirds vote **HB 1837** was withdrawn from the Committee on Appropriations.

On motion by Senator Pruitt, the rules were waived and by two-thirds vote—

HB 1837—A bill to be entitled An act implementing the 2004-2005 General Appropriations Act; providing legislative intent; providing accounting requirements for the state universities for the 2004-2005 fiscal year; amending s. 220.187, F.S.; specifying the total amount of scholarship funding tax credits and carryforward tax credits that may be granted for the 2004-2005 fiscal year; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services to transfer funds within the family safety program; amending s. 561.121, F.S.; providing that moneys in the Children and Adolescents Substance Abuse Trust Fund may also be used for the purpose of funding programs directed at reducing and eliminating substance abuse problems among adults; amending s. 409.1671, F.S.; requiring that funds for privatized foster care and related services be allocated in accordance with a methodology adopted by the Department of Children and Family Services by rule and granting rulemaking authority for such purpose; providing for lump sum funding in the Department of Children and Family Services to provide for continuity of foster care under certain circumstances; amending s. 394.908, F.S.; providing for substance abuse and mental health funding equity as provided in the General Appropriations Act; amending s. 287.057, F.S.; authorizing the Department of Children and Family Services to contract with a private provider for a mental health treatment facility; authorizing the Department of Corrections and the Department of Juvenile Justice to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the respective department; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; authorizing transfer of certain funds from the courts to the Justice Administrative Commission to meet certain shortfalls in due process appropriations; amending s. 215.96, F.S.; requiring the Financial Management Information Board to provide certain policies, procedures, and processes for integration of central administrative and financial information systems; providing for an agreement between the Department of Agriculture and Consumer Services and the Department of Transportation for the construction of an agricultural interdiction station in Escambia County; amending s. 373.59, F.S.; reallocating funds from the Water Management Lands Trust Fund to water

management districts; amending s. 252.373, F.S.; providing for use of funds of the Emergency Management, Preparedness, and Assistance Trust Fund, including the use of certain funds as state matching funds for federally approved Hazard Mitigation Grant Program projects; amending s. 411.01, F.S.; providing priority for placement of children in the school readiness program; amending s. 320.08058, F.S.; authorizing proceeds from the Professional Sports Development Trust Fund to be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games; amending s. 339.08, F.S.; transferring funds from the State Transportation Trust Fund to the General Revenue Fund; reducing the amount transferred from certain transportation calculation requirements; amending s. 287.057, F.S.; exempting certain voter education activities from competitive-solicitation requirements; amending s. 311.07, F.S.; continuing eligibility of seaport security infrastructure measures for funding by grant under the Florida Seaport Transportation and Economic Development Program; providing for the budget of the Council for Education Policy Research and Improvement to be administered by the Auditor General; providing that the council is otherwise independent; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; authorizing the Executive Office of the Governor to transfer certain funds to align budget authority pursuant to redesign of the State Employees Group Health Insurance Program; amending s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; amending s. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers' and employees' travel; providing for implementation of strategies for state agencies to reduce salary budget; requiring vendors to agree to use only state residents in certain contracts; authorizing the Department of Management Services to waive such requirement under certain circumstances; providing waiver criteria amount to employing state residents; providing for ineligibility for further funds or incentives for violation; providing for future repeal or expiration of various provisions; providing for reversion of certain provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2004-2005 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing applicability to other legislation; providing severability; providing an effective date.

—a companion measure, was substituted for **SB 2502** as amended and by two-thirds vote read the second time by title.

Senator Pruitt moved the following amendment which was adopted:

Amendment 1 (545250)(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 2004-2005.*

Section 2. *In order to implement Specific Appropriations 13-18, 21, 23, 27B, and 156-165 of the 2004-2005 General Appropriations Act:*

(1) *Each university that has not made the transition, effective July 1, 2004, from the state accounting system (FLAIR) shall utilize the state accounting system for fiscal year 2004-2005 but is not required to provide funds to the Department of Financial Services for its utilization.*

(2) *Notwithstanding the provisions of sections 216.181, 216.292, and 1011.4105, Florida Statutes, and pursuant to section 216.351, Florida Statutes, funds appropriated or reappropriated to the state universities in the 2004-2005 General Appropriations Act, or any other act passed by the 2004 Legislature containing appropriations, shall be distributed to each university according to the 2004-2005 fiscal year operating budget approved by the university board of trustees. Each university board of trustees shall have authority to amend the operating budget as circumstances warrant. The operating budget may utilize traditional appropriation categories or it may consolidate the appropriations into a special category appropriation account. The Chief Financial Officer, upon the request of the university board of trustees, shall record by journal transfer the distribution of the appropriated funds and releases according to the approved operating budget to the appropriation accounts established for disbursement purposes for each university within the state accounting system (FLAIR).*

(3) Notwithstanding the provisions of sections 216.181, 216.292, and 1011.4105, Florida Statutes, and pursuant to section 216.351, Florida Statutes, each university board of trustees shall include in an approved operating budget the revenue in trust funds supported by student and other fees as well as the trust funds within the Contract, Grants, and Donations, Auxiliary Enterprises, and Sponsored Research budget entities. The university board of trustees shall have the authority to amend the operating budget as circumstances warrant. The operating budget may utilize traditional appropriation categories or it may consolidate the trust fund spending authority into a special category appropriation account. The Chief Financial Officer, upon the request of the university board of trustees, shall record the distribution of the trust fund spending authority and releases according to the approved operating budget to the appropriation accounts established for disbursement purposes for each university within the state accounting system (FLAIR).

(4) Notwithstanding those provisions of sections 216.181, 216.292, and 1011.4105, Florida Statutes, which are inconsistent with the provisions of this subsection and pursuant to section 216.351, Florida Statutes, fixed capital outlay funds appropriated or reappropriated in the 2004-2005 General Appropriations Act, or any other act passed by the 2004 Legislature containing fixed capital outlay appropriations, for universities that have made the transition, effective July 1, 2004, from the state accounting system (FLAIR) shall be administered by the Department of Education and shall be distributed to the universities as needed for projects based upon estimated invoices to be paid during the following 30 days or as required by bond documents. For undisbursed fixed capital outlay appropriations from prior fiscal years for universities that have made the transition, effective July 1, 2004, from the state accounting system (FLAIR), the Executive Office of the Governor and the Chief Financial Officer shall have authority to transfer such undisbursed fixed capital outlay appropriations into appropriations under the Department of Education for distribution to the universities as needed for projects based on estimated invoices to be paid during the following 30 days or as required by bond documents. Expenditure of fixed capital outlay appropriations shall be consistent with legislative policy and intent.

(5) This section expires July 1, 2005.

Section 3. In order to implement Specific Appropriations 303, 306, and 308 of the 2004-2005 General Appropriations Act, subsection (12) of section 216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(12) For the 2004-2005 ~~2003-2004~~ fiscal year only and notwithstanding the other provisions of this section, the Department of Children and Family Services may transfer funds within the family safety program identified in the General Appropriations Act from identical funding sources between the following appropriation categories without limitation as long as such a transfer does not result in an increase to the total recurring general revenue or trust fund cost of the agency in the subsequent fiscal year: adoption services and subsidy; family foster care; and emergency shelter care. Such transfers must be consistent with legislative policy and intent and must not adversely affect achievement of approved performance outcomes or outputs in the family safety program. Notice of proposed transfers under this authority must be provided to the Executive Office of the Governor and the chairs of the legislative appropriations committees at least 5 working days before their implementation. This subsection expires July 1, 2005 ~~2004~~.

Section 4. In order to implement Specific Appropriation 545 of the 2004-2005 General Appropriations Act, paragraph (k) of subsection (2) of section 381.0066, Florida Statutes, is amended to read:

381.0066 Onsite sewage treatment and disposal systems; fees.—

(2) The minimum fees in the following fee schedule apply until changed by rule by the department within the following limits:

(k) Research: An additional \$5 fee shall be added to each new system construction permit issued during fiscal years 1996-2005 ~~1996-2004~~ to be used for onsite sewage treatment and disposal system research, demonstration, and training projects. Five dollars from any repair permit fee collected under this section shall be used for funding the hands-on training centers described in s. 381.0065(3)(j).

The funds collected pursuant to this subsection must be deposited in a trust fund administered by the department, to be used for the purposes stated in this section and ss. 381.0065 and 381.00655.

Section 5. In order to implement Specific Appropriation 510 of the 2004-2005 General Appropriations Act, subsection (6) of section 385.207, Florida Statutes, is amended to read:

385.207 Care and assistance of persons with epilepsy; establishment of programs in epilepsy control.—

(6) For the 2004-2005 ~~2003-2004~~ fiscal year only, funds in the Epilepsy Services Trust Fund may be appropriated for epilepsy case management services. This subsection expires July 1, 2005 ~~2004~~.

Section 6. In order to implement Specific Appropriations 356-388 of the 2004-2005 General Appropriations Act, subsection (8) of section 394.908, Florida Statutes, is amended to read:

394.908 Substance abuse and mental health funding equity; distribution of appropriations.—In recognition of the historical inequity among service districts of the former Department of Health and Rehabilitative Services in the funding of substance 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:

(8) For fiscal year 2004-2005 ~~2003-2004~~ only, and notwithstanding the provisions of this section, all new funds received in excess of fiscal year 2003-2004 ~~2002-2003~~ recurring appropriations shall be allocated in accordance with the provisions of the General Appropriations Act; however, no district shall receive an allocation of recurring funds less than its initial approved operating budget, plus any distributions of lump sum appropriations or reductions in unfunded budget, for fiscal year 2003-2004 ~~2002-2003~~. This subsection expires July 1, 2005 ~~2004~~.

Section 7. In order to implement Specific Appropriation 275 of the 2004-2005 General Appropriations Act, paragraph (b) of subsection (5) of section 20.19, Florida Statutes, is amended to read:

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

(5) SERVICE DISTRICTS.—

(b1). The secretary shall appoint a district administrator for each of the service districts. The district administrator shall serve at the pleasure of the secretary and shall perform such duties as assigned by the secretary. Subject to the approval of the secretary, such duties shall include transferring up to 10 percent of the total district budget, the provisions of ss. 216.292 and 216.351 notwithstanding.

2. For the 2004-2005 ~~2003-2004~~ fiscal year only, the transfer authority provided in this subsection must be specifically appropriated in the 2004-2005 ~~2003-2004~~ General Appropriations Act and shall be pursuant to the requirements of s. 216.292. This subparagraph expires July 1, 2005 ~~2004~~.

Section 8. In order to implement Specific Appropriation 588AB of the 2004-2005 General Appropriations Act, subsection (7) of section 381.79, Florida Statutes, is amended to read:

381.79 Brain and Spinal Cord Injury Program Trust Fund.—

(7) For the 2004-2005 ~~2003-2004~~ fiscal year and notwithstanding the provisions of this section, the department shall disburse all funds appropriated for brain and spinal cord injury research in Specific Appropriation 588AB ~~598A~~ of the 2004-2005 ~~2003-2004~~ General Appropriations Act in equal payments at the end of each quarter. This subsection expires July 1, 2005 ~~2004~~.

Section 9. In order to implement Specific Appropriations 1142-1208M of the 2004-2005 General Appropriations Act, subsection (17) of section 216.181, Florida Statutes, is amended to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(17) Notwithstanding any other provision of this section to the contrary, and for the 2004-2005 ~~2003-2004~~ fiscal year only, the Department of Law Enforcement may transfer up to 20 positions and associated budget between budget entities, provided the same funding source is used throughout each transfer. The department may also transfer 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 chair of the Senate Budget Committee, and the chair of the House Committee on Criminal Justice Appropriations for all transfers of positions or salary rate. This subsection expires July 1, 2005 2004.

Section 10. In order to implement Specific Appropriation 1232 of the 2004-2005 General Appropriations Act, paragraph (b) of subsection (3) of section 16.555, Florida Statutes, is amended to read:

16.555 Crime Stoppers Trust Fund; rulemaking.—

(3)

(b) For the 2004-2005 2003-2004 state fiscal year only, and notwithstanding any provision of this section to the contrary, moneys in the trust fund may also be used to pay for salaries and benefits and other expenses of the department. This paragraph expires July 1, 2005 2004.

Section 11. In order to implement Specific Appropriations 655-751 and 781-794 of the 2004-2005 General Appropriations Act, subsection (4) of section 216.262, Florida Statutes, is amended to read:

216.262 Authorized positions.—

(4) Notwithstanding the provisions of this chapter on increasing the number of authorized positions, and for the 2004-2005 2003-2004 fiscal year only, if the actual inmate population of the Department of Corrections exceeds the inmate population projections of the July 9, 2003, Criminal Justice Estimating Conference by 1 percent for 2 consecutive months or 2 percent for any month, the Executive Office of the Governor shall immediately notify the Criminal Justice Estimating Conference, which shall convene as soon as possible to revise the estimates. The Department of Corrections may then submit a budget amendment requesting the establishment of positions in excess of the number authorized by the Legislature and additional appropriations from the General Revenue Fund or the Working Capital Fund sufficient to provide for essential staff and other resources to provide classification, security, food services, health services, and other variable expenses within the institutions to accommodate the estimated increase in the inmate population. All actions taken pursuant to the authority granted in this subsection shall be subject to review and approval by the Legislative Budget Commission. This subsection expires July 1, 2005 2004.

Section 12. Consistent with the provisions of section 216.163, Florida Statutes, in accordance with performance-based program budgeting requirements, and notwithstanding the provisions of section 216.181, Florida Statutes, the Department of Law Enforcement may transfer up to one-half of 1 percent of the funds in Specific Appropriations 1142, 1167, 1176, 1183, 1195B, 1195D, 1196, 1202, 1208B, and 1208G of the 2004-2005 General Appropriations Act for 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 chairs of the legislative appropriations committees responsible for producing the General Appropriations Act for review before awarding such bonuses. This section expires July 1, 2005.

Section 13. In order to implement Specific Appropriation 2068 of the 2004-2005 General Appropriations Act, subsection (4) of section 287.161, Florida Statutes, is amended to read:

287.161 Executive aircraft pool; assignment of aircraft; charge for transportation.—

(4) Notwithstanding the requirements of subsections (2) and (3) and for the 2004-2005 2003-2004 fiscal year only, the Department of Management Services shall charge all persons receiving transportation from the executive aircraft pool a rate not less than the mileage allowance fixed by the Legislature for the use of privately owned vehicles. Fees collected for persons traveling by aircraft in the executive aircraft pool shall be deposited into the Bureau of Aircraft Trust Fund and shall be expended for costs incurred to operate the aircraft management activities of the department. It is the intent of the Legislature that the executive aircraft pool be operated on a full cost recovery basis, less available funds. This subsection expires July 1, 2005 2004.

Section 14. In order to implement Section 8 of the 2004-2005 General Appropriations Act, subsection (7) of section 110.12315, Florida Statutes, is amended to read:

110.12315 Prescription drug program.—The state employees' prescription drug program is established. This program shall be administered by the Department of Management Services, according to the terms and conditions of the plan as established by the relevant provisions of the annual General Appropriations Act and implementing legislation, subject to the following conditions:

(7) Under the state employees' prescription drug program copayments must be made as follows:

(a) ~~Effective January 1, 2001, through December 31, 2003:~~

- ~~1. For generic drug with card \$7.~~
- ~~2. For preferred brand name drug with card \$20.~~
- ~~3. For nonpreferred brand name drug with card \$35.~~
- ~~4. For generic mail order drug \$10.50.~~
- ~~5. For preferred brand name mail order drug \$30.~~
- ~~6. For nonpreferred brand name drug \$52.50.~~

(a)(b) Effective January 1, 2004:

- 1. For generic drug with card \$10.
- 2. For preferred brand name drug with card \$25.
- 3. For nonpreferred brand name drug with card \$40.
- 4. For generic mail order drug \$20.
- 5. For preferred brand name mail order drug \$50.
- 6. For nonpreferred brand name drug \$80.

(b)(c) The Department of Management Services shall create a preferred brand name drug list to be used in the administration of the state employees' prescription drug program.

This subsection expires July 1, 2005 2004.

Section 15. In order to implement Specific Appropriations 2573 and 2574 of the 2004-2005 General Appropriations Act, and notwithstanding section 11.13(1)(b), Florida Statutes, or any other law, the salary of members of the Senate and the House of Representatives shall not be calculated according to that paragraph; instead, the annual salaries of these members for the 2003-2004 fiscal year shall not be increased for the 2004-2005 fiscal year. This section expires June 30, 2005.

Section 16. In order to implement Specific Appropriation 2589 of the 2004-2005 General Appropriations Act, effective July 1, 2003, and notwithstanding the provisions of section 1008.51, Florida Statutes, the budget for the Council for Education Policy Research and Improvement shall be administered by the Auditor General. However, the Council for Education Policy Research and Improvement shall remain independent of the Auditor General for all programmatic purposes, serving as a citizen board for conducting and reviewing education research, providing independent analysis on education progress, and providing independent evaluation of education issues of statewide concern, as prescribed in section 1008.51, Florida Statutes. All work products of the Council for Education Policy Research and Improvement are advisory in nature. This section expires July 1, 2005.

Section 17. In order to implement the appropriation of funds in Special Categories-Risk Management Insurance of the 2004-2005 General Appropriations Act, and pursuant to the notice, review, and objection procedures of section 216.177, Florida Statutes, the Executive Office of the Governor is authorized to transfer funds appropriated in the appropriation category "Special Categories-Risk Management Insurance" of the 2004-2005 General Appropriations Act between departments in order to align the budget authority granted with the premiums paid by each department for risk management insurance. This section expires July 1, 2005.

Section 18. *In order to implement the appropriation of funds in Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract of the 2004-2005 General Appropriations Act, and pursuant to the notice, review, and objection procedures of section 216.177, Florida Statutes, the Executive Office of the Governor is authorized to transfer funds appropriated in the appropriation category "Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract" of the 2004-2005 General Appropriations Act between departments in order to align the budget authority granted with the assessments that must be paid by each agency to the Department of Management Services for human resource management services. This section expires July 1, 2005.*

Section 19. In order to implement Section 8 of the 2004-2005 General Appropriations Act, section 110.1239, Florida Statutes, is amended to read:

110.1239 State group health insurance program funding.—For the 2004-2005 ~~2003-2004~~ fiscal year only, it is the intent of the Legislature that the state group health insurance program be managed, administered, operated, and funded in such a manner as to maximize the protection of state employee health insurance benefits. Inherent in this intent is the recognition that the health insurance liabilities attributable to the benefits offered state employees should be fairly, orderly, and equitably funded. Accordingly:

(1) The division shall determine the level of premiums necessary to fully fund the state group health insurance program for the next fiscal year. Such determination shall be made after each Self-Insurance Estimating Conference as provided in s. 216.136(11), but not later than December 1 and April 1 of each fiscal year.

(2) The Governor, in the Governor's recommended budget, shall provide premium rates necessary for full funding of the state group health insurance program, and the Legislature shall provide in the General Appropriations Act for a premium level necessary for full funding of the state group health insurance program.

(3) For purposes of funding, any additional appropriation amounts allocated to the state group health insurance program by the Legislature shall be considered as a state contribution and thus an increase in the state premiums.

(4) This section expires July 1, 2005 ~~2004~~.

Section 20. In order to implement Sections 2-7 of the 2004-2005 General Appropriations Act, paragraph (c) of subsection (5) and paragraph (d) of subsection (6) of section 112.061, Florida Statutes, are amended to read:

112.061 Per diem and travel expenses of public officers, employees, and authorized persons.—

(5) COMPUTATION OF TRAVEL TIME FOR REIMBURSEMENT.—For purposes of reimbursement and methods of calculating fractional days of travel, the following principles are prescribed:

(c) For the 2004-2005 ~~2003-2004~~ fiscal year only and notwithstanding the other provisions of this subsection, for Class C travel, a state traveler shall not be reimbursed on a per diem basis nor shall a traveler receive subsistence allowance. This paragraph expires July 1, 2005 ~~2004~~.

(6) RATES OF PER DIEM AND SUBSISTENCE ALLOWANCE.—For purposes of reimbursement rates and methods of calculation, per diem and subsistence allowances are divided into the following groups and rates:

(d) For the 2004-2005 ~~2003-2004~~ fiscal year only and notwithstanding the other provisions of this subsection, for Class C travel, a state traveler shall not be reimbursed on a per diem basis nor shall a traveler receive subsistence allowance. This paragraph expires July 1, 2005 ~~2004~~.

Section 21. In order to implement Specific Appropriation 2321 of the 2004-2005 General Appropriations Act, subsection (4) of section 215.96, Florida Statutes, is amended to read:

215.96 Coordinating council and design and coordination staff.—

(4) The Financial Management Information Board, through the coordinating council, shall provide the necessary planning, implementation, and integration policies, coordination procedures, and reporting processes to facilitate the successful and efficient integration of the central administrative and financial management information systems, including the Florida Accounting Information Resource system (FLAIR), Cash Management System (CMS), and FLAIR/CMS replacement project, the payroll system in the Department of Financial Services, the Legislative Appropriations System/Planning and Budgeting Subsystem (LAS/PBS), the State Purchasing System (SPURS) and MyFlorida Marketplace project, the Cooperative Personnel Employment Subsystem (COPES) and the PeopleFirst Outsourcing project, and the State Unified Tax system (SUNTAX).

(a) To fulfill this role, the coordinating council shall establish an Enterprise Resource Planning Integration Task Force, which shall consist of the coordinating council members plus the Chief Information Officer in the State Technology Office and the Executive Director or designee in the Department of Revenue, who shall serve with voting rights on the task force. The nonvoting ex officio members of the coordinating council shall be nonvoting members of the task force.

(b) The task force shall be established by August 1, 2003, and shall remain in existence until the integration goals have been achieved among the FLAIR/CMS Replacement project, SPURS and MyFlorida Marketplace project, COPES and PeopleFirst project, payroll system, LAS/PBS, and SUNTAX system, or until June 30, 2005, whichever is later. The task force shall hold its initial meeting no later than September 1, 2003, and shall meet at the call of the chair or at least once every 60 days. In its initial meeting, task force members shall:

1. Adopt a task force charter that identifies major objectives, activities, milestones and deliverables, significant assumptions, and constraints on the task force functions and major stakeholder groups interested in the outcome of the task force.

2. Consider and adopt processes by which information will be collected and business process and technical integration issues will be raised for analysis and recommendation by the task force.

3. Elect a member to serve as vice chair. Any vacancy in the vice chair position shall be filled by similar election within 30 days after the date the vacancy is effective.

(c) The coordinating council shall provide administrative and technical support to the task force as is reasonably necessary for the task force to effectively and timely carry out its duties and responsibilities. The cost of providing such support may be paid from funds appropriated for the operation of the council or the FLAIR/CMS Replacement project. The task force also may contract for services to obtain specific expertise to analyze, facilitate, and formulate recommendations to address process and technical integration problems that need to be resolved.

(d) Using information and input from project teams and stakeholders responsible for the FLAIR/CMS Replacement project, SPURS and MyFlorida Marketplace project, COPES and PeopleFirst project, payroll system, LAS/PBS, and SUNTAX system, the responsibilities of the task force shall include, but not be limited to:

1. Identifying and documenting central administrative and financial management policies, procedures, and processes that need to be integrated and recommending steps for implementation.

2. Collecting information from the subsystem owners and project teams and developing and publishing a consolidated list of enterprise resource planning functional and technical integration requirements.

3. Publishing integration plans and timelines based on information collected from task force members.

4. Forming committees, workgroups, and teams as provided in subsection (3).

5. Developing recommendations for the Financial Management Information Board which clearly describe any business or technical problems that need to be addressed, the options for resolving the problem, and the recommended actions.

6. Developing and implementing plans for reporting status of integration efforts.

(e) The task force shall provide recommendations to the Financial Management Information Board for review and approval regarding the technical, procedural, policy, and process requirements and changes that are needed to successfully integrate, implement, and realize the benefits of the enterprise resource planning initiatives associated with the FLAIR/CMS Replacement project, SPURS and MyFlorida Marketplace project, COPES and PeopleFirst project, payroll system, LAS/PBS, and SUNTAX system. The first of these reports should be provided no later than October 3, 2003.

(f) The task force shall monitor, review, and evaluate the progress of the FLAIR/CMS Replacement project, SPURS and MyFlorida Marketplace project, COPES and PeopleFirst project, payroll system, LAS/PBS, and SUNTAX system, in implementing the process and technical integration requirements and changes approved by the Financial Management Information Board and in achieving the necessary integration among the central administrative and financial management information systems represented on the task force. The task force shall prepare and submit quarterly reports to the Executive Office of the Governor, the chairs of the Senate Appropriations Committee and the House Appropriations Committee, and the Financial Management Information Board. Each quarterly report shall identify and describe the technical, procedural, policy, and process requirements and changes proposed and adopted by the board and shall describe the status of the implementation of these integration efforts, identify any problems, issues, or risks that require executive-level action, and report actual costs related to the Enterprise Resource Planning Integration Task Force.

(g) By January 15, 2004, and annually thereafter, until it is disbanded, the Enterprise Resource Planning Integration Task Force shall report to the Financial Management Information Board, the Speaker of the House of Representatives, and the President of the Senate the results of the task force's monitoring, review, and evaluation of enterprise resource planning integration activities and requirements, and any recommendations for statutory changes to be considered by the Legislature.

(h) This subsection expires July 1, 2005 ~~2004~~.

Section 22. In order to implement Specific Appropriation 2275 of the 2004-2005 General Appropriations Act, paragraph (f) of subsection (3) of section 601.15, Florida Statutes, is amended to read:

601.15 Advertising campaign; methods of conducting; excise tax; emergency reserve fund; citrus research.—

(3)

(f) For the 2004-2005 ~~2003-2004~~ fiscal year only and notwithstanding the provisions of *this section* ~~paragraph (e)~~, the commission, upon a majority vote, may reduce, for the current or future citrus season, the tax rates specified in this subsection. This paragraph expires July 1, 2005 ~~2004~~.

Section 23. *Notwithstanding the provisions of section 403.7095, Florida Statutes, in order to implement Specific Appropriation 1741 of the 2004-2005 General Appropriations Act, the Department of Environmental Protection shall award:*

(1) \$6,500,000 in grants equally to counties with populations of fewer than 100,000 for waste tire, litter prevention, recycling and education, and general solid waste programs.

(2) \$2,939,999 in waste tire grants to counties, on a per capita basis, with populations of 100,000 or more.

(3) \$1,347,570 in competitive innovative grants to cities and counties on the prioritized list of projects submitted by the Department of Environmental Protection to the Legislature.

Section 24. *In order to implement Specific Appropriation 1403 of the 2004-2005 General Appropriations Act and notwithstanding any provision of chapter 287 or chapter 337, Florida Statutes, from the funds appropriated to the Department of Agriculture and Consumer Services for the 2002-2003, 2003-2004, and 2004-2005 fiscal years for the purpose of constructing and operating an agricultural interdiction station on Interstate 10 in Escambia County, the Department of Agriculture and*

Consumer Services shall enter into an agreement with the Department of Transportation wherein the Department of Transportation, on behalf of the Department of Agriculture and Consumer Services, shall proceed with the construction of the station under the authority established in chapter 337, Florida Statutes. The Department of Agriculture and Consumer Services shall be authorized to execute all contracts resulting from such Department of Transportation selection of contractors in compliance with chapter 337, Florida Statutes. This section expires July 1, 2005.

Section 25. In order to implement Specific Appropriation 1684 of the 2004-2005 General Appropriations Act, subsection (6) is added to section 375.041, Florida Statutes, to read:

375.041 Land Acquisition Trust Fund.—

(6) *For the 2004-2005 fiscal year only, funds allocated to the Land Acquisition Trust Fund may also be appropriated for water quality issues in the General Appropriations Act. This subsection expires July 1, 2005.*

Section 26. In order to implement Specific Appropriation 1584A of the 2004-2005 General Appropriations Act, subsection (5) is added to section 375.045, Florida Statutes, to read:

375.045 Florida Preservation 2000 Trust Fund.—

(5) *For the 2004-2005 fiscal year only, any unobligated moneys in the Florida Preservation 2000 Trust Fund resulting from interest earnings and from reversions of prior appropriations to any agency may be appropriated to the Florida Forever Trust Fund for use pursuant to s. 259.1051. This subsection expires July 1, 2005.*

Upon a determination by the Department of Environmental Protection that proceeds being held in the trust fund to support distributions outside the Department of Environmental Protection are not likely to be disbursed in accordance with the foregoing considerations, the Department of Environmental Protection shall petition the Governor and Cabinet to allow for the immediate disbursement of such funds for the acquisition of projects approved for purchase pursuant to the provisions of chapter 259.

Section 27. *In order to implement Specific Appropriations 2652-2654 of the 2004-2005 General Appropriations Act and for the 2004-2005 fiscal year only, the State Technology Office is directed to implement the provisions of subsection (2) of section 282.102, Florida Statutes, related to rulemaking on best practices for acquiring, using, upgrading, modifying, replacing, or disposing of information technology, no later than December 31, 2004. The State Technology Office is further directed to include in the agency and state information technology resource inventory lists required by sections 282.3063(2)(f) and 282.310(2)(g), Florida Statutes, the methods used for final disposition of the resources. This section expires July 1, 2005.*

Section 28. In order to implement Specific Appropriations 1677-1703 of the 2004-2005 General Appropriations Act, paragraph (c) of subsection (4) of section 373.4137, Florida Statutes, is amended to read:

373.4137 Mitigation requirements.—

(4) Prior to December 1 of each year, each water management district, in consultation with the Department of Environmental Protection, the United States Army Corps of Engineers, the Department of Transportation, transportation authorities established pursuant to chapter 348 or chapter 349, and other appropriate federal, state, and local governments, and other interested parties, including entities operating mitigation banks, shall develop a plan for the primary purpose of complying with the mitigation requirements adopted pursuant to this part and 33 U.S.C. s. 1344. This plan shall also address significant invasive plant problems within wetlands and other surface waters. In developing such plans, the districts shall utilize sound ecosystem management practices to address significant water resource needs and shall focus on activities of the Department of Environmental Protection and the water management districts, such as surface water improvement and management (SWIM) waterbodies and lands identified for potential acquisition for preservation, restoration, and enhancement, to the extent that such activities comply with the mitigation requirements adopted under this part and 33 U.S.C. s. 1344. In determining the activities to be included in such plans, the districts shall also consider the purchase of credits from public or private mitigation banks permitted under s. 373.4136 and associated federal authorization and shall include such purchase as a

part of the mitigation plan when such purchase would offset the impact of the transportation project, provide equal benefits to the water resources than other mitigation options being considered, and provide the most cost-effective mitigation option. The mitigation plan shall be preliminarily approved by the water management district governing board and shall be submitted to the secretary of the Department of Environmental Protection for review and final approval. The preliminary approval by the water management district governing board does not constitute a decision that affects substantial interests as provided by s. 120.569. At least 30 days prior to preliminary approval, the water management district shall provide a copy of the draft mitigation plan to any person who has requested a copy.

(c) Surface water improvement and management or invasive plant control projects undertaken using the \$12 million advance transferred from the Department of Transportation to the Department of Environmental Protection in fiscal year 1996-1997 which meet the requirements for mitigation under this part and 33 U.S.C. s. 1344 shall remain available for mitigation until the \$12 million is fully credited up to and including fiscal year ~~2005-2006~~ ~~2004-2005~~. When these projects are used as mitigation, the \$12 million advance shall be reduced by \$75,000 per acre of impact mitigated. For any fiscal year through and including fiscal year ~~2005-2006~~ ~~2004-2005~~, to the extent the cost of developing and implementing the mitigation plans is less than the amount transferred pursuant to subsection (3), the difference shall be credited towards the \$12 million advance. Except as provided in this paragraph, any funds not directed to implement the mitigation plan should, to the greatest extent possible, be directed to fund invasive plant control within wetlands and other surface waters.

Section 29. In order to implement Specific Appropriations 2236, 2238, and 2239 of the 2004-2005 General Appropriations Act, paragraph (m) of subsection (1) of section 718.501, Florida Statutes, is amended to read:

718.501 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 condominium units. In performing its duties, the division has the following powers and duties:

(m)1. When a complaint is made, the division shall conduct its inquiry with due regard to the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and shall, within 90 days after receipt of the original complaint or of timely requested additional information, take action upon the complaint. However, the failure to complete the investigation within 90 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 90 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule of the division has occurred. If an investigation is not completed within the time limits established in this paragraph, the division shall, on a monthly basis, notify the complainant in writing of the status of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing pursuant to ss. 120.569 and 120.57.

2. *For the 2004-2005 fiscal year only, and notwithstanding the provisions of subparagraph 1., when a complaint is made, the division shall conduct its inquiry with due regard to the interests of the affected parties. Within 15 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and shall, within 30 days after receipt of the original complaint or of timely requested additional information, take action upon the complaint. However, the failure to complete*

the investigation within 30 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 30 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule of the division has occurred. If an investigation is not completed within the time limits established in this subparagraph, the division shall, on a monthly basis, notify the complainant in writing of the status of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing pursuant to ss. 120.569 and 120.57. This subparagraph expires July 1, 2005.

Section 30. In order to implement Specific Appropriation 2480L of the 2004-2005 General Appropriations Act, paragraph (b) of subsection (9) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.—

(9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

(b) The license plate annual use fees are to be annually distributed as follows:

1. Fifty-five percent of the proceeds from the Florida Professional Sports Team plate must be deposited into the Professional Sports Development Trust Fund within the Office of Tourism, Trade, and Economic Development. These funds must be used solely to attract and support major sports events in this state. As used in this subparagraph, the term “major sports events” means, but is not limited to, championship or all-star contests of Major League Baseball, the National Basketball Association, the National Football League, the National Hockey League, the men’s and women’s National Collegiate Athletic Association Final Four basketball championship, or a horseracing or dogracing Breeders’ Cup. All funds must be used to support and promote major sporting events, and the uses must be approved by the Florida Sports Foundation.

2. The remaining proceeds of the Florida Professional Sports Team license plate must be allocated to the Florida Sports Foundation, a direct-support organization of the Office of Tourism, Trade, and Economic Development. These funds must be deposited into the Professional Sports Development Trust Fund within the Office of Tourism, Trade, and Economic Development. These funds must be used by the Florida Sports Foundation to promote the economic development of the sports industry; to distribute licensing and royalty fees to participating professional sports teams; to institute a grant program for communities bidding on minor sporting events that create an economic impact for the state; to distribute funds to Florida-based charities designated by the Florida Sports Foundation and the participating professional sports teams; and to fulfill the sports promotion responsibilities of the Office of Tourism, Trade, and Economic Development.

3. The Florida Sports Foundation shall provide an annual financial audit in accordance with s. 215.981 of its financial accounts and records by an independent certified public accountant pursuant to the contract established by the Office of Tourism, Trade, and Economic Development as specified in s. 288.1229(5). The auditor shall submit the audit report to the Office of Tourism, Trade, and Economic Development for review and approval. If the audit report is approved, the office shall certify the audit report to the Auditor General for review.

4. For the ~~2004-2005~~ ~~2003-2004~~ fiscal year only and notwithstanding the provisions of subparagraphs 1. and 2., proceeds from the Professional Sports Development Trust Fund may also be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games. This subparagraph expires July 1, ~~2005~~ ~~2004~~.

Section 31. In order to implement Specific Appropriation 2100 of the 2004-2005 General Appropriations Act, section 445.048, Florida Statutes, as amended by section 79 of chapter 2003-399, Laws of Florida, is amended to read:

445.048 Passport to Economic Progress demonstration program.—

(1) AUTHORIZATION.—Notwithstanding any law to the contrary, Workforce Florida, Inc., in conjunction with the Department of Children and Family Services and the Agency for Workforce Innovation, shall implement a Passport to Economic Progress demonstration program ~~by November 1, 2001,~~ consistent with the provisions of this section in Hillsborough, ~~and~~ Manatee, and Sarasota counties. Workforce Florida, Inc.,

must consult with the applicable regional workforce boards and the applicable local offices of the department which serve the demonstration areas and must encourage community input into the implementation process.

(2) **WAIVERS.**—If Workforce Florida, Inc., in consultation with the Department of Children and Family Services, finds that federal waivers would facilitate implementation of the demonstration program, the department shall immediately request such waivers, and Workforce Florida, Inc., shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives if any refusal of the federal government to grant such waivers prevents the implementation of the demonstration program. If Workforce Florida, Inc., finds that federal waivers to provisions of the Food Stamp Program would facilitate implementation of the demonstration program, the Department of Children and Family Services shall immediately request such waivers in accordance with s. 414.175.

~~(3) **INCOME DISREGARD.**—In order to provide an additional incentive for employment, and notwithstanding the amount specified in s. 414.095(12), for individuals residing in the areas designated for this demonstration program, the first \$300 plus one-half of the remainder of earned income shall be disregarded in determining eligibility for temporary cash assistance. All other conditions and requirements of s. 414.095(12) shall continue to apply to such individuals.~~

(3)(4) **TRANSITIONAL BENEFITS AND SERVICES.**—In order to assist them in making the transition to economic self-sufficiency, former recipients of temporary cash assistance residing within the areas designated for this demonstration program shall be eligible for the following benefits and services:

(a) Notwithstanding the time period specified in s. 445.030, transitional education and training support services as specified in s. 445.030 for up to 4 years after the family is no longer receiving temporary cash assistance;

(b) Notwithstanding the time period specified in s. 445.031, transitional transportation support services as specified in s. 445.031 for up to 4 years after the family is no longer receiving temporary cash assistance; and

(c) Notwithstanding the time period specified in s. 445.032, transitional child care as specified in s. 445.032 for up to 4 years after the family is no longer receiving temporary cash assistance.

All other provisions of ss. 445.030, 445.031, and 445.032 shall apply to such individuals, as appropriate. This subsection does not constitute an entitlement to transitional benefits and services. If funds are insufficient to provide benefits and services under this subsection, the board of directors of Workforce Florida, Inc., may limit such benefits and services or otherwise establish priorities for the provisions of such benefits and services.

(4) **INCENTIVES TO ECONOMIC SELF-SUFFICIENCY.**—

(a) *The Legislature finds that:*

1. *There are former recipients of temporary cash assistance who are working full time but whose incomes are below the poverty level.*

2. *Having incomes below the federal poverty level makes such individuals particularly vulnerable to reliance on public assistance despite their best efforts to achieve or maintain economic independence through employment.*

3. *It is necessary to implement a performance-based program that defines economic incentives for achieving specific benchmarks toward self-sufficiency while the individual is working full time.*

(b) *Workforce Florida, Inc., in cooperation with the Department of Children and Family Services and the Agency for Workforce Innovation, shall offer performance-based incentive bonuses as a component of the Passport to Economic Progress demonstration program in the areas of the state which are designated for the demonstration program. The bonuses do not represent a program entitlement and shall be contingent on achieving specific benchmarks prescribed in the self-sufficiency plan. If the funds appropriated for this purpose are insufficient to provide this financial incentive, the board of directors of Workforce Florida, Inc., shall reduce or suspend the bonuses in order not to exceed the appropriation.*

~~(5) **WAGE SUPPLEMENTATION.**—~~

~~(a) *The Legislature finds that:*~~

~~1. *There are former recipients of temporary cash assistance who are working full time but whose incomes are below the federal poverty level.*~~

~~2. *Having incomes below the federal poverty level makes such individuals particularly vulnerable to reliance on public assistance despite their best efforts to achieve or maintain economic independence through employment.*~~

~~3. *It is necessary to supplement the wages of such individuals for a limited period of time in order to assist them in fulfilling the transition to economic self-sufficiency.*~~

~~(b) *Workforce Florida, Inc., in cooperation with the Department of Children and Family Services and the Agency for Workforce Innovation, shall create a transitional wage supplementation program by November 1, 2001, as a component of the Passport to Economic Progress demonstration program in the areas designated for the demonstration program. This wage supplementation program does not constitute an entitlement to wage supplementation. If funds appropriated are insufficient to provide wage supplementation, the board of directors of Workforce Florida, Inc., may limit wage supplementation or otherwise establish priorities for wage supplementation.*~~

~~(c) *To be eligible for an incentive bonus wage supplementation under this subsection, an individual must:*~~

~~1. *Be a former recipient of temporary cash assistance who last received such assistance on or after January 1, 2000;*~~

~~2. *Be employed full time, which for the purposes of this subsection means employment averaging at least 32 hours per week, until the United States Congress enacts legislation reauthorizing the Temporary Assistance for Needy Families block grant and, after the reauthorization, means employment complying with the employment requirements of the reauthorized law; and*~~

~~3. *Have an average family income for the 6 months preceding the date of application for an incentive bonus wage supplementation which is less than 150 percent of the federal poverty level.*~~

~~(d) *Workforce Florida, Inc., shall determine the schedule for the payment of wage supplementation under this subsection. An individual eligible for wage supplementation under this subsection may receive a payment that equals the amount necessary to bring the individual's total family income for the period covered by the payment to 100 percent of the federal poverty level. An individual may not receive wage supplementation payments for more than a total of 12 months.*~~

~~(e) *The wage supplementation program authorized by this subsection shall be administered through the regional workforce boards and the one-stop delivery system, under policy guidelines, criteria, and applications developed by Workforce Florida, Inc., in cooperation with the Department of Children and Family Services and the Agency for Workforce Innovation. To the maximum extent possible, the regional workforce boards shall use electronic debit card technologies to provide wage supplementation payments under this program.*~~

(5)(6) **EVALUATIONS AND RECOMMENDATIONS.**—Workforce Florida, Inc., in conjunction with the Department of Children and Family Services, the Agency for Workforce Innovation, and the regional workforce boards in the areas designated for this demonstration program, shall conduct a comprehensive evaluation of the effectiveness of the demonstration program operated under this section. By January 1, 2005 2003, Workforce Florida, Inc., shall submit a report on such evaluation to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must include recommendations as to whether the demonstration program should be expanded to other service areas or statewide and whether the program should be revised to enhance its administration or effectiveness.

(6)(7) **CONFLICTS.**—If there is a conflict between the implementation procedures described in this section and federal requirements and regulations, federal requirements and regulations shall control.

Section 32. *The amendment of section 445.048, Florida Statutes, by this act shall expire on July 1, 2005, and the text of that section shall*

revert to that in existence on June 30, 2003, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act.

Section 33. In order to implement Specific Appropriation 831 of the 2004-2005 General Appropriations Act, section 27.701, Florida Statutes, is amended to read:

27.701 Capital collateral regional counsels.—

(1) There are created three regional offices of capital collateral counsel, which shall be located in a northern, middle, and southern region of the state. The northern region shall consist of the First, Second, Third, Fourth, Eighth, and Fourteenth Judicial Circuits; the middle region shall consist of the Fifth, Sixth, Seventh, Ninth, Tenth, Twelfth, Thirteenth, and Eighteenth Judicial Circuits; and the southern region shall consist of the Eleventh, Fifteenth, Sixteenth, Seventeenth, Nineteenth, and Twentieth Judicial Circuits. Each regional office shall be administered by a regional counsel. A regional counsel must be, and must have been for the preceding 5 years, a member in good standing of The Florida Bar or a similar organization in another state. Each capital collateral regional counsel shall be appointed by the Governor, and is subject to confirmation by the Senate. The Supreme Court Judicial Nominating Commission shall recommend to the Governor three qualified candidates for each appointment as regional counsel. The Governor shall appoint a regional counsel for each region from among the recommendations, or, if it is in the best interest of the fair administration of justice in capital cases, the Governor may reject the nominations and request submission of three new nominees by the Supreme Court Judicial Nominating Commission. Each capital collateral regional counsel shall be appointed to a term of 3 years. Vacancies in the office of capital collateral regional counsel shall be filled in the same manner as appointments. A person appointed as a regional counsel may not run for or accept appointment to any state office for 2 years following vacation of office.

(2) For the 2004-2005 ~~2003-2004~~ fiscal year only and notwithstanding the provisions of subsection (1), the responsibilities of the regional office of capital collateral counsel for the northern region of the state shall be met through a pilot program using only attorneys from the registry of attorneys maintained pursuant to s. 27.710. Each attorney participating in the pilot must be qualified to provide representation in federal court. ~~The Auditor General shall present a status report on the implementation of the pilot program to the President of the Senate and the Speaker of the House of Representatives by February 27, 2004.~~ The Auditor General shall also schedule a performance review of the pilot program to determine the effectiveness and efficiency of using attorneys from the registry compared to the capital collateral regional counsels. The review, at a minimum, shall include comparisons of the timeliness and costs of the pilot and the counsels and shall be submitted to the President of the Senate and the Speaker of the House of Representatives by January 30, 2007. This subsection expires July 1, 2005 ~~2004~~.

Section 34. In order to implement Specific Appropriation 831 of the 2004-2005 General Appropriations Act, paragraphs (a) and (c) of subsection (2) of section 27.709, Florida Statutes, as amended by section 86 of chapter 2003-399, Laws of Florida, are amended to read:

27.709 Commission on Capital Cases.—

(2)(a) The commission shall review the administration of justice in capital collateral cases, receive relevant public input, review the operation of the capital collateral regional counsel and private counsel appointed pursuant to ss. 27.710 and 27.711, and advise and make recommendations to the Governor, Legislature, and Supreme Court.

(c) In addition, the commission shall receive complaints regarding the practice of any office of regional counsel and private counsel appointed pursuant to ss. 27.710 and 27.711 and shall refer any complaint to The Florida Bar, the State Supreme Court, or the Commission on Ethics, as appropriate.

Section 35. *The amendment of section 27.709, Florida Statutes, by this act shall expire on July 1, 2005, and the text of that section shall revert to that in existence on June 30, 2003, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act.*

Section 36. In order to implement Specific Appropriation 831 of the 2004-2005 General Appropriations Act, subsections (3) and (9) of section 27.711, Florida Statutes, as amended by section 88 of chapter 2003-399, Laws of Florida, are amended, and subsection (14) is added to that section, to read:

27.711 Terms and conditions of appointment of attorneys as counsel in postconviction capital collateral proceedings.—

(3) An attorney appointed to represent a capital defendant is entitled to payment of the fees set forth in this section only upon full performance by the attorney of the duties specified in this section and approval of payment by the trial court, and the submission of a payment request by the attorney, subject to the availability of sufficient funding specifically appropriated for this purpose. *An attorney may not be compensated under this section for work performed by the attorney before July 1, 2003, while employed by the northern regional office of the capital collateral counsel.* The Chief Financial Officer shall notify the executive director and the court if it appears that sufficient funding has not been specifically appropriated for this purpose to pay any fees which may be incurred. The attorney shall maintain appropriate documentation, including a current and detailed hourly accounting of time spent representing the capital defendant. The fee and payment schedule in this section is the exclusive means of compensating a court-appointed attorney who represents a capital defendant. When appropriate, a court-appointed attorney must seek further compensation from the Federal Government, as provided in 18 U.S.C. s. 3006A or other federal law, in habeas corpus litigation in the federal courts.

(9) An attorney may not represent more than five capital defendants in capital postconviction litigation at any one time.

(14) *Each attorney participating in the pilot program in the northern region pursuant to s. 27.701(2), as a condition of payment pursuant to this section, shall report on the performance measures adopted by the Legislature for the capital collateral regional counsels.*

Section 37. *The amendment of section 27.711, Florida Statutes, by this act shall expire on July 1, 2005, and the text of that section shall revert to that in existence on June 30, 2003, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act.*

Section 38. In order to implement Specific Appropriation 831 of the 2004-2005 General Appropriations Act, paragraph (b) of subsection (4) of section 27.702, Florida Statutes, as amended by section 90 of chapter 2003-399, Laws of Florida, is amended to read:

27.702 Duties of the capital collateral regional counsel; reports.—

(4)

(b) Each capital collateral regional counsel and each attorney participating in the pilot program in the northern region pursuant to s. 27.701(2) shall provide a quarterly report to the President of the Senate, the Speaker of the House of Representatives, and the Commission on Capital Cases which details the number of hours worked by investigators and legal counsel per case and the amounts per case expended during the preceding quarter in investigating and litigating capital collateral cases.

Section 39. *The amendment of section 27.702, Florida Statutes, by this act shall expire on July 1, 2005, and the text of that section shall revert to that in existence on June 30, 2003, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act.*

Section 40. *In order to implement Specific Appropriations 812-1066 and 2919-2968 of the 2004-2005 General Appropriations Act and for the 2004-2005 fiscal year only, all personnel moving from county government to positions in the state courts system, an office of the state attorney, or an office of the public defender as a part of the implementation of revision 7 to Article V of the Florida Constitution who were eligible for coverage under a county-sponsored group insurance program June 30, 2004, and who elect and are qualified to be covered under the State Group Insurance Program in the Department of Management Services shall be enrolled for health and life insurance effective July 1, 2004. The state courts system and the respective offices of the state attorney or the offices of the public*

defender shall be responsible for ensuring affected employees' health and life insurance benefit enrollment elections are made and processed by June 23, 2004, and shall make a one-time total premium payment to the Division of State Group Insurance of the Department of Management Services not later than July 15, 2004, for coverage for the month of July 2004. For health and life insurance coverage only, the premium remittance mechanism for each such premium payment shall be in the form of a separate journal transfer. Accompanying documentation, as prescribed by the Division of State Group Insurance, is required to distinguish employee from employer contributions, by subscriber. Subsequent premium payments and eligibility determinations shall be made in accordance with existing laws and administrative rules to ensure continuity of employee benefit coverage. This section shall take effect upon becoming law. This section expires July 1, 2005.

Section 41. In order to implement Specific Appropriations 853, 854, 892, 895, 903, 906, 915, 927, and 929 of the 2004-2005 General Appropriations Act, subsection (4) of section 413.4021, Florida Statutes, is amended, to read:

413.4021 Pilot program participant county selection; tax collection enforcement diversion program.—The Department of Revenue, in coordination with the Florida Association of Centers for Independent Living and the Florida Prosecuting Attorneys Association, shall select four counties in which to operate the pilot program. The association and the state attorneys' offices in Duval County and the four pilot program counties shall develop and implement a tax collection enforcement diversion program, which shall collect revenue due from persons who have not remitted their collected sales tax. The criteria for referral to the tax collection enforcement diversion program shall be determined cooperatively between the state attorneys' offices in those counties and the Department of Revenue.

(4) For the 2004-2005 ~~2003-2004~~ fiscal year only and notwithstanding the provisions of subsection (1), 50 percent of the revenues collected from the tax collection enforcement diversion program shall be deposited into the operating account of the Florida Endowment Foundation for Vocational Rehabilitation, to be used to implement the personal care attendant pilot program and to contract with the state attorneys participating in the tax collection enforcement diversion program in an amount of not more than \$50,000 for each state attorney. This subsection expires July 1, 2005 ~~2004~~.

Section 42. *A section of this act that implements a specific appropriation or specifically identified proviso language in the 2004-2005 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 2004-2005 General Appropriations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.*

Section 43. *If any other act passed in 2004 contains a provision that is substantively the same as a provision in this act, but that removes or is otherwise not subject to the future repeal applied to such provision by this act, the Legislature intends that the provision in the other act shall take precedence and shall continue to operate, notwithstanding the future repeal provided by this act.*

Section 44. *The agency performance measures and standards in the document entitled "Performance Measures and Standards Approved by the Legislature for Fiscal Year 2004-2005" dated March 22, 2004, and filed with the Secretary of the Senate are incorporated by reference. Such performance measures and standards are directly linked to the appropriations made in the General Appropriations Act for fiscal year 2004-2005, as required by the Government Performance and Accountability Act of 1994. State agencies are directed to revise their long-range program plans required under section 216.013, Florida Statutes, to be consistent with these performance measures and standards.*

Section 45. *If any provision of this act or its application 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 severable.*

Section 46. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2004; or, if this act fails to become a law until

after that date, it shall take effect upon becoming a law and shall operate retroactively to July 1, 2004.

And the title is amended as follows:

Delete everything before the enacting clause and insert: An act implementing the 2004-2005 General Appropriations Act; providing legislative intent; providing accounting requirements for the state universities for the 2004-2005 fiscal year; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services to transfer funds within the family safety program; amending s. 381.0066, F.S.; continuing the additional fee on new construction permits for onsite sewage treatment and disposal systems the proceeds of which are used for system research, demonstration, and training projects; amending s. 385.207, F.S.; authorizing appropriation of funds in the Epilepsy Services Trust Fund for epilepsy case management services; amending s. 394.908, F.S.; providing for substance abuse and mental health funding equity as provided in the General Appropriations Act; amending s. 20.19, F.S.; requiring specific authority for transfer of funds by the Department of Children and Family Services; amending s. 381.79, F.S.; providing conditions for disbursement of funds appropriated for brain and spinal cord injury research; amending s. 216.181, F.S.; authorizing the Department of Law Enforcement to transfer positions and associated budgets and a certain percentage of salary rate between budget entities and providing requirements with respect thereto; amending s. 16.555, F.S.; authorizing use of the Crime Stoppers Trust Fund to pay for salaries and benefits and other expenses of the Department of Legal Affairs; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; authorizing the Department of Law Enforcement to use certain moneys to provide bonuses to employees for meritorious performance, subject to review; amending s. 287.161, F.S.; requiring the Department of Management Services to charge all persons receiving transportation from the executive aircraft pool a specified rate; amending s. 110.12315, F.S.; providing copayment requirements for the state employees' prescription drug program; establishing the rate of increase for legislative salaries; providing for the budget of the Council for Education Policy Research and Improvement to be administered by the Auditor General; providing that the council is otherwise independent; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; amending s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; amending s. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers' and employees' travel; amending s. 215.96, F.S.; requiring the Financial Management Information Board to provide certain policies, procedures, and processes for integration of central administrative and financial information systems; requiring a task force; specifying membership and responsibilities; requiring recommendations on specific information systems and projects; amending s. 601.15, F.S.; permitting the Florida Citrus Commission to reduce certain statutory tax rates by majority vote; directing the Department of Environmental Protection to make specified awards of grant moneys for pollution control purposes; providing for an agreement between the Department of Agriculture and Consumer Services and the Department of Transportation for the construction and operation of an agricultural interdiction station in Escambia County; amending s. 375.041, F.S.; providing for use of funds allocated to the Land Acquisition Trust Fund for water quality issues; amending s. 375.045, F.S.; providing for use of certain moneys from the Florida Preservation 2000 Trust Fund for the Florida Forever Trust Fund; providing directives to the State Technology Office with respect to information technology; amending s. 373.4137, F.S.; providing for water management districts to use specified funds in certain surface water improvement and management or invasive plant control projects; amending s. 718.501, F.S.; reducing the number of days for the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation to acknowledge and investigate complaints; amending s. 320.08058, F.S.; authorizing proceeds from the Professional Sports Development Trust Fund to be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games; amending s. 445.048, F.S.; continuing and expanding the Passport to Economic Progress demonstration project; amending s. 27.701, F.S.; providing for a pilot program using a registry of attorneys instead of the capital collateral regional counsel in the northern region of the state; requiring certain qualification; requiring a report; amending s. 27.709, F.S.; expanding the jurisdiction of the Commission on Capital Cases; amending s. 27.711, F.S.; providing for

compensation of counsel in the pilot program; providing for limitations on such counsel; amending s. 27.702, F.S.; requiring reports from attorneys participating in the pilot program; providing for continuity of health and life insurance coverage of employees transferring from county employment to employment in the state courts system, the office of a state attorney, or the office of a public defender; providing responsibilities of former and new employers; amending s. 413.4021, F.S.; requiring additional revenues from the tax collection enforcement diversion program to be used for the personal care attendant pilot program and for state attorney contracts; providing for the effect of a veto of a specific appropriation or proviso to which implementing provisions refer; providing applicability to other legislation; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2003-2004 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing for severability; providing for retroactive application; providing effective dates.

On motions by Senator Pruitt, by two-thirds vote **HB 1837** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Saunders
Bennett	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for SB 1258—A bill to be entitled An act relating to workforce development education programs; amending s. 1011.80, F.S.; redesignating adult technical education programs as workforce development education programs; providing requirements for funding; amending s. 1011.83, F.S.; conforming a cross-reference; providing an effective date.

—was read the third time by title.

On motions by Senator Carlton, **CS for SB 1258** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Saunders
Bennett	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for SB 1266—A bill to be entitled An act relating to the Water Management Lands Trust Fund; amending s. 373.59, F.S.; authorizing moneys in the trust fund to be allocated for the purpose of supplementing operational expenditures for specified water management districts; providing an effective date.

—was read the third time by title.

On motions by Senator Clary, **CS for SB 1266** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Saunders
Bennett	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

On motion by Senator Clary, by two-thirds vote **HB 1875** was withdrawn from the Committees on Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

On motion by Senator Clary, the rules were waived and by two-thirds vote—

HB 1875—A bill to be entitled An act relating to the state correctional system; repealing ss. 945.601, 945.602, 945.603, 945.6031, 945.6032, 945.6035, 945.6036, and 945.6037, F.S., relating to the State of Florida Correctional Medical Authority; repealing ss. 957.01-957.16, F.S., relating to the Correctional Privatization Commission; amending ss. 381.90, 394.9151, 395.002, 408.036, 766.101, 784.078, 943.053, 943.13, 943.133, 943.325, 944.02, and 944.023, F.S., to conform; amending s. 944.10, F.S.; requiring the Department of Corrections to assume certain correctional facilities leases and lease-related obligations of the commission; amending s. 944.105, F.S.; requiring the department to assume certain contractual obligations of the commission for certain private correctional facilities; requiring the department to provide a contract monitor for certain purposes; providing monitor duties; authorizing the monitor to have unlimited access to correctional facilities; creating s. 944.1054, F.S.; requiring the Office of Program Policy and Government Accountability to develop and implement an evaluation of the costs and benefits of certain contracts and private contractor performance; requiring a report to the Legislature; amending ss. 944.115 and 944.17, F.S., to conform; amending s. 944.516, F.S.; authorizing the department to charge inmates a monthly administrative processing fee for banking services; specifying a maximum amount; providing for deposit and use of such fees; amending s. 944.7031, F.S., to conform; amending s. 944.717, F.S.; prohibiting bidders or potential bidders on private correctional facility contracts from contacting certain persons regarding any part of the proposal process; providing exceptions; amending ss. 944.72, 944.8041, 945.215, 945.35, 945.6034, 946.5025, 946.503, and 951.27, F.S., to conform; providing effective dates.

—a companion measure, was substituted for **CS for SB 1268** and by two-thirds vote read the second time by title.

Senator Clary moved the following amendment which was adopted:

Amendment 1 (592938)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraphs (b) and (e) of subsections (6) of section 20.315, Florida Statutes, are amended to read:

20.315 Department of Corrections.—There is created a Department of Corrections.

(6) FLORIDA CORRECTIONS COMMISSION.—

(b) The primary functions of the commission are to:

1. Recommend major correctional policies for the Governor's approval, and assure that approved policies and any revisions thereto are properly executed.

2. Periodically review the status of the state correctional system and recommend improvements therein to the Governor and the Legislature.

3. Annually perform an in-depth review of community-based intermediate sanctions and recommend to the Governor and the Legislature intergovernmental approaches through the Community Corrections Partnership Act for planning and implementing such sanctions and programs.

4. Perform an in-depth evaluation of the annual budget request of the Department of Corrections, the comprehensive correctional master plan, and the tentative construction program for compliance with all applicable laws and established departmental policies. The commission may not consider individual construction projects, but shall consider methods of accomplishing the department's goals in the most effective, efficient, and businesslike manner.

5. Routinely monitor the financial status of the Department of Corrections to assure that the department is managing revenue and any applicable bond proceeds responsibly and in accordance with law and established policy.

6. Evaluate, at least quarterly, the efficiency, productivity, and management of the Department of Corrections, using performance and production standards developed by the department under former subsection (18).

7. Provide public education on corrections and criminal justice issues.

8. Report to the President of the Senate, the Speaker of the House of Representatives, and the Governor by November 1 of each year.

9. *Resolved disputes between the Department of Corrections and the contractors for the private correctional facilities entered into under chapter 957 when a contractor proposes to waive a rule, policy, or procedure concerning operation standards.*

(e) The commission shall appoint an executive director and an assistant executive director, who shall serve under the direction, supervision, and control of the commission. The executive director, with the consent of the commission, shall employ such staff as are necessary to perform adequately the functions of the commission, within budgetary limitations. All employees of the commission are exempt from part II of chapter 110 and serve at the pleasure of the commission. The salaries and benefits of all employees of the commission shall be set in accordance with the Selected Exempt Service rules; however, the commission shall have complete authority for fixing the salaries of the executive director and the assistant executive director. ~~The executive director and staff of the Task Force for Review of the Criminal Justice and Corrections System, created under chapter 93-404, Laws of Florida, shall serve as the staff for the commission until the commission hires an executive director.~~

Section 2. Subsection (17) is added to section 287.042, Florida Statutes, to read:

287.042 Powers, duties, and functions.—The department shall have the following powers, duties, and functions:

(17)(a) *To enter into contracts pursuant to chapter 957, and to acquire the contractual rights and assume the contractual obligations of the Correctional Privatization Commission in contracts previously entered into pursuant to chapter 957, for the designing, financing, acquiring, leasing, constructing, or operating of private correctional facilities. The department shall enter into a contract or contracts with one contractor per facility for the designing, acquiring, financing, leasing, constructing, and operating of that facility or may, if specifically authorized by the Legislature, separately contract for any such services.*

(b) *To manage and enforce compliance with existing or future contracts entered into pursuant to chapter 957.*

The department may not delegate the responsibilities conferred by this subsection.

Section 3. Section 394.9151, Florida Statutes, is amended to read:

394.9151 Contract authority.—The Department of Children and Family Services may contract with a private entity or state agency for

use of and operation of facilities to comply with the requirements of this act. The Department of Children and Family Services may also contract with the ~~Department of Management Services Correctional Privatization Commission as defined in chapter 957~~ to issue a request for proposals and monitor contract compliance for these services.

Section 4. 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, to a county commission, or to the ~~Department of Management Services 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.

(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 or physician assistant, 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 1 year provided there is no more than an 8-year break in employment, as measured from the separation date

of the most recent qualifying employment to the time a complete application is submitted for an exemption under this section,

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.

(11) Comply with the continuing training or education requirements of s. 943.135.

Section 5. Subsection (4) of section 944.02, Florida Statutes, is amended to read:

944.02 Definitions.—The following words and phrases used in this chapter shall, unless the context clearly indicates otherwise, have the following meanings:

(4) “Elderly offender” means a prisoner age 50 or older in a state correctional institution or facility operated by the Department of Corrections or the *Department of Management Services Correctional Privatization Commission*.

Section 6. Subsection (1) and paragraph (b) of subsection (2) of section 944.115, Florida Statutes, are amended to read:

944.115 Smoking prohibited inside state correctional facilities.—

(1) The purpose of this section is to protect the health, comfort, and environment of employees of the Department of Corrections, employees of privately operated correctional facilities, ~~employees of the Correctional Privatization Commission~~, and inmates by prohibiting inmates from using tobacco products inside any office or building within state correctional facilities, and by ensuring that employees and visitors do not use tobacco products inside any office or building within state correctional facilities. Scientific evidence links the use of tobacco products with numerous significant health risks. The use of tobacco products by inmates, employees, or visitors is contrary to efforts by the Department of Corrections to reduce the cost of inmate health care and to limit unnecessary litigation. The Department of Corrections and the private vendors operating correctional facilities shall make smoking-cessation assistance available to inmates in order to implement this section. The Department of Corrections and the private vendors operating correctional facilities shall implement this section as soon as possible, and all provisions of this section must be fully implemented by January 1, 2000.

(2) As used in this section, the term:

(b) “Employee” means an employee of the department or a private vendor in a contractual relationship with either the Department of Corrections or the *Department of Management Services Correctional Privatization Commission*, and includes persons such as contractors, volunteers, or law enforcement officers who are within a state correctional facility to perform a professional service.

Section 7. Subsection (1) of section 944.72, Florida Statutes, is amended to read:

944.72 Privately Operated Institutions Inmate Welfare Trust Fund.—

(1) There is hereby created in the Department of Corrections the Privately Operated Institutions Inmate Welfare Trust Fund. The purpose of the trust fund shall be the benefit and welfare of inmates incarcerated in private correctional facilities under contract with the department pursuant to chapter 944 or the *Department of Management Services Correctional Privatization Commission* pursuant to chapter 957. Moneys shall be deposited in the trust fund and expenditures made from the trust fund as provided in s. 945.215.

Section 8. Section 944.8041, Florida Statutes, is amended to read:

944.8041 Elderly offenders; annual review.—For the purpose of providing information to the Legislature on elderly offenders within the correctional system, the Florida Corrections Commission and the Correctional Medical Authority shall each submit annually a report on the status and treatment of elderly offenders in the state-administered and private state correctional systems, as well as such information on the River Junction Correctional Institution. In order to adequately prepare

the reports, the Department of Corrections and the *Department of Management Services Correctional Privatization Commission* shall grant access to the Florida Corrections Commission and the Correctional Medical Authority which includes access to the facilities, offenders, and any information the agencies require to complete their reports. The review shall also include an examination of promising geriatric policies, practices, and programs currently implemented in other correctional systems within the United States. The reports, with specific findings and recommendations for implementation, shall be submitted to the President of the Senate and the Speaker of the House of Representatives on or before December 31 of each year.

Section 9. Paragraphs (a) and (c) of subsection (2) of section 945.215, Florida Statutes, are amended to read:

945.215 Inmate welfare and employee benefit trust funds.—

(2) PRIVATELY OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND; PRIVATE CORRECTIONAL FACILITIES.—

(a) For purposes of this subsection, privately operated institutions or private correctional facilities are those correctional facilities under contract with the department pursuant to chapter 944 or the *Department of Management Services Correctional Privatization Commission* pursuant to chapter 957.

(c) The *Department of Management Services Correctional Privatization Commission* shall annually compile a report that documents Privately Operated Institutions Inmate Welfare Trust Fund receipts and expenditures at each private correctional facility. This report must specifically identify receipt sources and expenditures. The *Department of Management Services Correctional Privatization Commission* shall compile this report for the prior fiscal year and shall submit the report by September 1 of each year to the chairs of the appropriate substantive and fiscal committees of the Senate and House of Representatives and to the Executive Office of the Governor.

Section 10. Section 957.01, Florida Statutes, is amended to read:

957.01 Short title.—This chapter may be cited as the “Correctional Privatization ~~Commission~~ Act.”

Section 11. Section 957.02, Florida Statutes, is amended to read:

957.02 Definitions.—As used in this chapter,:

(1) “~~Commission~~” means the *Correctional Privatization Commission*.

(2) “department” means the Department of Corrections.

Section 12. *Section 957.03, Florida Statutes, is repealed.*

Section 13. Section 957.04, Florida Statutes, is amended to read:

957.04 Contract requirements.—

(1) A contract entered into under this chapter for the operation of private correctional facilities shall maximize the cost savings of such facilities and shall:

(a) Be negotiated with the firm found most qualified. However, a contract for private correctional services may not be entered into by the *Department of Management Services commission* unless the *Department of Management Services commission* determines that the contractor has demonstrated that it has:

1. The qualifications, experience, and management personnel necessary to carry out the terms of the contract.

2. The ability to expedite the siting, design, and construction of correctional facilities.

3. The ability to comply with applicable laws, court orders, and national correctional standards.

(b) Indemnify the state and the department, including their officials and agents, against any and all liability, including, but not limited to, civil rights liability. Proof of satisfactory insurance is required in an amount to be determined by the *Department of Management Services*

commission, following consultation with the Division of Risk Management of the Department of Financial Services. Not less than 30 days prior to the release of each request for proposals by the commission, the commission shall request the written recommendation of the division regarding indemnification of the state and the department under this paragraph. Within 15 days after such request, the division shall provide a written recommendation to the commission regarding the amount and manner of such indemnification. The commission shall adopt the division's recommendation unless, based on substantial competent evidence, the commission determines a different amount and manner of indemnification is sufficient.

(c) Require that the contractor seek, obtain, and maintain accreditation by the American Correctional Association for the facility under that contract. Compliance with amendments to the accreditation standards of the association is required upon the approval of such amendments by the commission.

(d) Require that the proposed facilities and the management plans for the inmates meet applicable American Correctional Association standards and the requirements of all applicable court orders and state law.

(e) Establish operations standards for correctional facilities subject to the contract. *However, if the department and the contractor disagree with an operations standard, the contractor may propose to waive any rule, policy, or procedure of the department related to the operations standards of correctional facilities which is that are inconsistent with the mission of the contractor commission to establish cost-effective, privately operated correctional facilities. The Florida Corrections Commission shall be responsible for considering all proposals from the contractor to waive any rule, policy, or procedure and shall render a final decision granting or denying such request.*

(f) Require the contractor to be responsible for a range of dental, medical, and psychological services; diet; education; and work programs at least equal to those provided by the department in comparable facilities. The work and education programs must be designed to reduce recidivism, and include opportunities to participate in such work programs as authorized pursuant to s. 946.523.

(g) Require the selection and appointment of a full-time contract monitor. The contract monitor shall be appointed and supervised by the Department of Management Services commission. The contractor is required to reimburse the Department of Management Services commission for the salary and expenses of the contract monitor. It is the obligation of the contractor to provide suitable office space for the contract monitor at the correctional facility. The contract monitor shall have unlimited access to the correctional facility.

(h) Be for a period of 3 years and may be renewed for successive 2-year periods thereafter. However, the state is not obligated for any payments to the contractor beyond current annual appropriations.

(2) Each contract entered into for the design and construction of a private correctional facility or juvenile commitment facility must include:

(a) Notwithstanding any provision of chapter 255 to the contrary, a specific provision authorizing the use of tax-exempt financing through the issuance of tax-exempt bonds, certificates of participation, lease-purchase agreements, or other tax-exempt financing methods. Pursuant to s. 255.25, approval is hereby provided for the lease-purchase of up to two private correctional facilities and any other facility authorized by the General Appropriations Act.

(b) A specific provision requiring the design and construction of the proposed facilities to meet the applicable standards of the American Correctional Association and the requirements of all applicable court orders and state law.

(c) A specific provision requiring the contractor, and not the Department of Management Services commission, to obtain the financing required to design and construct the private correctional facility or juvenile commitment facility built under this chapter.

(d) A specific provision stating that the state is not obligated for any payments that exceed the amount of the current annual appropriation.

(3)(a) Each contract for the designing, financing, acquiring, leasing, constructing, and operating of a private correctional facility shall be subject to ss. 255.2502 and 255.2503.

(b) Each contract for the designing, financing, acquiring, leasing, and constructing of a private juvenile commitment facility shall be subject to ss. 255.2502 and 255.2503.

(4) A contract entered into under this chapter does not accord third-party beneficiary status to any inmate or juvenile offender or to any member of the general public.

(5) Each contract entered into by the Department of Management Services commission must include substantial minority participation unless demonstrated by evidence, after a good faith effort, as impractical and must also include any other requirements the Department of Management Services commission considers necessary and appropriate for carrying out the purposes of this chapter.

(6) Notwithstanding s. 253.025(7), the Board of Trustees of the Internal Improvement Trust Fund need not approve a lease-purchase agreement negotiated by the Department of Management Services commission if the Department of Management Services commission finds that there is a need to expedite the lease-purchase.

(7)(a) Notwithstanding s. 253.025 or s. 287.057, whenever the Department of Management Services commission finds it to be in the best interest of timely site acquisition, it may contract without the need for competitive selection with one or more appraisers whose names are contained on the list of approved appraisers maintained by the Division of State Lands of the Department of Environmental Protection in accordance with s. 253.025(6)(b). In those instances when the Department of Management Services commission directly contracts for appraisal services, it shall also contract with an approved appraiser who is not employed by the same appraisal firm for review services.

(b) Notwithstanding s. 253.025(6), the Department of Management Services commission may negotiate and enter into lease-purchase agreements before an appraisal is obtained. Any such agreement must state that the final purchase price cannot exceed the maximum value allowed by law.

(8) *The Department of Management Services shall be the successor agency for the Correctional Privatization Commission in all contracts entered into pursuant to this chapter which are in effect on July 1, 2004. Buildings and other improvements to real property which are financed under paragraph (2)(a) and which are leased to the Correctional Privatization Commission are considered to be owned by the Correctional Privatization Commission for the purposes of this section whereby the terms of the lease, the buildings, and other improvements will become the property of the state at the expiration of the lease. For any facility that is bid and built under the authority of requests for proposals made by the Correctional Privatization Commission between December 1993 and October 1994 and that is operated by a private vendor, a payment in lieu of taxes, from funds appropriated for the Correctional Privatization Commission, shall be paid until the expiration of the lease to local taxing authorities in the local government in which the facility is located in an amount equal to the ad valorem taxes assessed by counties, municipalities, school districts, and special districts.*

Section 14. Subsections (2) and (7) of section 957.06, Florida Statutes, are amended to read:

957.06 Powers and duties not delegable to contractor.—A contract entered into under this chapter does not authorize, allow, or imply a delegation of authority to the contractor to:

(2) Choose the facility to which an inmate is initially assigned or subsequently transferred. The contractor may request, in writing, that an inmate be transferred to a facility operated by the department. The Department of Management Services commission, the contractor, and a representative of the department shall develop and implement a cooperative agreement for transferring inmates between a correctional facility operated by the department and a private correctional facility. The department, the Department of Management Services commission, and the contractor must comply with the cooperative agreement.

(7) Develop and implement requirements that inmates engage in any type of work, except to the extent that those requirements are accepted by the commission.

Section 15. Subsection (1) and paragraph (d) of subsection (5) of section 957.07, Florida Statutes, are amended to read:

957.07 Cost-saving requirements.—

(1) The *Department of Management Services* ~~commission~~ may not enter into a contract or series of contracts unless the *department* ~~commission~~ determines that the contract or series of contracts in total for the facility will result in a cost savings to the state of at least 7 percent over the public provision of a similar facility. Such cost savings as determined by the *Department of Management Services* ~~commission~~ must be based upon the actual costs associated with the construction and operation of similar facilities or services as determined by the Department of Corrections and certified by the Auditor General. The Department of Corrections shall calculate all of the cost components that determine the inmate per diem in correctional facilities of a substantially similar size, type, and location that are operated by the *Department of Corrections*, including administrative costs associated with central administration. Services that are provided to the *Department of Corrections* by other governmental agencies at no direct cost to the department shall be assigned an equivalent cost and included in the per diem.

(5)

(d) If a private vendor chooses not to renew the contract at the appropriated level, the *Department of Management Services* ~~commission~~ shall terminate the contract as provided in s. 957.14.

Section 16. Section 957.08, Florida Statutes, is amended to read:

957.08 Capacity requirements.—The *Department of Corrections* shall transfer and assign prisoners, ~~at a rate to be determined by the commission~~, to each private correctional facility opened pursuant to this chapter in an amount not less than 90 percent or more than 100 percent of the capacity of the facility pursuant to the contract with the *Department of Management Services* ~~commission~~. The prisoners transferred by the *Department of Corrections* shall represent a cross section of the general inmate population, based on the grade of custody or the offense of conviction, at the most comparable facility operated by the department.

Section 17. Subsection (2) of section 957.13, Florida Statutes, is amended to read:

957.13 Background checks.—

(2) The Florida Department of Law Enforcement may, to the extent provided for by federal law, *provide for the exchange of state, multistate, and federal criminal history records of individuals who apply for employment at a private correctional facility with the Correctional Privatization Commission* for the purpose of conducting background checks as required by *law or contract* ~~the commission~~.

Section 18. Section 957.14, Florida Statutes, is amended to read:

957.14 Contract termination and control of a correctional facility by the department.—A detailed plan shall be provided by a private vendor under which the department shall assume temporary control of a private correctional facility upon termination of the contract. The *Department of Management Services* ~~commission~~ may terminate the contract with cause after written notice of material deficiencies and after 60 workdays in order to correct the material deficiencies. If any event occurs that involves the noncompliance with or violation of contract terms and that presents a serious threat to the safety, health, or security of the inmates, employees, or the public, the department may temporarily assume control of the private correctional facility, with the approval of the *Department of Management Services* ~~commission~~. A plan shall also be provided by a private vendor for the purchase and temporary assumption of operations of a correctional facility by the department in the event of bankruptcy or the financial insolvency of the private vendor. The private vendor shall provide an emergency plan to address inmate disturbances, employee work stoppages, strikes, or other serious events in accordance with standards of the American Correctional Association.

Section 19. Section 957.15, Florida Statutes, is amended to read:

957.15 Funding of contracts for operation, maintenance, and lease-purchase of private correctional facilities.—The request for appropriation of funds to make payments pursuant to contracts entered into by the

Department of Management Services ~~commission~~ for the operation, maintenance, and lease-purchase of the private correctional facilities authorized by this chapter shall be made by the *Department of Management Services* ~~commission~~ in a request to the department. The department shall include such request in its budget request to the Legislature as a separately identified item and shall forward the request of the *Department of Management Services* ~~commission~~ without change. After an appropriation has been made by the Legislature to the department for the *private correctional facilities* ~~commission~~, the department shall have no authority over such funds other than to pay from such appropriation to the appropriate private vendor such amounts as are certified for payment by the *Department of Management Services* ~~commission~~.

Section 20. Section 957.16, Florida Statutes, is amended to read:

957.16 Expanding capacity.—The *Department of Management Services* ~~commission~~ is authorized to modify and execute agreements with contractors to expand up to the total capacity of contracted correctional facilities. Total capacity means the design capacity of all contracted correctional facilities increased by one-half as described under s. 944.023(1)(b). Any additional beds authorized under this section must comply with the cost-saving requirements set forth in s. 957.07. Any additional beds authorized as a result of expanded capacity under this section are contingent upon specified appropriations.

Section 21. This act shall take effect July 1, 2004.

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 operational authority for state correctional facilities; amending s. 20.315, F.S., relating to the Florida Corrections Commission; requiring the commission to resolve certain disputes between the Department of Corrections and a contractor; deleting obsolete provisions concerning the staff of the commission; amending s. 287.042, F.S.; authorizing the Department of Management Services to enter into certain contracts, acquire contractual rights and obligations, and manage and enforce compliance with contracts of the Correctional Privatization Commission; amending s. 394.9151, F.S.; authorizing the Department of Children and Family Services to contract with the Department of Management Services for the operation of facilities for sexually violent predators; amending s. 943.13, F.S., relating to the qualifications for correctional officers; conforming provisions to changes made by the act; amending ss. 944.02, 944.115, 944.72, 944.8041, and 945.215, F.S., relating to the state correctional system; requiring the Department of Management Services to assume the duties and responsibilities of the Correctional Privatization Commission; amending s. 957.01, F.S.; redesignating ch. 957, F.S., as the "Correctional Privatization Act"; amending ss. 957.02, 957.04, 957.06, 957.07, 957.08, 957.13, 957.14, 957.15, and 957.16, F.S., and repealing s. 957.03, F.S.; providing contract requirements for the Department of Management Services with respect to the operation of private correctional facilities; specifying duties of the Florida Corrections Commission; providing for the Department of Management Services to be the successor agency to the Correctional Privatization Commission with respect to contracts under ch. 957, F.S., which are in effect on a specified date; requiring certain cooperative agreements between the Department of Management Services, contractors, and the Department of Corrections; specifying duties of the Department of Management Services with respect to the operation, maintenance, and lease-purchase of private correctional facilities and contract termination; providing for the modification and execution of agreements with contractors to conform to changes made by the act; providing an effective date.

On motions by Senator Clary, by two-thirds vote **HB 1875** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Clary	Garcia
Alexander	Constantine	Geller
Argenziano	Cowin	Haridopolos
Aronberg	Crist	Hill
Atwater	Dawson	Jones
Bennett	Diaz de la Portilla	Klein
Campbell	Dockery	Lawson
Carlton	Fasano	Lee

Lynn	Pruitt	Villalobos
Margolis	Saunders	Wasserman Schultz
Miller	Sebesta	Webster
Peaden	Siplin	Wilson
Posey	Smith	Wise

Nays—None

CS for SB 1270—A bill to be entitled An act relating to the Pari-mutuel Wagering Trust Fund; amending s. 550.135, F.S.; revising the amount of unappropriated trust fund moneys required to be transferred to the credit of the General Revenue Fund; providing an effective date.

—was read the third time by title.

On motions by Senator Clary, **CS for SB 1270** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Peaden
Alexander	Fasano	Posey
Argenziano	Garcia	Pruitt
Aronberg	Geller	Saunders
Atwater	Haridopolos	Sebesta
Bennett	Hill	Siplin
Campbell	Jones	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

On motion by Senator Clary, by two-thirds vote **HB 1861** was withdrawn from the Committees on Finance and Taxation; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

On motion by Senator Clary, the rules were waived and by two-thirds vote—

HB 1861—A bill to be entitled An act relating to Department of Revenue forms; amending s. 195.022, F.S.; limiting the responsibility of the Department of Revenue to furnish certain ad valorem tax forms to specified local officials; requiring certain counties to reproduce the forms; providing an effective date.

—a companion measure, was substituted for **CS for SB 1272** and by two-thirds vote read the second time by title.

Senator Clary moved the following amendment which was adopted:

Amendment 1 (870310)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 195.022, Florida Statutes, as amended by section 71 of chapter 2003-399, Laws of Florida, is amended to read:

195.022 Forms to be prescribed by Department of Revenue.—The Department of Revenue shall prescribe and furnish all forms to be used by property appraisers, tax collectors, clerks of the circuit court, and value adjustment boards in administering and collecting ad valorem taxes. The department shall prescribe a form for each purpose. *For counties with a population of 100,000 or fewer, the Department of Revenue shall furnish the forms. For counties with a population greater than 100,000, the county officer shall reproduce forms for distribution at the expense of his or her office.* A county officer may use a form other than the form prescribed by the department, but only at the expense of his or her office and upon obtaining written permission from the executive director of the department; however, provided that no county officer shall use a form the substantive content of which is at variance with the form prescribed by the department for the same or a similar purpose. If the executive director finds good cause to grant such permission he or she

may do so. The county officer may continue to use such approved form until the law which specifies the form is amended or repealed or until the officer receives written disapproval from the executive director. Otherwise, all such officers and their employees shall use the forms, and follow the instructions applicable to the forms, *which are prescribed furnished to them* by the department. The department, upon request of any property appraiser or, in any event, at least once every 3 years, shall prescribe and furnish such aerial photographs and nonproperty ownership maps to the property appraisers as are necessary to ensure that all real property within the state is properly listed on the roll. All forms and maps furnished by the department shall be paid for by the department as provided by law. All forms and maps and instructions relating to their use shall be substantially uniform throughout the state. An officer may employ supplemental forms and maps, at the expense of his or her office, which he or she deems expedient for the purpose of administering and collecting ad valorem taxes. The forms required in ss. 193.461(3)(a) and 196.011(1) for renewal purposes shall require sufficient information for the property appraiser to evaluate the changes in use since the prior year. If the property appraiser determines, in the case of a taxpayer, that he or she has insufficient current information upon which to approve the exemption, or if the information on the renewal form is inadequate for him or her to evaluate the taxable status of the property, he or she may require the resubmission of an original application.

Section 2. This act shall take effect July 1, 2004.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to state revenue programs; amending s. 195.022, F.S.; limiting the responsibility of the Department of Revenue to furnish certain ad valorem tax forms to specified local officials; requiring certain counties to reproduce the forms; providing an effective date.

On motions by Senator Clary, by two-thirds vote **HB 1861** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Saunders
Bennett	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

RECESS

On motion by Senator Lee, the Senate recessed at 11:51 a.m. to reconvene at 12:36 p.m.

AFTERNOON SESSION

The Senate was called to order by President King at 1:03 p.m. A quorum present—39:

Mr. President	Crist	Lawson
Alexander	Dawson	Lee
Argenziano	Diaz de la Portilla	Lynn
Aronberg	Dockery	Margolis
Atwater	Fasano	Miller
Bennett	Garcia	Peaden
Campbell	Geller	Posey
Carlton	Haridopolos	Pruitt
Clary	Hill	Saunders
Constantine	Jones	Sebesta
Cowin	Klein	Siplin

Smith
Villalobos

Wasserman Schultz
Webster

Wilson
Wise

BILLS ON THIRD READING, continued

CS for SB 1276—A bill to be entitled An act relating to health care; amending s. 216.341, F.S.; clarifying that certain provisions relate to the disbursement of trust funds of the Department of Health, not county health department trust funds; providing that certain limitations on the number of authorized positions do not apply to positions in the Department of Health funded by specified sources; amending s. 400.23, F.S.; reducing the nursing home staffing requirement for certified nursing assistants; amending s. 409.814, F.S., as amended, relating to eligibility for the Florida KidCare program; providing that a child who is otherwise disqualified based on a preexisting medical condition shall be eligible when enrollment is possible; amending s. 409.903, F.S.; amending income levels that determine the eligibility of pregnant women and children under 1 year of age for mandatory medical assistance; amending s. 409.904, F.S.; clarifying Medicaid recipients' responsibility for the cost of nursing home care; providing limitations on the care available to certain persons under "medically needy" coverage; amending income levels that determine the eligibility of children under 1 year of age for optional medical assistance; amending s. 409.905, F.S.; deleting an obsolete reference; establishing a utilization-management program for private duty nursing for children and hospital neonatal intensive-care stays; establishing a hospitalist program; eliminating transportation services for nondisabled beneficiaries; authorizing the Agency for Health Care Administration to contract for transportation services; amending s. 409.906, F.S.; allowing the consolidation of certain services; authorizing the implementation of a home-based and community-based services utilization-management program; specifying the income standard for hospice care; amending s. 409.9065, F.S.; allowing the Agency for Health Care Administration to operate a limited pharmaceutical expense assistance program under specified conditions; providing limitations on benefits under the program; providing for copayments; amending s. 409.907, F.S.; clarifying that Medicaid provider network status is not an entitlement; amending s. 409.911, F.S.; establishing the Medicaid Disproportionate Share Council; amending s. 409.912, F.S.; reducing payment for pharmaceutical ingredient prices; expanding the existing pharmaceutical supplemental rebate threshold to a minimum of 27 percent; authorizing a return and reuse prescription drug program; allowing for utilization management and prior authorization for certain categories of drugs; limiting allowable monthly dosing of drugs that enhance or enable sexual performance; modifying Medicaid prescribed drug coverage to allow for preferred daily dosages of certain select pharmaceuticals; authorizing a prior-authorization program for the off-label use of Medicaid prescribed pharmaceuticals; adopting an algorithm-based treatment protocol for select mental health disorders; requiring the agency to implement a behavioral health drug management program financed through an agreement with pharmaceutical manufacturers; providing contract requirements and program requirements; providing for application of certain drug limits and prior-authorization requirements if the agency is unable to negotiate a contract; allowing for limitation of the Medicaid provider networks; amending s. 409.9122, F.S.; revising prerequisites to mandatory assignment; specifying managed care enrollment in certain areas of the state; requiring certain Medicaid applicants to select a managed care plan at the time of application; eliminating the exclusion of special hospital payments from rates for health maintenance organizations; providing technical updates; amending ss. 430.204 and 430.205, F.S.; rescinding the expiration of certain funding provisions relating to community-care-for-the-elderly core services and to the community care service system; amending s. 624.91, F.S., the Florida Healthy Kids Corporation Act; deleting certain eligibility requirements for state-funded assistance in paying premiums for the Florida Healthy Kids program; requiring purchases to be made in a manner consistent with delivering accessible medical care; providing an effective date.

—as amended April 1 was read the third time by title.

Senators Siplin, Klein, Wilson, Dawson and Miller offered the following amendment which was moved by Senator Siplin:

Amendment 1 (205376)—On page 10, lines 12-15, delete those lines and insert:

(a) Proof of family income.

On motion by Senator Peaden, further consideration of **CS for SB 1276** with pending **Amendment 1 (205376)** was deferred.

CS for SB 1278—A bill to be entitled An act relating to the Biomedical Research Trust Fund in the Department of Health; amending s. 17.41, F.S.; requiring the Department of Financial Services to disburse certain funds from the Tobacco Settlement Clearing Trust Fund to the Biomedical Research Trust Fund; amending s. 20.435, F.S.; authorizing the Department of Health to provide for the investment of funds in the Biomedical Research Trust Fund; authorizing the Governor to certify undisbursed funds for a specified period following appropriation; amending s. 215.5601, F.S.; providing requirements for the management of unencumbered balances in the trust fund, to conform; providing an effective date.

—was read the third time by title.

On motions by Senator Peaden, **CS for SB 1278** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Campbell	Hill	Smith
Carlton	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—None

Vote after roll call:

Yea—Lawson

On motion by Senator Peaden, by two-thirds vote **HB 1845** was withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; Appropriations; and Rules and Calendar.

On motion by Senator Peaden, by two-thirds vote—

HB 1845—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 20.04, F.S.; providing the location for program offices within the organizational structure of certain departments; amending s. 20.19, F.S.; providing authority to the Secretary of Children and Family Services to ensure the mission of the department is fulfilled; removing the requirement that the secretary appoint a deputy secretary; removing the requirement that such deputy secretary act as secretary in the absence of the secretary; providing additional duties for certain assistant secretaries; requiring the secretary to appoint certain additional assistant secretaries; providing responsibilities; establishing additional program offices; deleting certain program offices; creating certain zones; requiring the secretary to appoint zone directors; providing responsibilities; amending ss. 39.01, 216.177, 394.78, 394.9082, and 409.16745, F.S.; correcting cross references; providing an effective date.

—a companion measure, was substituted for **CS for SB 1282** and by two-thirds vote read the second time by title.

Senator Peaden moved the following amendment which was adopted:

Amendment 1 (951006)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 20.04, Florida Statutes, is amended to read:

20.04 Structure of executive branch.—The executive branch of state government is structured as follows:

(1) The department is the principal administrative unit of the executive branch. Each department must bear a title beginning with the words "State of Florida" and continuing with "Department of"

(2) For field operations, departments may establish district or area offices that combine division, bureau, section, and subsection functions.

(3) *Except as otherwise provided in subsections (4), (5), and (6) For their internal structure, all departments, except for the Department of Financial Services, the Department of Children and Family Services, the Department of Corrections, the Department of Management Services, and the Department of Revenue, and the Department of Transportation, must adhere to the following standard terms for their internal structure:*

(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."

(4) Within the Department of Children and Family Services there may also be are organizational units called "program offices," headed by program directors. *Program offices shall be below a division but above a bureau.*

(5) Within the Department of Corrections the principal policy and program development unit of the department is the "office." Each "office" is headed by a director.

(6) Within the Department of Transportation the principal policy and program development unit of the department is the "office." Each "office" is headed by a director.

(7)(a) Unless specifically authorized by law, the head of a department may not reallocate duties and functions specifically assigned by law to a specific unit of the department. Those functions or agencies assigned generally to the department without specific designation to a unit of the department may be allocated and reallocated to a unit of the department at the discretion of the head of the department.

(b) Within the limitations of this subsection, the head of the department may recommend the establishment of additional divisions, bureaus, sections, and subsections of the department to promote efficient and effective operation of the department. However, additional divisions, or offices in the Department of Children and Family Services, the Department of Corrections, and the Department of Transportation, may be established only by specific statutory enactment. New *program offices*, bureaus, sections, and subsections of departments may be initiated by a department and established as recommended by the Department of Management Services and approved by the Executive Office of the Governor, or may be established by specific statutory enactment.

(c) For the purposes of such recommendations and approvals, the Department of Management Services and the Executive Office of the Governor, respectively, must adopt and apply specific criteria for assessing the appropriateness of all reorganization requests from agencies. The criteria must be applied to future agency requests for reorganization and must be used to review the appropriateness of bureaus currently in existence. Any current bureau that does not meet the criteria for a bureau must be reorganized into a section or other appropriate unit.

(8) The Executive Office of the Governor must maintain a current organizational chart of each agency of the executive branch, which must identify all divisions, *program offices*, bureaus, units, and subunits of the agency. Agencies must submit such organizational charts in accordance with guidelines established by the Executive Office of the Governor.

Section 2. Section 20.19, Florida Statutes, is amended to read:

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

(1) MISSION AND PURPOSE.—

(a) The mission of the department of ~~Children and Family Services~~ is to work in partnership with local communities to ensure the safety, well-being, and self-sufficiency of the people served.

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

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

(2) SECRETARY OF CHILDREN AND FAMILY SERVICES; DEPUTY SECRETARY.—

(a) The head of the department is the Secretary of Children and Family Services. The secretary is appointed by the Governor, subject to confirmation by the Senate. The secretary serves at the pleasure of the Governor.

(b) The secretary shall appoint a deputy secretary who shall *perform act in the absence of the secretary. The deputy secretary is directly responsible to the secretary, performs such duties as are assigned by the secretary, and serve serves* at the pleasure of the secretary.

~~(3)(e)1.~~ ASSISTANT SECRETARY FOR SUBSTANCE ABUSE AND MENTAL HEALTH.— The secretary shall appoint an Assistant Secretary for the Division of Substance Abuse and Mental Health. The assistant secretary shall ~~serve at the pleasure of the secretary and must have expertise in both areas of responsibility and shall supervise the department's substance abuse and mental health programs.~~

2. The secretary shall *also* appoint a Program Director for Substance Abuse and a Program Director for Mental Health who have the requisite expertise and experience in their respective fields to ~~head the state's substance abuse and mental health programs.~~

~~(a)1.~~ Each program director shall have line authority over all district substance abuse and mental health program management staff.

~~(b)1.~~ The assistant secretary shall enter into a memorandum of understanding with each district or region administrator, ~~which must be approved by the secretary or the secretary's designee, describing the working relationships within each geographic area.~~

~~(c)1.~~ The mental health institutions shall report to the Program Director for Mental Health.

~~(d)1.~~ Each program director shall have direct control over the program's budget and contracts for services. Support staff necessary to manage budget and contracting functions within the department shall be placed under the supervision of the program directors.

~~(e)1.~~ The secretary has the authority and responsibility to ensure that the mission of the department is fulfilled in accordance with state and federal laws, rules, and regulations.

~~(3)2.~~ PROGRAM DIRECTORS.—The secretary shall appoint program directors who serve at the pleasure of the secretary. The secretary may delegate to the program directors responsibilities for the management, policy, program, and fiscal functions of the department.

~~(4)2.~~ ASSISTANT SECRETARY FOR PROGRAMS PROGRAM OFFICES AND SUPPORT OFFICES.—

(a) The secretary shall appoint an Assistant Secretary for the Division of Programs. *Except for Mental Health and Substance Abuse, the assistant secretary shall supervise all department program offices. The department is authorized to establish program offices and support offices, each of which shall be headed by a director or other management position who shall be appointed by and serves at the pleasure of the secretary.*

(b) The following program offices *shall be* are established:

1. Adult Services.

2. Child Care Services.
3. Developmental Disabilities.
4. Economic Self-Sufficiency Services.
5. Family Safety.
- ~~6. Mental Health.~~
- ~~6.7. Refugee Services.~~
- ~~8. Substance Abuse.~~

(c) Program offices and support offices may be consolidated, restructured, or rearranged by the secretary, in consultation with the Executive Office of the Governor, provided any such consolidation, restructuring, or rearranging is capable of meeting functions and activities and achieving outcomes as delineated in state and federal laws, rules, and regulations. The secretary may appoint additional managers and administrators as he or she determines are necessary for the effective management of the department.

(5) *ASSISTANT SECRETARY FOR ADMINISTRATION.*—*The secretary shall appoint an Assistant Secretary for the Division of Administration. The assistant secretary shall be responsible for all administrative, financial, and budget functions of the department.*

(6) *ASSISTANT SECRETARY FOR OPERATIONS.*—*The secretary shall appoint an Assistant Secretary for the Division of Operations. The assistant secretary shall be responsible for the management and operation of the department's zones and districts.*

(7)(~~6~~) *ZONES AND SERVICE DISTRICTS.*—

(a) The department shall plan and administer its programs of family services through *zones, service districts, and subdistricts* composed of the following counties:

1. *Panhandle Zone.*—

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

~~b.2.~~ District 2, Subdistrict A.—Holmes, Washington, Bay, Jackson, Calhoun, and Gulf Counties.

~~c.3.~~ District 2, Subdistrict B.—Gadsden, Liberty, Franklin, Leon, Wakulla, Jefferson, Madison, and Taylor Counties.

2. *Northeast Zone.*—

~~a.4.~~ District 3.—Hamilton, Suwannee, Lafayette, Dixie, Columbia, Gilchrist, Levy, Union, Bradford, Putnam, and Alachua Counties.

~~b.5.~~ District 4.—Baker, Nassau, Duval, Clay, and St. Johns Counties.

~~c.~~ *District 12.—Flagler and Volusia Counties.*

3. *The Suncoast Zone.*—

~~a.6.~~ District 5.—Pasco and Pinellas Counties.

~~b.7.~~ District 6.—Hillsborough and Manatee Counties.

4. *Central Zone.*—

~~a.8.~~ District 7, Subdistrict A.—Seminole, Orange, and Osceola Counties.

~~b.9.~~ District 7, Subdistrict B.—Brevard County.

~~c.~~ *District 13.—Marion, Citrus, Hernando, Sumter, and Lake Counties.*

~~d.~~ *District 14.—Polk, Hardee, and Highlands Counties.*

5. *Southern Zone.*—

~~a.10.~~ District 8, Subdistrict A.—Sarasota and DeSoto Counties.

~~b.11.~~ District 8, Subdistrict B.—Charlotte, Lee, Glades, Hendry, and Collier Counties.

~~c.12.~~ District 9.—Palm Beach County.

~~d.13.~~ District 10.—Broward County.

~~e.~~ *District 15.—Indian River, Okeechobee, St. Lucie, and Martin Counties.*

6. *District 11 Zone.*—

~~a.14.~~ District 11, Subdistrict A.—Miami-Dade County.

~~b.15.~~ District 11, Subdistrict B.—Monroe County.

~~16.~~ *District 12.—Flagler and Volusia Counties.*

~~17.~~ *District 13.—Marion, Citrus, Hernando, Sumter, and Lake Counties.*

~~18.~~ *District 14.—Polk, Hardee, and Highlands Counties.*

~~19.~~ *District 15.—Indian River, Okeechobee, St. Lucie, and Martin Counties.*

(b) *The secretary shall appoint zone directors for each of the zones. The zone directors shall serve at the pleasure of the secretary and be responsible for providing administrative support, including programmatic technical assistance, budget and financial services, data collection and information technology services, and such other duties as assigned by the secretary.*

(c)(~~b~~)1. The secretary shall appoint a district administrator for each of the service districts. The district administrator shall serve at the pleasure of the secretary and *be responsible for the provision of program services and such other* ~~shall perform such~~ duties as assigned by the secretary. Subject to the approval of the secretary, such duties shall include transferring up to 10 percent of the total district budget, the provisions of ss. 216.292 and 216.351 notwithstanding.

2. For the *2004-2005* ~~2003-2004~~ fiscal year only, the transfer authority provided in this subsection must be specifically appropriated in the *2004-2005* ~~2003-2004~~ General Appropriations Act and shall be pursuant to the requirements of s. 216.292. This subparagraph expires July 1, *2005* ~~2004~~.

(c) Each fiscal year the secretary shall, in consultation with the relevant employee representatives, develop projections of the number of child abuse and neglect cases and shall include in the department's legislative budget request a specific appropriation for funds and positions for the next fiscal year in order to provide an adequate number of full-time equivalent:

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

2. Child protection case workers so that caseloads do not exceed the Child Welfare League Standards by more than two cases.

(8)(~~6~~) *COMMUNITY ALLIANCES.*—

(a) The department shall, in consultation with local communities, establish a community alliance of the stakeholders, community leaders, client representatives and funders of human services in each county to provide a focal point for community participation and governance of community-based services. An alliance may cover more than one county when such arrangement is determined to provide for more effective representation. The community alliance shall represent the diversity of the community.

(b) The duties of the community alliance shall include, but not necessarily be limited to:

1. Joint planning for resource utilization in the community, including resources appropriated to the department and any funds that local funding sources choose to provide.

2. Needs assessment and establishment of community priorities for service delivery.

3. Determining community outcome goals to supplement state-required outcomes.

4. Serving as a catalyst for community resource development.

5. Providing for community education and advocacy on issues related to delivery of services.

6. Promoting prevention and early intervention services.

(c) The department shall ensure, to the greatest extent possible, that the formation of each community alliance builds on the strengths of the existing community human services infrastructure.

(d) The initial membership of the community alliance in a county shall be composed of the following:

1. The district administrator.
2. A representative from county government.
3. A representative from the school district.
4. A representative from the county United Way.
5. A representative from the county sheriff's office.
6. A representative from the circuit court corresponding to the county.
7. A representative from the county children's board, if one exists.

(e) At any time after the initial meeting of the community alliance, the community alliance shall adopt bylaws and may increase the membership of the alliance to include the state attorney for the judicial circuit in which the community alliance is located, or his or her designee, the public defender for the judicial circuit in which the community alliance is located, or his or her designee, and other individuals and organizations who represent funding organizations, are community leaders, have knowledge of community-based service issues, or otherwise represent perspectives that will enable them to accomplish the duties listed in paragraph (b), if, in the judgment of the alliance, such change is necessary to adequately represent the diversity of the population within the community alliance service districts.

(f) Members of the community alliances shall serve without compensation, but are entitled to receive reimbursement for per diem and travel expenses, as provided in s. 112.061. Payment may also be authorized for preapproved child care expenses or lost wages for members who are consumers of the department's services and for preapproved child care expenses for other members who demonstrate hardship.

(g) Members of a community alliance are subject to the provisions of part III of chapter 112, the Code of Ethics for Public Officers and Employees.

(h) Actions taken by a community alliance must be consistent with department policy and state and federal laws, rules, and regulations.

(i) Alliance members shall annually submit a disclosure statement of services interests to the department's inspector general. Any member who has an interest in a matter under consideration by the alliance must abstain from voting on that matter.

(j) All alliance meetings are open to the public pursuant to s. 286.011 and the public records provision of s. 119.07(1).

~~(9)(7)~~ **PROTOTYPE REGION.**—

(a) Notwithstanding the provisions of this section, the department may consolidate the management and administrative structure or function of the geographic area that includes the counties in the sixth, twelfth, and thirteenth judicial circuits as defined in s. 26.021. The department shall evaluate the efficiency and effectiveness of the operation of the prototype region and upon a determination that there has been a demonstrated improvement in management and oversight of services or cost savings from more efficient administration of services,

the secretary may consolidate management and administration of additional areas of the state. Any such additional consolidation shall comply with the provisions of subsection (7) ~~(5)~~ unless legislative authorization to the contrary is provided.

(b) Within the prototype region, the budget transfer authority defined in paragraph (7)(b) ~~(5)(b)~~ shall apply to the consolidated geographic area.

(c) The department is authorized to contract for children's services with a lead agency in each county of the prototype area, except that the lead agency contract may cover more than one county when it is determined that such coverage will provide more effective or efficient services. The duties of the lead agency shall include, but not necessarily be limited to:

1. Directing and coordinating the program and children's services within the scope of its contract.
2. Providing or contracting for the provision of core services, including intake and eligibility, assessment, service planning, and case management.
3. Creating a service provider network capable of delivering the services contained in client service plans, which shall include identifying the necessary services, the necessary volume of services, and possible utilization patterns and negotiating rates and expectations with providers.
4. Managing and monitoring of provider contracts and subcontracts.
5. Developing and implementing an effective bill payment mechanism to ensure all providers are paid in a timely fashion.
6. Providing or arranging for administrative services necessary to support service delivery.
7. Utilizing departmentally approved training and meeting departmentally defined credentials and standards.
8. Providing for performance measurement in accordance with the department's quality assurance program and providing for quality improvement and performance measurement.
9. Developing and maintaining effective interagency collaboration to optimize service delivery.
10. Ensuring that all federal and state reporting requirements are met.
11. Operating a consumer complaint and grievance process.
12. Ensuring that services are coordinated and not duplicated with other major payors, such as the local schools and Medicaid.
13. Any other duties or responsibilities defined in s. 409.1671 related to community-based care.

~~(10)(8)~~ **CONSULTATION WITH COUNTIES ON MANDATED PROGRAMS.**—It is the intent of the Legislature that when county governments are required by law to participate in the funding of programs, the department shall consult with designated representatives of county governments in developing policies and service delivery plans for those programs.

~~(11)(9)~~ **PROCUREMENT OF HEALTH SERVICES.**—Nothing contained in chapter 287 shall require competitive bids for health services involving examination, diagnosis, or treatment.

Section 3. This act shall take effect July 1, 2004.

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 structure of the executive branch of government; amending s. 20.04, F.S.; revising requirements for the internal structure of specified agencies; amending s. 20.19, F.S.; providing for deputy secretaries and assistant secretaries within the Department of Children and Family Services; specifying duties of the assistant secretaries; providing for the service areas of the department to be organized

into zones and districts rather than service districts; requiring the secretary of the department to appoint a zone director for each zone; specifying duties of the zone directors; continuing for an additional fiscal year certain transfer authority of the secretary of the department; providing an effective date.

On motions by Senator Peaden, by two-thirds vote **HB 1845** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Campbell	Hill	Smith
Carlton	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—None

Vote after roll call:

Yea—Lawson

On motion by Senator Webster, by two-thirds vote **HB 1855** was withdrawn from the Committees on Finance and Taxation; and Appropriations Subcommittee on Transportation and Economic Development; Appropriations; and Rules and Calendar.

On motion by Senator Webster, the rules were waived and by two-thirds vote—

HB 1855—A bill to be entitled An act relating to the Department of State; transferring the provision of assistance and facilities to the Organization of American States, state protocol officer functions, international development outreach activities in Latin America and the Caribbean Basin, the Florida Intergovernmental Relations Foundation, and intergovernmental relations functions by a type two transfer from the Department of State to the Executive Office of the Governor; excluding the transfer of certain trust funds; transferring linkage institutes between postsecondary institutions in this state and foreign countries by a type two transfer from the Department of State to the Department of Education; excluding the transfer of certain trust funds; amending s. 14.2015, F.S.; providing for the performance of state protocol officer functions and the provision of assistance and facilities to the Organization of American States by the Office of Tourism, Trade, and Economic Development; repealing ss. 15.17 and 15.19, F.S., relating to the provision of assistance and facilities to the Organization of American States and the performance of state protocol officer functions; amending s. 15.182, F.S.; providing for notification of the Office of Tourism, Trade, and Economic Development regarding international travel by certain cultural arts organizations; amending ss. 288.0251, 288.809, and 288.816, F.S., relating to international development outreach activities in Latin America and the Caribbean Basin, the Florida Intergovernmental Relations Foundation, and intergovernmental relations, to conform; amending s. 288.8175, F.S.; redefining “department” for purposes of linkage institutes between postsecondary institutions in this state and foreign countries; providing an effective date.

—a companion measure, was substituted for **CS for SB 1284** and by two-thirds vote read the second time by title.

Senator Webster moved the following amendment which was adopted:

Amendment 1 (681168)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *The following programs, functions, and activities, including all statutory powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other*

funds associated with the identified program, function, or activity are transferred intact by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of State to the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor:

(1) *The Intergovernmental Relations Foundation, as authorized and governed by section 288.809, Florida Statutes;*

(2) *Intergovernmental relations, as authorized and governed by section 288.816, Florida Statutes; and*

(3) *The Organization of American States, as authorized and governed by section 15.17, Florida Statutes.*

Section 2. *Section 15.17, Florida Statutes, is repealed.*

Section 3. Subsection (10) is added to section 14.2015, Florida Statutes, to read:

14.2015 Office of Tourism, Trade, and Economic Development; creation; powers and duties.—

(10) *The Office of Tourism, Trade, and Economic Development may provide assistance and facilities to the Organization of American States in establishing and maintaining a regional headquarters in this state.*

Section 4. Subsections (1), (3), (6), (10), and (11) of section 288.063, Florida Statutes, are amended to read:

288.063 Contracts for transportation projects.—

(1) The Office of Tourism, Trade, and Economic Development is authorized to make, and based on a recommendation from Enterprise Florida, Inc., and the Department of Transportation, to approve, expenditures and enter into contracts for direct costs of transportation projects with the appropriate governmental body. The Office of Tourism, Trade, and Economic Development has final approval authority for any project under this section.

(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 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. *A portion of the funds appropriated under this section shall initially be allocated to each of the districts of the Department of Transportation to ensure equitable geographical distribution. Funds remaining uncommitted by the third quarter of the fiscal year may be reallocated among districts based on pending project requests.*

(6) The Department of Transportation shall review proposed projects to ensure proper coordination with transportation projects included in the adopted work program and shall ~~may~~ be the contracting agency when the project is on the State Highway System. In addition, upon request by the appropriate governmental body, the department may advise and assist it or plan and construct other such transportation projects for it.

(10)(a) ~~Notwithstanding the provisions of s. 216.301, funds appropriated for this purpose shall not be subject to reversion.~~

~~(b) For the 2003-2004 fiscal year only and notwithstanding paragraph (a), funds appropriated for this purpose in previous years are subject to the reversion requirements of s. 216.301. This paragraph expires July 1, 2004.~~

~~(10)(11) In addition to the other provisions of this section, projects that the Legislature deems necessary to facilitate the economic development and growth of the state may be designated and funded in the General Appropriations Act. Such transportation projects create new employment opportunities, expand transportation infrastructure, improve mobility, or increase transportation innovation. The Office of Tourism, Trade, and Economic Development shall enter into contracts with, and make expenditures to, the appropriate entities for the costs of transportation projects designated in the General Appropriations Act. This subsection expires July 1, 2003.~~

Section 5. Paragraph (a) of subsection (1) and subsections (2) and (3) of section 288.809, Florida Statutes, are amended to read:

288.809 Florida Intergovernmental Relations Foundation; use of property; board of directors; audit.—

(1) DEFINITIONS.—For the purposes of this section, the term:

(a) “Florida Intergovernmental Relations Foundation” means a direct-support organization:

1. Which is a corporation not for profit that is incorporated under the provisions of chapter 617 and approved by the Department of State;

2. Which is organized and operated exclusively to solicit, receive, hold, invest, and administer property and, subject to the approval of the *Office of Tourism, Trade, and Economic Development* Department of State, to make expenditures to or for the promotion of intergovernmental relations programs; and

3. Which the *Office of Tourism, Trade, and Economic Development* Department of State, after review, has certified to be operating in a manner consistent with the policies and goals of the *Office of Tourism, Trade, and Economic Development* department.

(2) USE OF PROPERTY.—The *Office of Tourism, Trade, and Economic Development* department:

(a) Is authorized to permit the use of property, facilities, and personal services of the *Office of Tourism, Trade, and Economic Development* department by the foundation, subject to the provisions of this section.

(b) Shall prescribe conditions with which the foundation must comply in order to use property, facilities, or personal services of the *Office of Tourism, Trade, and Economic Development* department. Such conditions shall provide for budget and audit review and for oversight by the *Office of Tourism, Trade, and Economic Development* department.

(c) Shall not permit the use of property, facilities, or personal services of the foundation if the foundation does not provide equal employment opportunities to all persons, regardless of race, color, national origin, sex, age, or religion.

(3) BOARD OF DIRECTORS.—The board of directors of the foundation shall be composed of seven members appointed by the *Office of Tourism, Trade, and Economic Development* Secretary of State, of whom no more than three shall be employees or elected officials of the state.

Section 6. Section 288.816, Florida Statutes, is amended to read:

288.816 Intergovernmental relations.—

(1) The *Office of Tourism, Trade, and Economic Development* Secretary of State shall be responsible for consular operations and the sister city and sister state program and shall serve as liaison with foreign, federal, and other state international organizations and with county and municipal governments in Florida.

(2) The *Office of Tourism, Trade, and Economic Development* secretary shall be responsible for all consular relations between the state and all foreign governments doing business in Florida. The *Office of Tourism, Trade, and Economic Development* secretary shall monitor United States laws and directives to ensure that all federal treaties regarding

foreign privileges and immunities are properly observed. The *Office of Tourism, Trade, and Economic Development* secretary shall adopt promulgate rules that which shall:

(a) Establish a viable system of registration for foreign government officials residing or having jurisdiction in the state. Emphasis shall be placed on maintaining active communication between the *Office of Tourism, Trade, and Economic Development* secretary and the United States Department of State in order to be currently informed regarding foreign governmental personnel stationed in, or with official responsibilities for, Florida. Active dialogue shall also be maintained with foreign countries which historically have had dealings with Florida in order to keep them informed of the proper procedure for registering with the state.

(b) Maintain and systematically update a current and accurate list of all such foreign governmental officials, consuls, or consulates.

(c) Issue certificates to such foreign governmental officials after verification pursuant to proper investigations through United States Department of State sources and the appropriate foreign government.

(d) Verify entitlement to sales and use tax exemptions pursuant to United States Department of State guidelines and identification methods.

(e) Verify entitlement to issuance of special motor vehicle license plates by the Division of Motor Vehicles of the Department of Highway Safety and Motor Vehicles to honorary consuls or such other officials representing foreign governments who are not entitled to issuance of special Consul Corps license plates by the United States Government.

(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.

(g) Request the Department of Law Enforcement to provide transportation and protection services when necessary pursuant to s. 943.68.

(h) Coordinate, when necessary, special activities between foreign governments and Florida state and local governments. These may include Consular Corps Day, Consular Corps conferences, and various other social, cultural, or educational activities.

(i) Notify all newly arrived foreign governmental officials of the services offered by the *Office of Tourism, Trade, and Economic Development* secretary.

(3) The *Office of Tourism, Trade, and Economic Development* Secretary of State shall operate the sister city and sister state program and establish such new programs as needed to further global understanding through the interchange of people, ideas, and culture between Florida and the world. To accomplish this purpose, the *Office of Tourism, Trade, and Economic Development* secretary shall have the power and authority to:

(a) Coordinate and carry out activities designed to encourage the state and its subdivisions to participate in sister city and sister state affiliations with foreign countries and their subdivisions. Such activities may include a State of Florida sister cities conference.

(b) Encourage cooperation with and disseminate information pertaining to the Sister Cities International Program and any other program whose object is to promote linkages with foreign countries and their subdivisions.

(c) Maximize any aid available from all levels of government, public and private agencies, and other entities to facilitate such activities.

(d) Establish a viable system of registration for sister city and sister state affiliations between the state and foreign countries and their subdivisions. Such system shall include a method to determine that sufficient ties are properly established as well as a method to supervise how these ties are maintained.

(e) Maintain a current and accurate listing of all such affiliations. Sister city affiliations shall not be discouraged between the state and any country specified in s. 620(f)(1) of the federal Foreign Assistance Act of 1961, as amended, with whom the United States is currently conducting diplomatic relations unless a mandate from the United States Government expressly prohibits such affiliations.

(4) The *Office of Tourism, Trade, and Economic Development Secretary of State* shall serve as a contact for the state with the Florida Washington Office, the Florida Congressional Delegation, and United States Government agencies with respect to laws or policies which may affect the interests of the state in the area of international relations. All inquiries received regarding international economic trade development or reverse investment opportunities shall be referred to Enterprise Florida, Inc. In addition, the *Office of Tourism, Trade, and Economic Development Secretary* shall serve as liaison with other states with respect to international programs of interest to Florida. The *Office of Tourism, Trade, and Economic Development Secretary* shall also investigate and make suggestions regarding possible areas of joint action or regional cooperation with these states.

(5) The *Office of Tourism, Trade, and Economic Development Secretary of State* shall have the power and duty to encourage the relocation to Florida of consular offices and multilateral and international agencies and organizations.

(6) The *Office of Tourism, Trade, and Economic Development Secretary of State*, through membership on the board of directors of Enterprise Florida, Inc., shall help to contribute an international perspective to the state's development efforts.

Section 7. This act shall take effect July 1, 2004.

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 Office of Tourism, Trade, and Economic Development; transferring the programs, functions, powers, duties, rules, records, personnel, property, and balances of appropriations and other funds of the Intergovernmental Relations Foundation and the Organization of American States from the Department of State to the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor; repealing s. 15.17, F.S., relating to the Organization of American States; amending s. 14.2015, F.S., relating to the powers and duties of the Office of Tourism, Trade, and Economic Development, to conform; amending s. 288.063, F.S.; revising requirements for the office in approving projects and expenditures and in allocating funds for transportation projects to expand and retain employment opportunities in the state; deleting obsolete provisions; amending ss. 288.809 and 288.816, F.S., relating to the Florida Intergovernmental Relations Foundation; conforming provisions to the transfer of programs and duties made by the act; providing an effective date.

On motions by Senator Webster, by two-thirds vote **HB 1855** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peadar
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Saunders
Bennett	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

On motion by Senator Webster, by two-thirds vote **HB 1857** was withdrawn from the Committees on Appropriations Subcommittee on Transportation and Economic Development; Appropriations; and Rules and Calendar.

On motion by Senator Webster, by two-thirds vote—

HB 1857—A bill to be entitled An act relating to the Department of Community Affairs; transferring the state energy program and the

Clean Fuel Florida Advisory Board by type two transfer from the Department of Community Affairs to the Department of Environmental Protection; amending s. 20.18, F.S.; removing responsibility of the Department of Community Affairs for state energy policy; amending s. 20.255, F.S.; assigning responsibility for the state energy policy to the Department of Environmental Protection; amending s. 163.03, F.S.; removing authority of the Department of Community Affairs for the Coastal Energy Impact Program; amending ss. 288.041, 377.603, 377.701, and 403.42, F.S.; transferring duties of the Department of Community Affairs relating to the solar energy industry, energy data collection, petroleum allocation, and the Clean Fuel Florida Advisory Board to the Department of Environmental Protection; amending s. 288.95155, F.S.; deleting an obsolete reference; amending s. 377.602, F.S.; revising a definition; amending s. 377.703, F.S.; transferring duties of the Department of Community Affairs relating to additional energy functions and responsibilities to the Department of Environmental Protection; providing for rulemaking; amending s. 420.36, F.S.; funding the Low-income Emergency Home Repair Program through the State Housing Trust Fund; transferring the Affordable Housing Catalyst Program by type two transfer from the Department of Community Affairs to the Florida Housing Finance Corporation; excluding the transfer of certain trust funds; amending s. 420.507, F.S.; authorizing the Florida Housing Finance Corporation to provide resources for the Affordable Housing Study Commission; authorizing the Florida Housing Finance Corporation to develop and administer the Affordable Housing Catalyst Program; creating s. 420.531, F.S.; providing that the Affordable Housing Catalyst Program be operated by the Florida Housing Finance Corporation; providing for technical support, formation of partnerships, implementation of regulatory reforms, affordable housing programs within local government comprehensive plans, and compliance with federally funded housing programs; amending s. 420.6015, F.S.; revising legislative findings regarding the Department of Community Affairs' housing programs, to conform; amending s. 420.606, F.S.; removing references to the Affordable Housing Catalyst Program in the training and technical assistance program of the Affordable Housing Planning and Community Assistance Act; amending s. 420.609, F.S.; requiring the Florida Housing Finance Corporation to provide certain resources to the Affordable Housing Study Commission; amending s. 420.9075, F.S.; conforming a reference; providing an effective date.

—a companion measure, was substituted for **CS for SB 1286** and by two-thirds vote read the second time by title.

Senator Webster moved the following amendment which was adopted:

Amendment 1 (504842)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *The Office of Urban Opportunity within the Executive Office of the Governor, as authorized and governed by section 14.2015(9), Florida Statutes, is transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, to the Department of Community Affairs.*

Section 2. *The State Energy Program, as authorized and governed by sections 20.18, 288.041, 377.601-377.608, 377.701, and 377.703, Florida Statutes, and the Clean Fuel Florida Advisory Board, as authorized and governed by section 403.42, Florida Statutes, are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Community Affairs to the Department of Environmental Protection. Notwithstanding section 20.06(2), Florida Statutes, trust funds associated with this program and board shall remain within the Department of Community Affairs.*

Section 3. *The Affordable Housing Catalyst Program, as authorized and governed by section 420.606, Florida Statutes, is transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Community Affairs to the Florida Housing Finance Corporation. Notwithstanding section 20.06(2), Florida Statutes, trust funds associated with this program shall remain within the Department of Community Affairs.*

Section 4. *Subsection (9) of section 14.2015, Florida Statutes, is repealed.*

Section 5. Subsection (6) of section 20.18, Florida Statutes, is amended to read:

20.18 Department of Community Affairs.—There is created a Department of Community Affairs.

~~(6) The Office of Urban Opportunity is created within the Department of Community Affairs. The purpose of the office is to administer the Front Porch Florida initiative, a comprehensive, community-based urban core redevelopment program that enables urban core residents to craft solutions to the unique challenges of each designated community. The department is the agency of state government responsible for collection and analysis of information on energy resources in this state, for coordination of the energy conservation programs of state agencies, and for coordination of the development, review, and implementation of state energy policy. The energy program responsibilities of the department set forth in this subsection shall be carried out by the Office of the Secretary of Community Affairs until such time as the secretary determines that such responsibilities should be redistributed within the various divisions of the department and submits a report to the Legislature with respect thereto.~~

Section 6. Subsection (8) is added to section 20.255, Florida Statutes, to read:

20.255 Department of Environmental Protection.—There is created a Department of Environmental Protection.

~~(8) The department is the agency of state government responsible for collecting and analyzing information concerning energy resources in this state; for coordinating the energy conservation programs of state agencies; and for coordinating the development, review, and implementation of the state's energy policy.~~

Section 7. Paragraph (b) of subsection (3) of section 163.03, Florida Statutes, is amended to read:

163.03 Secretary of Community Affairs; powers and duties; function of Department of Community Affairs with respect to federal grant-in-aid programs.—

(3) The department is authorized to adopt rules implementing the following grant programs, which rules shall be consistent with the laws, regulations, or guidelines governing the grant to the department:

~~(b) Grants under the federal programs known as the Coastal Energy Impact Program and the Outer Continental Shelf Program administered by the Bureau of Land and Water Management.~~

Section 8. Paragraph (q) of subsection (5) of section 212.08, Florida Statutes, 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 chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(q) Community contribution tax credit for donations.—

1. Authorization.—Beginning July 1, 2001, persons who are registered with the department under s. 212.18 to collect or remit sales or use tax and who make donations to eligible sponsors are eligible for tax credits against their state sales and use tax liabilities as provided in this paragraph:

a. The credit shall be computed as 50 percent of the person's approved annual community contribution;

b. The credit shall be granted as a refund against state sales and use taxes reported on returns and remitted in the 12 months preceding the date of application to the department for the credit as required in sub-subparagraph 3.c. If the annual credit is not fully used through such refund because of insufficient tax payments during the applicable 12-month period, the unused amount may be included in an application for a refund made pursuant to sub-subparagraph 3.c. in subsequent years against the total tax payments made for such year. Carryover credits may be applied for a 3-year period without regard to any time limitation that would otherwise apply under s. 215.26;

c. No person shall receive more than \$200,000 in annual tax credits for all approved community contributions made in any one year;

d. All proposals for the granting of the tax credit shall require the prior approval of the Office of Tourism, Trade, and Economic Development;

e. The total amount of tax credits which may be granted for all programs approved under this paragraph, s. 220.183, and s. 624.5105 is \$10 million annually; and

f. A person who is eligible to receive the credit provided for in this paragraph, s. 220.183, or s. 624.5105 may receive the credit only under the one section of the person's choice.

2. Eligibility requirements.—

a. A community contribution by a person must be in the following form:

(I) Cash or other liquid assets;

(II) Real property;

(III) Goods or inventory; or

(IV) Other physical resources as identified by the Office of Tourism, Trade, and Economic Development.

b. All community contributions must be reserved exclusively for use in a project. As used in this sub-subparagraph, the term "project" means any activity undertaken by an eligible sponsor which is designed to construct, improve, or substantially rehabilitate housing that is affordable to low-income or very-low-income households as defined in s. 420.9071(19) and (28); designed to provide commercial, industrial, or public resources and facilities; or designed to improve entrepreneurial and job-development opportunities for low-income persons. A project may be the investment necessary to increase access to high-speed broadband capability in rural communities with enterprise zones, including projects that result in improvements to communications assets that are owned by a business. A project may include the provision of museum educational programs and materials that are directly related to any project approved between January 1, 1996, and December 31, 1999, and located in an enterprise zone as referenced in s. 290.00675. This paragraph does not preclude projects that propose to construct or rehabilitate housing for low-income or very-low-income households on scattered sites. The Office of Tourism, Trade, and Economic Development may reserve up to 50 percent of the available annual tax credits for housing for very-low-income households pursuant to s. 420.9071(28) for the first 6 months of the fiscal year. With respect to housing, contributions may be used to pay the following eligible low-income and very-low-income housing-related activities:

(I) Project development impact and management fees for low-income or very-low-income housing projects;

(II) Down payment and closing costs for eligible persons, as defined in s. 420.9071(19) and (28);

(III) Administrative costs, including housing counseling and marketing fees, not to exceed 10 percent of the community contribution, directly related to low-income or very-low-income projects; and

(IV) Removal of liens recorded against residential property by municipal, county, or special district local governments when satisfaction of the lien is a necessary precedent to the transfer of the property to an eligible person, as defined in s. 420.9071(19) and (28), for the purpose of promoting home ownership. Contributions for lien removal must be received from a nonrelated third party.

c. The project must be undertaken by an "eligible sponsor," which includes:

(I) A community action program;

(II) A nonprofit community-based development organization whose mission is the provision of housing for low-income or very-low-income households or increasing entrepreneurial and job-development opportunities for low-income persons;

- (III) A neighborhood housing services corporation;
- (IV) A local housing authority created under chapter 421;
- (V) A community redevelopment agency created under s. 163.356;
- (VI) The Florida Industrial Development Corporation;
- (VII) A historic preservation district agency or organization;
- (VIII) A regional workforce board;
- (IX) A direct-support organization as provided in s. 1009.983;
- (X) An enterprise zone development agency created under s. 290.0056;
- (XI) A community-based organization incorporated under chapter 617 which is recognized as educational, charitable, or scientific pursuant to s. 501(c)(3) of the Internal Revenue Code and whose bylaws and articles of incorporation include affordable housing, economic development, or community development as the primary mission of the corporation;
- (XII) Units of local government;
- (XIII) Units of state government; or
- (XIV) Any other agency that the Office of Tourism, Trade, and Economic Development designates by rule.

In no event may a contributing person have a financial interest in the eligible sponsor.

d. The project must be located in an area designated an enterprise zone or a Front Porch Florida Community pursuant to s. 20.18(6) ~~s. 14.2015(9)(b)~~, unless the project increases access to high-speed broadband capability for rural communities with enterprise zones but is physically located outside the designated rural zone boundaries. Any project designed to construct or rehabilitate housing for low-income or very-low-income households as defined in s. 420.0971(19) and (28) is exempt from the area requirement of this sub-subparagraph.

3. Application requirements.—

a. Any eligible sponsor seeking to participate in this program must submit a proposal to the Office of Tourism, Trade, and Economic Development which sets forth the name of the sponsor, a description of the project, and the area in which the project is located, together with such supporting information as is prescribed by rule. The proposal must also contain a resolution from the local governmental unit in which the project is located certifying that the project is consistent with local plans and regulations.

b. Any person seeking to participate in this program must submit an application for tax credit to the Office of Tourism, Trade, and Economic Development which sets forth the name of the sponsor, a description of the project, and the type, value, and purpose of the contribution. The sponsor shall verify the terms of the application and indicate its receipt of the contribution, which verification must be in writing and accompany the application for tax credit. The person must submit a separate tax credit application to the office for each individual contribution that it makes to each individual project.

c. Any person who has received notification from the Office of Tourism, Trade, and Economic Development that a tax credit has been approved must apply to the department to receive the refund. Application must be made on the form prescribed for claiming refunds of sales and use taxes and be accompanied by a copy of the notification. A person may submit only one application for refund to the department within any 12-month period.

4. Administration.—

a. The Office of Tourism, Trade, and Economic Development may adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to administer this paragraph, including rules for the approval or disapproval of proposals by a person.

b. The decision of the Office of Tourism, Trade, and Economic Development must be in writing, and, if approved, the notification shall state

the maximum credit allowable to the person. Upon approval, the office shall transmit a copy of the decision to the Department of Revenue.

c. The Office of Tourism, Trade, and Economic Development shall periodically monitor all projects in a manner consistent with available resources to ensure that resources are used in accordance with this paragraph; however, each project must be reviewed at least once every 2 years.

d. The Office of Tourism, Trade, and Economic Development shall, in consultation with the Department of Community Affairs, the Florida Housing Finance Corporation, and the statewide and regional housing and financial intermediaries, market the availability of the community contribution tax credit program to community-based organizations.

5. Expiration.—This paragraph expires June 30, 2005; however, any accrued credit carryover that is unused on that date may be used until the expiration of the 3-year carryover period for such credit.

Section 9. Paragraph (d) of subsection (2) of section 220.183, Florida Statutes, is amended to read:

220.183 Community contribution tax credit.—

(2) ELIGIBILITY REQUIREMENTS.—

(d) The project shall be located in an area designated as an enterprise zone or a Front Porch Florida Community pursuant to s. 20.18(6) ~~s. 14.2015(9)(b)~~. Any project designed to construct or rehabilitate housing for low-income or very-low-income households as defined in s. 420.0971(19) and (28) is exempt from the area requirement of this paragraph. This section does not preclude projects that propose to construct or rehabilitate housing for low-income or very-low-income households on scattered sites. Any project designed to provide increased access to high-speed broadband capabilities which includes coverage of a rural enterprise zone may locate the project's infrastructure in any area of a rural county.

Section 10. Subsections (3) and (5) of section 288.041, Florida Statutes, are amended to read:

288.041 Solar energy industry; legislative findings and policy; promotional activities.—

(3) Enterprise Florida, Inc., and its boards shall assist in the expansion of the solar energy industry in this state. Such efforts shall be undertaken in cooperation with the Department of ~~Environmental Protection~~ ~~Community Affairs~~, the Florida Solar Energy Center, and the Florida Solar Energy Industries Association, and shall include:

(a) Providing assistance and support to new and existing photovoltaic companies, with special emphasis on attracting one or more manufacturers of photovoltaic products to locate within this state.

(b) Sponsoring initiatives which aid and take full advantage of the export market potential of solar technologies.

(c) Informing the business sector of this state about opportunities for cost-effective commercial applications of solar technologies.

(d) Encouraging employment of residents of this state by solar energy companies.

(e) Retaining existing solar energy companies and supporting their expansion efforts in this state.

(f) Supporting the promotion of solar energy by sponsoring workshops, seminars, conferences, and educational programs on the benefits of solar energy.

(g) Recognizing outstanding developments and achievements in, and contributions to, the solar energy industry.

(h) Collecting and disseminating solar energy information relevant to the promotion of solar energy applications.

(i) Enlisting the support of persons, civic groups, the solar energy industry, and other organizations to promote and improve solar energy products and services.

(5) By January 15 of each year, the Department of *Environmental Protection Community Affairs* shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the impact of the solar energy industry on the economy of this state and shall make any recommendations on initiatives to further promote the solar energy industry as the department deems appropriate.

Section 11. Subsection (2) of section 288.95155, Florida Statutes, is amended to read:

288.95155 Florida Small Business Technology Growth Program.—

(2) Enterprise Florida, Inc., shall establish a separate small business technology growth account in the Florida Technology Research Investment Fund for purposes of this section. Moneys in the account shall consist of appropriations by the Legislature, proceeds of any collateral used to secure such assistance, transfers, fees assessed for providing or processing such financial assistance, grants, interest earnings, and earnings on financial assistance, ~~and any moneys transferred to the account by the Department of Community Affairs from the Economic Opportunity Trust Fund for use in qualifying energy projects.~~

Section 12. Subsection (2) of section 377.602, Florida Statutes, is amended to read:

377.602 Definitions.—As used in ss. 377.601-377.608:

(2) “Department” means the Department of *Environmental Protection Community Affairs*.

Section 13. Section 377.603, Florida Statutes, is amended to read:

377.603 Energy data collection; powers and duties of the Department of *Environmental Protection Community Affairs*.—

(1) The department shall collect data on the extraction, production, importation, exportation, refinement, transportation, transmission, conversion, storage, sale, or reserves of energy resources in this state in an efficient and expeditious manner.

(2) The department shall prepare periodic reports of energy data it collects.

(3) The department shall prescribe and furnish forms for the collection of information as required by ss. 377.601-377.608 and shall consult with other state entities to assure that such data collected will meet their data requirements.

(4) The department may adopt and promulgate such rules and regulations as are necessary to carry out the provisions of ss. 377.601-377.608. Such rules shall be pursuant to chapter 120.

(5) The department shall maintain internal validation procedures to assure the accuracy of information received.

Section 14. Subsection (1) of section 377.701, Florida Statutes, is amended to read:

377.701 Petroleum allocation.—

(1) The Department of *Environmental Protection Community Affairs* shall assume the state’s role in petroleum allocation and conservation, including the development of a fair and equitable petroleum plan. The department shall constitute the responsible state agency for performing the functions of any federal program delegated to the state, which relates to petroleum supply, demand, and allocation.

Section 15. Section 377.703, Florida Statutes, is amended to read:

377.703 Additional functions of the Department of *Environmental Protection Community Affairs*; energy emergency contingency plan; federal and state conservation programs.—

(1) LEGISLATIVE INTENT.—Recognizing that energy supply and demand questions have become a major area of concern to the state which must be dealt with by effective and well-coordinated state action, it is the intent of the Legislature to promote the efficient, effective, and economical management of energy problems, centralize energy coordination responsibilities, pinpoint responsibility for conducting energy programs, and ensure the accountability of state agencies for the implemen-

tation of s. 377.601(4), the state energy policy. It is the specific intent of the Legislature that nothing in this act shall in any way change the powers, duties, and responsibilities assigned by the Florida Electrical Power Plant Siting Act, part II of chapter 403, or the powers, duties, and responsibilities of the Florida Public Service Commission.

(2) DEFINITIONS.—

(a) “Coordinate,” “coordination,” or “coordinating” means the examination and evaluation of state plans and programs and the providing of recommendations to the Cabinet, Legislature, and appropriate state agency on any measures deemed necessary to ensure that such plans and programs are consistent with state energy policy.

(b) “Energy conservation” means increased efficiency in the utilization of energy.

(c) “Energy emergency” means an actual or impending shortage or curtailment of usable, necessary energy resources, such that the maintenance of necessary services, the protection of public health, safety, and welfare, or the maintenance of basic sound economy is imperiled in any geographical section of the state or throughout the entire state.

(d) “Energy source” means electricity, fossil fuels, solar power, wind power, hydroelectric power, nuclear power, or any other resource which has the capacity to do work.

(e) “Facilities” means any building or structure not otherwise exempted by the provisions of this act.

(f) “Fuel” means petroleum, crude oil, petroleum product, coal, natural gas, or any other substance used primarily for its energy content.

(g) “Local government” means any county, municipality, regional planning agency, or other special district or local governmental entity the policies or programs of which may affect the supply or demand, or both, for energy in the state.

(h) “Promotion” or “promote” means to encourage, aid, assist, provide technical and financial assistance, or otherwise seek to plan, develop, and expand.

(i) “Regional planning agency” means those agencies designated as regional planning agencies by the Department of Community Affairs.

(j) “Renewable energy resource” means any method, process, or substance the use of which does not diminish its availability or abundance, including, but not limited to, biomass conversion, geothermal energy, solar energy, wind energy, wood fuels derived from waste, ocean thermal gradient power, hydroelectric power, and fuels derived from agricultural products.

(3) DEPARTMENT OF ENVIRONMENTAL PROTECTION COMMUNITY AFFAIRS; DUTIES.—The Department of *Environmental Protection Community Affairs* shall, in addition to assuming the duties and responsibilities provided by ss. ~~20.255 20.18~~ and 377.701, perform the following functions consistent with the development of a state energy policy:

(a) The department shall assume the responsibility for development of an energy emergency contingency plan to respond to serious shortages of primary and secondary energy sources. Upon a finding by the Governor, implementation of any emergency program shall be upon order of the Governor that a particular kind or type of fuel is, or that the occurrence of an event which is reasonably expected within 30 days will make the fuel, in short supply. The department shall then respond by instituting the appropriate measures of the contingency plan to meet the given emergency or energy shortage. The Governor may utilize the provisions of s. 252.36(5) to carry out any emergency actions required by a serious shortage of energy sources.

(b) The department shall constitute the responsible state agency for performing or coordinating the functions of any federal energy programs delegated to the state, including energy supply, demand, conservation, or allocation.

(c) The department shall analyze present and proposed federal energy programs and make recommendations regarding those programs to the Governor.

(d) The department shall coordinate efforts to seek federal support or other support for state energy activities, including energy conservation, research, or development, and shall be the state agency responsible for the coordination of multiagency energy conservation programs and plans.

(e) The department shall analyze energy data collected and prepare long-range forecasts of energy supply and demand in coordination with the Florida Public Service Commission, which shall have responsibility for electricity and natural gas forecasts. To this end, the forecasts shall contain:

1. An analysis of the relationship of state economic growth and development to energy supply and demand, including the constraints to economic growth resulting from energy supply constraints.

2. Plans for the development of renewable energy resources and reduction in dependence on depletable energy resources, particularly oil and natural gas, and an analysis of the extent to which renewable energy sources are being utilized in the state.

3. Consideration of alternative scenarios of statewide energy supply and demand for 5, 10, and 20 years, to identify strategies for long-range action, including identification of potential social, economic, and environmental effects.

4. An assessment of the state's energy resources, including examination of the availability of commercially developable and imported fuels, and an analysis of anticipated effects on the state's environment and social services resulting from energy resource development activities or from energy supply constraints, or both.

(f) The department shall make a report, as requested by the Governor or the Legislature, reflecting its activities and making recommendations of policies for improvement of the state's response to energy supply and demand and its effect on the health, safety, and welfare of the people of Florida. The report shall include a report from the Florida Public Service Commission on electricity and natural gas and information on energy conservation programs conducted and under way in the past year and shall include recommendations for energy conservation programs for the state, including, but not limited to, the following factors:

1. Formulation of specific recommendations for improvement in the efficiency of energy utilization in governmental, residential, commercial, industrial, and transportation sectors.

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

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

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

(g) The department has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this act.

(h) Promote the development and use of renewable energy resources, in conformance with the provisions of chapter 187 and s. 377.601, by:

1. Establishing goals and strategies for increasing the use of solar energy in this state.

2. Aiding and promoting the commercialization of solar energy technology, in cooperation with the Florida Solar Energy Center, Enterprise Florida, Inc., and any other federal, state, or local governmental agency which may seek to promote research, development, and demonstration of solar energy equipment and technology.

3. Identifying barriers to greater use of solar energy systems in this state, and developing specific recommendations for overcoming identified barriers, with findings and recommendations to be submitted annually in the report to the Legislature required under paragraph (f).

4. In cooperation with the Department of Transportation, the *Department of Community Affairs*, Enterprise Florida, Inc., the Florida Solar Energy Center, and the Florida Solar Energy Industries Associa-

tion, investigating opportunities, pursuant to the National Energy Policy Act of 1992 and the Housing and Community Development Act of 1992, for solar electric vehicles and other solar energy manufacturing, distribution, installation, and financing efforts which will enhance this state's position as the leader in solar energy research, development, and use.

5. Undertaking other initiatives to advance the development and use of renewable energy resources in this state.

In the exercise of its responsibilities under this paragraph, the department shall seek the assistance of the solar energy industry in this state and other interested parties and is authorized to enter into contracts, retain professional consulting services, and expend funds appropriated by the Legislature for such purposes.

- (i) The department shall promote energy conservation in all energy use sectors throughout the state and shall constitute the state agency primarily responsible for this function. To this end, the department shall coordinate the energy conservation programs of all state agencies and review and comment on the energy conservation programs of all state agencies.

- (j) The department shall serve as the state clearinghouse for indexing and gathering all information related to energy programs in state universities, in private universities, in federal, state, and local government agencies, and in private industry and shall prepare and distribute such information in any manner necessary to inform and advise the citizens of the state of such programs and activities. This shall include developing and maintaining a current index and profile of all research activities, which shall be identified by energy area and may include a summary of the project, the amount and sources of funding, anticipated completion dates, or, in case of completed research, conclusions, recommendations, and applicability to state government and private sector functions. The department shall coordinate, promote, and respond to efforts by all sectors of the economy to seek financial support for energy activities. The department shall provide information to consumers regarding the anticipated energy-use and energy-saving characteristics of products and services in coordination with any federal, state, or local governmental agencies as may provide such information to consumers.

- (k) The department shall coordinate energy-related programs of state government, including, but not limited to, the programs provided in this section. To this end, the department shall:

1. Provide assistance to other state agencies, counties, municipalities, and regional planning agencies to further and promote their energy planning activities.

2. Require, in cooperation with the Department of Management Services, all state agencies to operate state-owned and state-leased buildings in accordance with energy conservation standards as adopted by the Department of Management Services. Every 3 months, the Department of Management Services shall furnish the department data on agencies' energy consumption in a format mutually agreed upon by the two departments.

3. Promote the development and use of renewable energy resources, energy efficiency technologies, and conservation measures.

4. Promote the recovery of energy from wastes, including, but not limited to, the use of waste heat, the use of agricultural products as a source of energy, and recycling of manufactured products. Such promotion shall be conducted in conjunction with, and after consultation with, the Department of Environmental Protection, the Florida Public Service Commission where electrical generation or natural gas is involved, and any other relevant federal, state, or local governmental agency having responsibility for resource recovery programs.

- (l) The department shall develop, coordinate, and promote a comprehensive research plan for state programs. Such plan shall be consistent with state energy policy and shall be updated on a biennial basis.

- (m) In recognition of the devastation to the economy of this state and the dangers to the health and welfare of residents of this state caused by Hurricane Andrew, and the potential for such impacts caused by other natural disasters, the department shall include in its energy emergency contingency plan and *provide to the Department of Community Affairs for inclusion* in the state model energy efficiency building code

specific provisions to facilitate the use of cost-effective solar energy technologies as emergency remedial and preventive measures for providing electric power, street lighting, and water heating service in the event of electric power outages.

(4) The department shall be responsible for the administration of the Coastal Energy Impact Program provided for and described in Pub. L. No. 94-370, 16 U.S.C. s. 1456a and may adopt rules to administer the program.

Section 16. Subsection (1) of section 380.504, Florida Statutes, is amended to read:

380.504 Florida Communities Trust; creation; membership; expenses.—

(1) There is created within the Department of Community Affairs a nonregulatory state agency and instrumentality, which shall be a public body corporate and politic, known as the “Florida Communities Trust.” The governing body of the trust shall consist of:

(a) The Secretary of Community Affairs and the Secretary of Environmental Protection; and

(b) Four public members whom the Governor shall appoint subject to Senate confirmation.

The Governor shall appoint a former elected official of a county government, a former elected official of a metropolitan municipal government, a representative of a nonprofit organization as defined in this part, and a representative of the development industry. The Secretary of Community Affairs may appoint a designee designate his or her assistant secretary or the director of the Division of Community Planning to serve in his or her absence. The Secretary of Environmental Protection may appoint his or her deputy secretary, the director of the Division of State Lands, or the director of the Division of Recreation and Parks to serve in his or her absence. The Secretary of Community Affairs shall be the chair of the governing body of the trust. The Governor shall make his or her appointments upon the expiration of any current terms or within 60 days after the effective date of the resignation of any member.

Section 17. Subsection (3) of section 381.7354, Florida Statutes, is amended to read:

381.7354 Eligibility.—

(3) In addition to the grants awarded under subsections (1) and (2), up to 20 percent of the funding for the Reducing Racial and Ethnic Health Disparities: Closing the Gap grant program shall be dedicated to projects that address improving racial and ethnic health status within specific Front Porch Florida Communities, as designated pursuant to s. 20.18(6) s. 14.2015(9)(b).

Section 18. Section 403.42, Florida Statutes, is amended to read:

403.42 Florida Clean Fuel Act.—

(1) SHORT TITLE AND PURPOSE.—

(a) This section may be cited as the “Florida Clean Fuel Act.”

(b) The purposes of this act are to establish the Clean Fuel Florida Advisory Board under the Department of ~~Environmental Protection Community Affairs~~ to study the implementation of alternative fuel vehicles and to formulate and provide to the Secretary of ~~Environmental Protection Community Affairs~~ recommendations on expanding the use of alternative fuel vehicles in this state and make funding available for implementation.

(2) DEFINITIONS.—For purposes of this act:

(a) “Alternative fuels” include electricity, biodiesel, natural gas, propane, and any other fuel that may be deemed appropriate in the future by the Department of ~~Environmental Protection Community Affairs~~ with guidance from the Clean Fuel Florida Advisory Board.

(b) “Alternative fuel vehicles” include on-road and off-road transportation vehicles and light-duty, medium-duty, and heavy-duty vehicles that are powered by an alternative fuel or a combination of alternative fuels.

(3) CLEAN FUEL FLORIDA ADVISORY BOARD ESTABLISHED; MEMBERSHIP; DUTIES AND RESPONSIBILITIES.—

(a) The Clean Fuel Florida Advisory Board is established within the Department of ~~Environmental Protection Community Affairs~~.

(b)1. The advisory board shall consist of the Secretary of Community Affairs, or a designee from that department, the Secretary of Environmental Protection, or a designee from that department, the Commissioner of Education, or a designee from that department, the Secretary of Transportation, or a designee from that department, the Commissioner of Agriculture, or a designee from the Department of Agriculture and Consumer Services, the Secretary of Management Services, or a designee from that department, and a representative of each of the following, who shall be appointed by the Secretary of ~~Environmental Protection Community Affairs~~ within 30 days after the effective date of this act:

- a. The Florida biodiesel industry.
- b. The Florida electric utility industry.
- c. The Florida natural gas industry.
- d. The Florida propane gas industry.
- e. An automobile manufacturers’ association.
- f. A Florida Clean Cities Coalition designated by the United States Department of Energy.
- g. Enterprise Florida, Inc.
- h. EV Ready Broward.
- i. The Florida petroleum industry.
- j. The Florida League of Cities.
- k. The Florida Association of Counties.
- l. Floridians for Better Transportation.
- m. A motor vehicle manufacturer.
- n. Florida Local Environment Resource Agencies.
- o. Project for an Energy Efficient Florida.
- p. Florida Transportation Builders Association.

2. The purpose of the advisory board is to serve as a resource for the department and to provide the Governor, the Legislature, and the Secretary of ~~Environmental Protection Community Affairs~~ with private sector and other public agency perspectives on achieving the goal of increasing the use of alternative fuel vehicles in this state.

3. Members shall be appointed to serve terms of 1 year each, with reappointment at the discretion of the Secretary of ~~Environmental Protection Community Affairs~~. Vacancies shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

4. The board shall annually select a chairperson.

5.a. The board shall meet at least once each quarter or more often at the call of the chairperson or the Secretary of ~~Environmental Protection Community Affairs~~.

b. Meetings are exempt from the notice requirements of chapter 120, and sufficient notice shall be given to afford interested persons reasonable notice under the circumstances.

6. Members of the board are entitled to travel expenses while engaged in the performance of board duties.

7. The board shall terminate 5 years after the effective date of this act.

(c) The board shall review the performance of the state with reference to alternative fuel vehicle implementation in complying with federal laws and maximizing available federal funding and may:

1. Advise the Governor, Legislature, and the Secretary of *Environmental Protection Community Affairs* and make recommendations regarding implementation and use of alternative fuel vehicles in this state.

2. Identify potential improvements in this act and the state's alternative fuel policies.

3. Request from all state agencies any information the board determines relevant to board duties.

4. Regularly report to the Secretary of *Environmental Protection Community Affairs*, the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the board's findings and recommendations.

(d)1. The advisory board shall, ~~within 120 days after its first meeting,~~ make recommendations to the Department of *Environmental Protection Community Affairs* for establishing pilot programs in this state that provide experience and support the best use expansion of the alternative fuel vehicle industry in this state. No funds shall be released for a project unless there is at least a 50-percent private or local match.

2. In addition to the pilot programs, the advisory board shall assess federal, state, and local initiatives to identify incentives that encourage successful alternative fuel vehicle programs; obstacles to alternative fuel vehicle use including legislative, regulatory, and economic obstacles; and programs that educate and inform the public about alternative fuel vehicles.

3. The advisory board is charged with determining a reasonable, fair, and equitable way to address current motor fuel taxes as they apply to alternative fuels and at what threshold of market penetration.

4. Based on its findings, the advisory board shall develop recommendations to the Legislature on future alternative fuel vehicle programs and legislative changes that provide the best use of state and other resources to enhance the alternative fuel vehicle market in this state and maximize the return on that investment in terms of job creation, economic development, and emissions reduction.

(e) The advisory board, working with the Department of *Environmental Protection Community Affairs*, shall develop a budget for the department's approval, and all expenditures shall be approved by the department. At the conclusion of the first year, the department shall conduct an audit of the board and board programs.

Section 19. Subsections (42) and (43) are added to section 420.507, Florida Statutes, to read:

420.507 Powers of the corporation.—The corporation shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers which are in addition to all other powers granted by other provisions of this part:

(42) *To provide information, assistance, and facilities needed by the Affordable Housing Study Commission.*

(43) *To develop and administer the Affordable Housing Catalyst Program under 420.531.*

Section 20. Section 420.531, Florida Statutes, is created to read:

420.531 *Affordable Housing Catalyst Program.—*

(1) *In addition to the legislative findings set forth in s. 420.6015, the Legislature finds and declares that:*

(a) *Community-based organizations are important vehicles in assisting communities with development and revitalization but often have limited experience in the development of quality housing for very-low-income persons and low-income persons in economically declining or distressed areas;*

(b) *The staffs and board members of community-based organizations need additional training in housing development as well as technical support to assist them in gaining the experience they need to better serve their communities; and*

(c) *The staffs of state agencies and local governments, whether directly involved in the production of affordable housing or acting in a supportive role, can better serve the goals of state and local governments if their expertise in housing development is expanded.*

(2) *The corporation shall establish a program known as the Affordable Housing Catalyst Program to be responsible for securing the necessary expertise for providing specialized technical support to local governments to implement the HOME Investment Partnership Program, State Housing Initiatives Partnership Program, and other state and federal affordable housing programs.*

(a) *The program may include, but is not limited to, training, onsite visits, and telephone assistance.*

(b) *The training component of the program shall be designed to build the housing development capacity of community-based organizations and local governments as a permanent resource for the benefit of communities in this state.*

1. *The scope of training shall include, but not be limited to, real estate development skills related to affordable housing, including the construction process and property management and disposition; the development of public-private partnerships to reduce housing costs; model housing projects; and management and board responsibilities of community-based organizations.*

2. *Training activities may include, but are not limited to, developing or disseminating materials for self-instruction, workshops, seminars, internships, coursework, and special programs developed in conjunction with state universities and community colleges.*

Section 21. Subsection (8) of section 420.6015, Florida Statutes, is amended to read:

420.6015 Legislative findings.—In addition to the findings and declarations in ss. 420.0002, 420.502, 421.02, 422.02, and 423.01, which are hereby reaffirmed, the Legislature finds that:

(8) ~~Through the Affordable Housing Catalyst Program and other program and staff resources,~~ The department shall facilitate the mobilization of public and private resources to provide affordable housing through its responsibilities in the areas of housing, comprehensive planning, and community assistance.

Section 22. Subsection (3) of section 420.606, Florida Statutes, is amended to read:

420.606 Training and technical assistance program.—

(3) TRAINING AND TECHNICAL ASSISTANCE PROGRAM.—The Department of Community Affairs shall be responsible for securing the necessary expertise to provide training and technical assistance to staff of local governments, to staff of state agencies, as appropriate, and to community-based organizations, and to persons forming such organizations, which are formed for the purpose of developing new housing and rehabilitating existing housing which is affordable for very-low-income persons, low-income persons, and moderate-income persons. ~~To the maximum extent feasible, the entity to provide the necessary expertise must be recognized by the Internal Revenue Service as a nonprofit tax-exempt organization. It must have as its primary mission the provision of affordable housing training and technical assistance; an ability to provide training and technical assistance statewide; and a proven track record of successfully providing training and technical assistance under the Affordable Housing Catalyst Program.~~

(a) The training component of the program shall be designed to build the housing development capacity of community-based organizations and local governments as a permanent resource for the benefit of communities in this state.

1. The scope of training shall include, but not be limited to, real estate development skills related to affordable housing, including the construction process and property management and disposition, the development of public-private partnerships to reduce housing costs, model housing projects, and management and board responsibilities of community-based organizations.

2. Training activities may include, but are not limited to, materials for self-instruction, workshops, seminars, internships, coursework, and

special programs developed in conjunction with state universities and community colleges.

(b) The technical assistance component of the program shall be designed to assist applicants for state-administered programs in developing applications and in expediting project implementation. Technical assistance activities for the staffs of community-based organizations and local governments who are directly involved in the production of affordable housing may include, but are not limited to, workshops for program applicants, onsite visits, guidance in achieving project completion, and a newsletter to community-based organizations and local governments.

~~(c) The department shall establish a program known as the Affordable Housing Catalyst Program to be responsible for securing the necessary expertise as provided in this section for providing specialized technical support to local governments to implement the HOME Investment Partnership Program, State Housing Initiatives Partnership Program, and other affordable housing programs. The technical support shall, at a minimum, provide training relating to the following key elements of the partnership programs:~~

- ~~1. The formation of local and regional housing partnerships as a means of bringing together resources to provide affordable housing.~~
- ~~2. The implementation of regulatory reforms to reduce the risk and cost of developing affordable housing.~~
- ~~3. The implementation of affordable housing programs included in local government comprehensive plans.~~
- ~~4. The compliance with requirements of federally funded housing programs.~~

Section 23. Subsection (3) of section 420.609, Florida Statutes, is amended to read:

420.609 Affordable Housing Study Commission.—Because the Legislature firmly supports affordable housing in Florida for all economic classes:

(3) ~~The department and the corporation shall supply such information, assistance, and facilities as are deemed necessary for the commission to carry out its duties under this section and shall provide such staff assistance as is necessary for the performance of required clerical and administrative functions of the commission.~~

Section 24. Subsection (7) of section 420.631, Florida Statutes, is amended to read:

420.631 Definitions relating to Urban Homesteading Act.—As used in ss. 420.630-420.635:

(7) “Office” means the Office of Urban Opportunity within the ~~Department of Community Affairs Office of Tourism, Trade, and Economic Development.~~

Section 25. Subsection (7) of section 420.9075, Florida Statutes, is amended to read:

420.9075 Local housing assistance plans; partnerships.—

(7) Pursuant to ~~s. 420.531 s. 420.606~~, the corporation shall provide technical assistance to local governments regarding the creation of partnerships, the design of local housing assistance strategies, the implementation of local housing incentive strategies, and the provision of support services.

Section 26. Paragraph (d) of subsection (2) of section 624.5105, Florida Statutes, is amended to read:

624.5105 Community contribution tax credit; authorization; limitations; eligibility and application requirements; administration; definitions; expiration.—

(2) ELIGIBILITY REQUIREMENTS.—

(d) The project shall be located in an area designated as an enterprise zone or a Front Porch Community pursuant to ~~s. 20.18(6) s. 14.2015(9)(b)~~. Any project designed to construct or rehabilitate housing for low-income or very-low-income households as defined in s.

420.9071(19) and (28) is exempt from the area requirement of this paragraph.

Section 27. This act shall take effect July 1, 2004.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to governmental organization; transferring the Office of Urban Opportunity from the Executive Office of the Governor to the Department of Community Affairs; transferring the State Energy Program and the Clean Fuel Florida Advisory Board from the Department of Community Affairs to the Department of Environmental Protection; excluding the transfer of certain associated trust funds; transferring the Affordable Housing Catalyst Program from the Department of Community Affairs to the Florida Housing Finance Corporation; excluding the transfer of certain associated trust funds; repealing s. 14.2015(9), F.S., relating to the establishment of the Office of Urban Opportunity within the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor; amending s. 20.18, F.S.; revising duties of the Department of Community Affairs to conform to changes made by the act; establishing the Office of Urban Opportunity within the Department of Community Affairs; amending s. 20.255, F.S.; providing duties of the Department of Environmental Protection with respect to the state’s energy policy, to conform; amending s. 163.03, F.S., relating to the Coastal Energy Impact Program; conforming provisions to changes made by the act; amending ss. 212.08 and 220.183, F.S.; conforming cross-references; amending s. 288.041, F.S., relating to the solar energy industry; conforming provisions to the transfer of duties to the Department of Environmental Protection; amending s. 288.95155, F.S., relating to the Florida Small Business Technology Growth Program; deleting obsolete provisions; amending ss. 377.602, 377.603, 377.701, and 377.703, F.S., relating to the state’s energy programs and policies; conforming provisions to the transfer of duties to the Department of Environmental Protection; authorizing the Department of Environmental Protection to adopt rules to administer the Coastal Energy Impact Program; amending s. 380.504, F.S.; authorizing the Secretary of Community Affairs to appoint a designee to the governing body of the Florida Communities Trust; amending s. 381.7354, F.S.; conforming a cross-reference; amending s. 403.42, F.S., relating to the Florida Clean Fuel Act; conforming provisions to the transfer of duties to the Department of Environmental Protection; amending s. 420.507, F.S., relating to the Florida Housing Finance Corporation; authorizing the corporation to provide resources to the Affordable Housing Study Commission and perform other duties; creating s. 420.531, F.S.; providing legislative findings with respect to supporting local communities in providing affordable housing; providing for the corporation to administer the Affordable Housing Catalyst Program; providing the purpose of the program and responsibilities of the corporation; amending ss. 420.6015, 420.606, and 420.9075, F.S.; conforming provisions to the transfer of the Affordable Housing Catalyst Program to the Florida Housing Finance Corporation; amending s. 420.609, F.S.; deleting duties of the Department of Community Affairs with respect to the Affordable Housing Study Commission; amending s. 420.631, F.S.; conforming provisions to the transfer of the Office of Urban Opportunity to the Department of Community Affairs; amending s. 624.5105, F.S.; conforming a cross-reference; providing an effective date.

On motions by Senator Webster, by two-thirds vote **HB 1857** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Crist	Lawson
Alexander	Dawson	Lee
Argenziano	Diaz de la Portilla	Lynn
Aronberg	Dockery	Margolis
Atwater	Fasano	Miller
Bennett	Garcia	Peaden
Campbell	Geller	Posey
Carlton	Haridopolos	Pruitt
Clary	Hill	Saunders
Constantine	Jones	Sebesta
Cowin	Klein	Siplin

Smith Wasserman Schultz Wilson
 Villalobos Webster Wise
 Nays—None

Fasano Lee Sebesta
 Garcia Lynn Siplin
 Geller Margolis Smith
 Haridopolos Miller Villalobos
 Hill Peaden Wasserman Schultz
 Jones Posey Webster
 Klein Pruitt Wilson
 Lawson Saunders Wise
 Nays—None

MOTIONS

On motion by Senator Pruitt, the House was requested to concur in the Senate amendments to **HB 1835**, **HB 1837**, **HB 1875**, **HB 1843**, **HB 1845**, **HB 1855**, and **HB 1857**; and in the event the House refuses to concur in the Senate Amendments to these bills, requested that a conference committee be appointed.

BILLS ON THIRD READING, continued

CS for SB 2564—A bill to be entitled An act relating to shared county and state responsibility for juvenile detention; creating s. 985.2155, F.S.; providing that it is the policy of the state that the state and counties have a joint obligation to financially support the detention care provided for juveniles; providing definitions; requiring that a county pay the costs of the Department of Juvenile Justice in providing detention care to juveniles unless the county is a fiscally constrained county; requiring the department to develop a methodology for determining the amount to be paid by such counties; providing a payment process; requiring the Chief Financial Officer to withhold funds if a county fails to remit the required amount to the Department of Juvenile Justice; requiring the department to negotiate for payment from other states for costs incurred by juveniles who reside out of state; requiring the department to pay the detention costs for juveniles who do not have a state of residence; exempting funds received by the department in payment of the detention expenses of juveniles from certain service charges; authorizing the Department of Juvenile Justice to adopt rules; providing that the act fulfills an important state interest; providing an effective date.

—was read the third time by title.

POINT OF ORDER

Senator Campbell raised a point of order that **CS for SB 2564** is a “mandate” within the requirements of Article III, Section 18, of the Florida Constitution, and requires a two-thirds vote to bind the counties.

The President referred the point of order to Senator Lee, Chair of the Committee on Rules and Calendar.

On motion by Senator Crist, further consideration of **CS for SB 2564** with pending point of order was deferred.

CS for SB 1250—A bill to be entitled An act relating to employee benefits; amending s. 110.12315, F.S., relating to the state employees’ prescription drug program; deleting obsolete provisions; removing an expiration date applicable to copayment amounts; amending s. 110.1239, F.S.; removing an expiration date applicable to provisions governing procedures for determining the level of premiums necessary to fund the state group health insurance program; amending s. 624.437, F.S.; clarifying that a provision requiring certain insurers to obtain a certificate of authority does not apply to the state group health insurance program; providing for certain personnel moving from county government to a position in the state courts system, an office of the state attorney, or an office of the public defender, and their covered dependents, to qualify for the state group health insurance program; authorizing state attorneys and public defenders to transfer a specified amount of unused annual leave and unused sick leave; providing an effective date.

—was read the third time by title.

On motions by Senator Pruitt, **CS for SB 1250** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President Bennett Cowin
 Alexander Campbell Crist
 Argenziano Carlton Dawson
 Aronberg Clary Diaz de la Portilla
 Atwater Constantine Dockery

The Senate resumed consideration of—

CS for SB 2564—A bill to be entitled An act relating to shared county and state responsibility for juvenile detention; creating s. 985.2155, F.S.; providing that it is the policy of the state that the state and counties have a joint obligation to financially support the detention care provided for juveniles; providing definitions; requiring that a county pay the costs of the Department of Juvenile Justice in providing detention care to juveniles unless the county is a fiscally constrained county; requiring the department to develop a methodology for determining the amount to be paid by such counties; providing a payment process; requiring the Chief Financial Officer to withhold funds if a county fails to remit the required amount to the Department of Juvenile Justice; requiring the department to negotiate for payment from other states for costs incurred by juveniles who reside out of state; requiring the department to pay the detention costs for juveniles who do not have a state of residence; exempting funds received by the department in payment of the detention expenses of juveniles from certain service charges; authorizing the Department of Juvenile Justice to adopt rules; providing that the act fulfills an important state interest; providing an effective date.

—which was previously considered this day with pending point of order.

RULING ON POINT OF ORDER

Senator Lee: The point has been raised that **CS for SB 2564** is a “mandate” within the requirements of Article III, Section 18, of the Florida Constitution, and requires a two-thirds vote to bind the counties.

The Constitution provides as exception for bills that require counties to expend funds if they apply to all persons similarly situated and fulfill an important state interest.

This bill contains explicit findings of important state interest and applies to counties, the State of Florida, and other states, based on each juvenile’s residency, so it meets the exemption.

I suggest the point is not well taken.

On recommendation of Senator Lee, Chair of the Committee on Rules and Calendar, the President ruled the point not well taken.

On motions by Senator Crist, **CS for SB 2564** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—27

Mr. President Diaz de la Portilla Posey
 Alexander Dockery Pruitt
 Atwater Fasano Saunders
 Bennett Garcia Sebesta
 Carlton Haridopolos Smith
 Clary Jones Villalobos
 Constantine Lee Wasserman Schultz
 Cowin Miller Webster
 Crist Peaden Wise

Nays—12

Argenziano Geller Lynn
 Aronberg Hill Margolis
 Campbell Klein Siplin
 Dawson Lawson Wilson

CS for SB 2230—A bill to be entitled An act relating to retirement; amending s. 121.71, F.S.; revising the payroll contribution rates for the membership classes of the Florida Retirement System for the state fiscal years effective July 1, 2004, and July 1, 2005; amending s. 121.40, F.S.; revising the payroll contribution rates for the Institute of Food and Agricultural Sciences effective through June 30, 2005; amending s. 121.74, F.S.; reducing the fee imposed for the cost of administration; providing a declaration of important state interest; providing an effective date.

—was read the third time by title.

On motions by Senator Wise, **CS for SB 2230** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Campbell	Hill	Smith
Carlton	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lawson	Webster
Cowin	Lee	Wilson
Crist	Lynn	Wise
Dawson	Margolis	

Nays—None

Vote after roll call:

Yea—Saunders

SJR 2506—A joint resolution proposing amendments to Section 19 of Article III of the State Constitution, relating to requirements for state budget planning, spending, and accountability.

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

That the following amendments to Section 19 of Article III of the State Constitution, as amended by Revision No. 8 (1998), are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE III
LEGISLATURE

SECTION 19. State Budgeting, Planning and Appropriations Processes.—

(a) ANNUAL BUDGETING.

(1) ~~Effective July 1, 1994,~~ General law shall prescribe the adoption of annual state budgetary and planning processes and require that detail reflecting the annualized costs of the state budget and reflecting the nonrecurring costs of the budget requests shall accompany state department and agency legislative budget requests, the governor's recommended budget, and appropriation bills.

(2) *Unless approved by a three-fifths (3/5) vote of the membership of each house, appropriations made for recurring purposes from nonrecurring general revenue funds for any fiscal year shall not exceed three percent of the total general revenue funds available.*

(3) *Each state department and agency shall be required to submit a legislative budget request that is based upon and that reflects the long-range fiscal plan adopted by the joint legislative budget commission.*

(4) For purposes of this section ~~subsection~~, the terms department and agency shall include the judicial branch.

(b) APPROPRIATION BILLS FORMAT. Separate sections within the general appropriation bill shall be used for each major program area

of the state budget; major program areas shall include: education enhancement "lottery" trust fund items; education (all other funds); human services; criminal justice and corrections; natural resources, environment, growth management, and transportation; general government; and judicial branch. Each major program area shall include an itemization of expenditures for: state operations; state capital outlay; aid to local governments and nonprofit organizations operations; aid to local governments and nonprofit organizations capital outlay; federal funds and the associated state matching funds; spending authorizations for operations; and spending authorizations for capital outlay. Additionally, appropriation bills passed by the legislature shall include an itemization of specific appropriations that exceed one million dollars (\$1,000,000.00) in 1992 dollars. For purposes of this subsection, "specific appropriation," "itemization," and "major program area" shall be defined by law. This itemization threshold shall be adjusted by general law every four years to reflect the rate of inflation or deflation as indicated in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, or successor reports as reported by the United States Department of Labor, Bureau of Labor Statistics or its successor. Substantive bills containing appropriations shall also be subject to the itemization requirement mandated under this provision and shall be subject to the governor's specific appropriation veto power described in Article III, Section 8. This subsection shall be effective July 1, 1994.

(c) APPROPRIATIONS REVIEW PROCESS.

(1) *No later than August 15 of each year, the joint legislative budget commission shall issue, as prescribed by general law or joint rule, a long-range plan setting out fiscal goals and objectives for the state and its departments and agencies. The long-range fiscal plan must include major workload and revenue estimates. In order to implement this paragraph, the joint legislative budget commission may request consensus estimating conferences to develop official estimates.*

(2) *In consultation with the governor, the joint legislative budget commission shall issue instructions to the departments and agencies for developing legislative budget requests. Each year, no later than September 15 or such other date as may be established by the joint legislative budget commission, each department and agency shall submit a legislative budget request for the ensuing fiscal year to the legislature and to the governor. The legislative budget request must be consistent, as prescribed by general law or joint rule, with the long-range fiscal plan. The legislative budget request shall include a prioritized listing of planned expenditures for review and possible reduction in the event of revenue shortfalls, as defined by general law.*

(3) *The joint legislative budget commission shall hold public hearings and seek public input, as prescribed by joint rule, in order to allow each department and agency to provide an independent assessment of the needs reflected in its current budget request. In addition, the commission shall review the performance measures proposed by the departments and agencies in order to ensure that necessary information is available to assist the legislature in making policy and budget decisions.*

(4) *At least 40 days before the convening of each regular session of the legislature, or such other date as may be established by the joint legislative budget commission, the governor shall furnish a recommended budget and supporting legislation, balanced within revenue estimates adjusted for the anticipated effects of the supporting legislation, to the members of the legislature.*

(5) *The legislature shall prescribe by general law conditions under which limited adjustments to the budget, as recommended by the governor or the chief justice of the supreme court, may be approved without the concurrence of the full legislature. ~~Effective July 1, 1993, general law shall prescribe requirements for each department and agency of state government to submit a planning document and supporting budget request for review by the appropriations committees of both houses of the legislature. The review shall include a comparison of the major issues in the planning document and budget requests to those major issues included in the governor's recommended budget. For purposes of this subsection, the terms department and agency shall include the judicial branch.~~*

(d) SEVENTY-TWO HOUR PUBLIC REVIEW PERIOD. All general appropriation bills shall be furnished to each member of the legislature, each member of the cabinet, the governor, and the chief justice of the supreme court at least seventy-two hours before final passage by

either house of the legislature of the bill in the form that will be presented to the governor.

(e) **FINAL BUDGET REPORT.** Effective November 4, 1992, a final budget report shall be prepared as prescribed by general law. The final budget report shall be produced no later than the 90th day after the beginning of the fiscal year, and copies of the report shall be furnished to each member of the legislature, the head of each department and agency of the state, the auditor general, and the chief justice of the supreme court.

(f) **TRUST FUNDS.**

(1) No trust fund of the State of Florida or other public body may be created by law without a three-fifths (3/5) vote of the membership of each house of the legislature in a separate bill for that purpose only.

(2) ~~State trust funds in existence before the effective date of this subsection shall terminate not more than four years after the effective date of this subsection.~~ State trust funds created after the effective date of this subsection shall terminate not more than four years after the effective date of the act authorizing the initial creation of the trust fund. By law the legislature may set a shorter time period for which any trust fund is authorized.

(3) Trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions, whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body; the state transportation trust fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida retirement trust fund; trust funds for institutions under the management of the Board of Regents, where such trust funds are for auxiliary enterprises and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing funds or accounts for the chief financial officer or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and other trust funds authorized by this Constitution, are not subject to the requirements set forth in paragraph (2) of this subsection.

(4) All cash balances and income of any trust funds abolished under this subsection shall be deposited into the general revenue fund.

(5) The provisions of this subsection shall be effective November 4, 1992.

(g) **BUDGET STABILIZATION FUND.** ~~Beginning with the 1994-1995 fiscal year, at least 1% of an amount equal to the last completed fiscal year's net revenue collections for the general revenue fund shall be retained in a budget stabilization fund. The budget stabilization fund shall be increased to at least 2% of said amount for the 1995-1996 fiscal year, at least 3% of said amount for the 1996-1997 fiscal year, at least 4% of said amount for the 1997-1998 fiscal year, and at least 5% of said amount for the 1998-1999 fiscal year. Subject to the provisions of this subsection, the budget stabilization fund shall be maintained at an amount equal to at least 5% of the last completed fiscal year's net revenue collections for the general revenue fund shall be retained in a budget stabilization fund. The budget stabilization fund's principal balance shall not exceed an amount equal to 10% of the last completed fiscal year's net revenue collections for the general revenue fund. The legislature shall provide criteria for withdrawing funds from the budget stabilization fund in a separate bill for that purpose only and only for the purpose of covering revenue shortfalls of the general revenue fund or for the purpose of providing funding for an emergency, as defined by general law. General law shall provide for the restoration of this fund. The budget stabilization fund shall be comprised of funds not otherwise obligated or committed for any purpose.~~

(h) **LONG-RANGE STATE PLANNING DOCUMENT AND DEPARTMENT AND AGENCY PLANNING DOCUMENT PROCESS.** ~~General law shall provide for a long-range state planning document. The governor shall recommend to the legislature biennially any revisions to the long-range state planning document, as defined by law. General law shall require a biennial review and revision of the long-range state planning document, shall require the governor to report to the legislature on the progress in achieving the state planning document's goals, and shall require all departments and agencies of state~~

government to develop planning documents *that identify statewide strategic goals and objectives*, consistent with the long-range state planning document. The long-range state planning document and department and agency planning documents shall remain subject to review and revision by the legislature. *The joint legislative budget commission may provide policies and goals that shall be incorporated into the long-range state planning document. The long-range state planning document must include projections of future needs and resources of the state which are consistent with the long-range fiscal plan. The department and agency planning documents shall include a prioritized listing of planned expenditures for review and possible reduction in the event of revenue shortfalls, as defined by general law. To ensure productivity and efficiency in the executive, legislative, and judicial branches, a quality management and accountability program shall be implemented by general law. For the purposes of this subsection, the terms department and agency shall include the judicial branch. This subsection shall be effective July 1, 1993.*

(i) **GOVERNMENT EFFICIENCY TASK FORCE.** *During January of 2007, and each fourth year thereafter, the president of the senate and the speaker of the house of representatives shall appoint a government efficiency task force, the membership of which shall be established by general law. The task force shall be composed of members of the legislature and representatives from the private sector who shall develop recommendations for improving governmental operations and reducing costs. Staff to assist the task force in performing its duties shall be assigned by general law, and the task force may obtain assistance from the private sector. The task force shall complete its work within one year and shall submit its recommendations to the joint legislative budget commission, governor, and chief justice of the supreme court.*

(j) **JOINT LEGISLATIVE BUDGET COMMISSION.** *There is created the joint legislative budget commission composed of the following members: the president pro tempore of the senate and four additional senate members appointed by the president of the senate, one of whom must be the chairperson of the senate appropriations committee; and the speaker pro tempore of the house of representatives and four additional house members appointed by the speaker of the house of representatives, one of whom must be the chairperson of the house appropriations committee. Each member shall serve at the pleasure of the officer who appointed the member. A vacancy on the commission shall be filled in the same manner as the original appointment. From November of each odd-numbered year through October of each even-numbered year, the chairperson of the joint legislative budget commission shall be the president pro tempore of the senate and the vice chairperson of the commission shall be the speaker pro tempore of the house of representatives. From November of each even-numbered year through October of each odd-numbered year, the chairperson of the joint legislative budget commission shall be the speaker pro tempore of the house of representatives and the vice chairperson of the commission shall be the president pro tempore of the senate. The joint legislative budget commission shall be governed by the joint rules of the senate and the house of representatives, which shall remain in effect until repealed or amended by concurrent resolution. The commission shall convene at least quarterly and shall convene at the call of the president of the senate and speaker of the house of representatives. A majority of the commission members of each house constitutes a quorum. Action by the commission requires a majority vote of the commission members present of each house. The commission may conduct its meetings through teleconferences or similar means. In addition to the powers and duties specified in this subsection, the joint legislative budget commission shall exercise all other powers and perform any other duties prescribed by general law or joint rule.*

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE III, SECTION 19

STATE PLANNING AND BUDGET PROCESS.—Proposing amendments to the State Constitution to limit the amount of nonrecurring general revenue which may be appropriated for recurring purposes in any fiscal year to 3 percent of the total general revenue funds available, unless otherwise approved by a three-fifths vote of the Legislature; to establish a Joint Legislative Budget Commission, which shall issue long-range fiscal plans and hold public hearings; to provide requirements for the Governor in submitting a recommended budget and for state agencies in preparing and submitting budget requests; to provide for limited adjustments in the state budget, as provided by law; to require termination of a trust fund 4 years following its initial creation; to require the

preparation and biennial revision of a long-range state planning document; and to establish a Government Efficiency Task Force and specify its duties.

—as amended April 1 was read the third time in full.

On motions by Senator Lee, **SJR 2506** as amended was passed by the required constitutional three-fifths vote of the membership and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Saunders
Bennett	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

SB 2508—A bill to be entitled An act relating to state planning and budgeting; amending s. 11.90, F.S.; revising the membership of the Legislative Budget Commission; providing for the appointment of presiding officers; revising requirements for meetings and a quorum; revising requirements for appointing the staff of the commission; requiring the commission to review budget amendments proposed by the Governor or Chief Justice; authorizing the commission to perform other duties prescribed by the Legislature; amending s. 29.0095, F.S.; requiring the legislative appropriations committees to prescribe the format of budget expenditure reports; amending s. 110.1245, F.S., relating to the savings sharing program; correcting a reference; amending s. 216.011, F.S.; redefining the term “consultation” and defining the term “long-range fiscal plan” for purposes of state fiscal affairs; creating s. 216.012, F.S.; providing requirements for the long-range fiscal plan prepared by the commission; requiring state agencies to provide certain information; specifying timeframes for state agencies and the commission in developing and completing the long-range fiscal plan; amending s. 216.023, F.S.; clarifying certain requirements for legislative budget instructions; amending s. 216.231, F.S.; requiring that a determination be made by the Governor rather than the commission before the release of certain appropriations; amending s. 216.262, F.S., relating to the transfer of positions; correcting a reference; amending s. 320.20, F.S.; revising requirements for the transfer of certain funds; amending s. 409.1671, F.S.; deleting obsolete provisions governing proposals to the Legislative Budget Commission; repealing s. 409.912(5), F.S., relating to a plan for implementing new Medicaid procedure codes; amending s. 631.141, F.S.; clarifying provisions requiring the commission to approve certain appropriations; amending s. 943.61, F.S., relating to appropriations to the Capitol Police; deleting provisions requiring approval by the Governor and the commission; amending s. 1013.512, F.S.; requiring a recommendation by the Governor before placing certain school district funds in reserve; providing a contingent effective date.

—as amended April 1 was read the third time by title.

On motions by Senator Lee, **SB 2508** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Carlton	Dockery
Alexander	Clary	Fasano
Argenziano	Constantine	Garcia
Aronberg	Cowin	Geller
Atwater	Crist	Haridopolos
Bennett	Dawson	Hill
Campbell	Diaz de la Portilla	Jones

Klein	Peaden	Smith
Lawson	Posey	Villalobos
Lee	Pruitt	Wasserman Schultz
Lynn	Saunders	Webster
Margolis	Sebesta	Wilson
Miller	Siplin	Wise

Nays—None

SB 2510—A bill to be entitled An act relating to the investment of state trust funds; amending s. 17.61, F.S.; limiting the authority of state agencies to authorize the Chief Financial Officer to invest moneys in trust funds with interest earnings accruing to such funds; providing for interest earnings to be deposited into the General Revenue Fund; repealing ss. 211.31(3) and 633.445(3), F.S., and amending ss. 445.0325, 1011.94, and 1013.79, F.S., relating to the investment of moneys in various state trust funds and the use of accrued interest earnings; conforming provisions to changes made by the act; providing an effective date.

—was read the third time by title.

On motions by Senator Lee, **SB 2510** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Saunders
Bennett	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for SB 2512—A bill to be entitled An act relating to the service charge on general revenue; amending s. 215.20, F.S.; applying a uniform service charge to income deposited into all trust funds of the state; exempting trust fund income from the service charge if the moneys are subject to certain investment or bond requirements or held by the state in its capacity as agent or fiduciary, if the Executive Office of the Governor, in consultation with the Legislature, determines that the state would lose revenue, if the moneys are received by the Department of the Lottery Administrative Trust Fund, or if the moneys are shared with political subdivisions or are received from taxes or fees levied by political subdivisions and were not subject to the service charge on a specified date or by other statutes; deleting provisions authorizing a reduced service charge for certain trust funds; deleting provisions specifying certain trust funds to which the service charge applies; repealing ss. 215.211, 215.22, and 215.24, F.S., relating to deductions from the service charge and specified exemptions; amending ss. 11.045, 20.2553, 112.3215, 250.175, 339.082, 365.173, 372.107, 464.0198, 498.019, 561.027, 570.205, 576.045, 932.705, 943.365, and 1013.63, F.S., and repealing s. 372.106(3), 373.472(2), and 946.522(3), F.S., relating to various trust funds of the state; conforming provisions to changes made by the act; providing an effective date.

—was read the third time by title.

On motions by Senator Lee, **CS for SB 2512** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

Mr. President	Aronberg	Campbell
Alexander	Atwater	Clary
Argenziano	Bennett	Constantine

Cowin	Hill	Posey
Crist	Jones	Pruitt
Dawson	Klein	Saunders
Diaz de la Portilla	Lawson	Siplin
Dockery	Lee	Smith
Fasano	Lynn	Villalobos
Garcia	Margolis	Wasserman Schultz
Geller	Miller	Wilson
Haridopolos	Peaden	Wise

Lynn	Pruitt	Villalobos
Margolis	Saunders	Wasserman Schultz
Miller	Sebesta	Webster
Peaden	Siplin	Wilson
Posey	Smith	Wise

Nays—2

Sebesta Webster

Vote after roll call:

Yea—Carlton

CS for CS for SB 2514—A bill to be entitled An act relating to the distribution of proceeds from the excise tax on documents; amending s. 201.15, F.S.; requiring that any proceeds of the tax in excess of specified amounts be deposited into the General Revenue Fund rather than appropriated as otherwise provided by law; providing protection for bondholders and preserving the rights of holders of affordable housing guarantees; providing an effective date.

—was read the third time by title.

On motions by Senator Lee, **CS for CS for SB 2514** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Peaden
Alexander	Fasano	Posey
Argenziano	Garcia	Pruitt
Aronberg	Geller	Saunders
Atwater	Haridopolos	Sebesta
Bennett	Hill	Siplin
Campbell	Jones	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—1

Dockery

CS for SB 2264—A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; allowing charter counties to use no more than 25 percent of revenues received from the charter county transit system surtax for nontransit purposes; allowing a county that meets specified criteria to use the proceeds from its local government infrastructure surtax to operate and maintain certain parks and recreation programs and facilities; providing an effective date.

—was read the third time by title.

On motion by Senator Smith, **CS for SB 2264** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Clary	Garcia
Alexander	Constantine	Geller
Argenziano	Cowin	Haridopolos
Aronberg	Crist	Hill
Atwater	Dawson	Jones
Bennett	Diaz de la Portilla	Klein
Campbell	Dockery	Lawson
Carlton	Fasano	Lee

Nays—None

SB 1826—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; providing for the adoption of the 2004 version of the Internal Revenue Code; providing for retroactive operation; providing an effective date.

—was read the third time by title.

On motion by Senator Margolis, **SB 1826** was passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Crist	Peaden
Alexander	Diaz de la Portilla	Posey
Argenziano	Dockery	Pruitt
Aronberg	Fasano	Saunders
Atwater	Garcia	Sebesta
Bennett	Haridopolos	Villalobos
Carlton	Jones	Webster
Clary	Lawson	Wise
Constantine	Lynn	
Cowin	Margolis	

Nays—10

Campbell	Klein	Smith
Dawson	Miller	Wasserman Schultz
Geller	Siplin	Wilson
Hill		

Votes Recorded:

April 13, 2004: Yea—Lee

CS for SB 1176—A bill to be entitled An act relating to building designations; designating the student community educational facility for health at Florida Gulf Coast University as “Kleist Health Education Center”; designating the facility at Florida Gulf Coast University which will house the resort and hospitality management program as “Herbert J. and Margaret S. Sugden Hall”; authorizing Florida Gulf Coast University to erect suitable markers; designating the building that houses the University of Central Florida Downtown Center as the “James and Annie Ying Academic Center”; authorizing the University of Central Florida to erect suitable markers; designating the School of Business and Industry Building at Florida Agricultural and Mechanical University as the “Sybil C. Mobley Business Building”; designating the new Allied Health Building at Florida Agricultural and Mechanical University as the “Margaret W. Lewis/Jacqueline B. Beck Allied Health Building”; designating the Architecture Building at Florida Agricultural and Mechanical University as the “Walter L. Smith Architecture Building”; designating the Archives Building at Florida Agricultural and Mechanical University as the “Carrie Meek/James N. Eaton, Sr. Southeastern Regional Black Archives Research Center and Museum”; authorizing Florida Agricultural and Mechanical University to erect suitable markers; designating the new Structures and Materials Research Laboratory for the College of Engineering at the University of Florida as “The Powell Family Structures and Materials Laboratory”; designating the track/soccer stadium at the University of Florida as the “James G. Pressly Track/Soccer Stadium”; designating the Academic Advising Center at the University of Florida as “Farrior Hall”; designating the proposed band rehearsal facility at the University of Florida as “Steinbrenner Band Hall”; redesignating North-South Drive on the University of Florida campus as “Gale Lemerand Drive”; directing the University of Florida to erect markers; providing an effective date.

—as amended April 1 was read the third time by title.

MOTION

On motion by Senator Carlton, the rules were waived to allow the following amendment to be considered:

Senator Carlton moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (494170)(with title amendment)—On page 6, between lines 5 and 6, insert:

Section 13. *James E. “Jim” and Linda King, Jr., Student Union Building designated; University of North Florida to erect suitable markers.*—

(1) *The Student Union Building at the University of North Florida is designated as the “James E. “Jim” and Linda King, Jr., Student Union Building.”*

(2) *The University of North Florida is authorized to erect suitable markers for the designation of the James E. “Jim” and Linda King, Jr., Student Union Building as described in subsection (1).*

Section 14. *John M. McKay Visitors’ Pavilion designated; Florida State University to erect suitable markers.*—

(1) *The proposed entrance pavilion at the John and Mabel Ringling Museum of Art at the Florida State University Center for Cultural Arts in Sarasota is designated as the “John M. McKay Visitors’ Pavilion.”*

(2) *Florida State University is authorized to erect suitable markers for the designation of the John M. McKay Visitors’ Pavilion as described in subsection (1).*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 15, after the semicolon (;) insert: designating the Student Union Building at the University of North Florida as the “James E. “Jim” and Linda King, Jr. Student Union Building”; designating the proposed entrance pavilion at the John and Mabel Ringling Museum of Art at the Florida State University Ringling Center for Cultural Arts as the “John M. McKay Visitors’ Pavilion”; authorizing the erection of suitable markers;

On motion by Senator Saunders, **CS for SB 1176** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Saunders
Bennett	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

The Senate resumed consideration of—

CS for SB 1276—A bill to be entitled An act relating to health care; amending s. 216.341, F.S.; clarifying that certain provisions relate to the disbursement of trust funds of the Department of Health, not county health department trust funds; providing that certain limitations on the number of authorized positions do not apply to positions in the Department of Health funded by specified sources; amending s. 400.23, F.S.; reducing the nursing home staffing requirement for certified nursing assistants; amending s. 409.814, F.S., as amended, relating to eligibility

for the Florida KidCare program; providing that a child who is otherwise disqualified based on a preexisting medical condition shall be eligible when enrollment is possible; amending s. 409.903, F.S.; amending income levels that determine the eligibility of pregnant women and children under 1 year of age for mandatory medical assistance; amending s. 409.904, F.S.; clarifying Medicaid recipients’ responsibility for the cost of nursing home care; providing limitations on the care available to certain persons under “medically needy” coverage; amending income levels that determine the eligibility of children under 1 year of age for optional medical assistance; amending s. 409.905, F.S.; deleting an obsolete reference; establishing a utilization-management program for private duty nursing for children and hospital neonatal intensive-care stays; establishing a hospitalist program; eliminating transportation services for nondisabled beneficiaries; authorizing the Agency for Health Care Administration to contract for transportation services; amending s. 409.906, F.S.; allowing the consolidation of certain services; authorizing the implementation of a home-based and community-based services utilization-management program; specifying the income standard for hospice care; amending s. 409.9065, F.S.; allowing the Agency for Health Care Administration to operate a limited pharmaceutical expense assistance program under specified conditions; providing limitations on benefits under the program; providing for copayments; amending s. 409.907, F.S.; clarifying that Medicaid provider network status is not an entitlement; amending s. 409.911, F.S.; establishing the Medicaid Disproportionate Share Council; amending s. 409.912, F.S.; reducing payment for pharmaceutical ingredient prices; expanding the existing pharmaceutical supplemental rebate threshold to a minimum of 27 percent; authorizing a return and reuse prescription drug program; allowing for utilization management and prior authorization for certain categories of drugs; limiting allowable monthly dosing of drugs that enhance or enable sexual performance; modifying Medicaid prescribed drug coverage to allow for preferred daily dosages of certain select pharmaceuticals; authorizing a prior-authorization program for the off-label use of Medicaid prescribed pharmaceuticals; adopting an algorithm-based treatment protocol for select mental health disorders; requiring the agency to implement a behavioral health drug management program financed through an agreement with pharmaceutical manufacturers; providing contract requirements and program requirements; providing for application of certain drug limits and prior-authorization requirements if the agency is unable to negotiate a contract; allowing for limitation of the Medicaid provider networks; amending s. 409.9122, F.S.; revising prerequisites to mandatory assignment; specifying managed care enrollment in certain areas of the state; requiring certain Medicaid applicants to select a managed care plan at the time of application; eliminating the exclusion of special hospital payments from rates for health maintenance organizations; providing technical updates; amending ss. 430.204 and 430.205, F.S.; rescinding the expiration of certain funding provisions relating to community-care-for-the-elderly core services and to the community care service system; amending s. 624.91, F.S., the Florida Healthy Kids Corporation Act; deleting certain eligibility requirements for state-funded assistance in paying premiums for the Florida Healthy Kids program; requiring purchases to be made in a manner consistent with delivering accessible medical care; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (205376)** by Senator Siplin was withdrawn.

Pending further consideration of **CS for SB 1276** as amended, on motion by Senator Peaden, by two-thirds vote **HB 1843** was withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; Appropriations; and Rules and Calendar.

On motion by Senator Peaden, the rules were waived and by two-thirds vote—

HB 1843—A bill to be entitled An act relating to health care; amending s. 395.701, F.S.; revising, providing, and deleting definitions relating to assessments on certain net operating revenues; amending s. 400.23, F.S.; delaying a nursing home staffing increase; amending s. 408.07, F.S.; revising a definition relating to revenue deductions; amending s. 409.814, F.S.; revising a redetermination review period for the Florida KidCare Program; amending s. 409.905, F.S., relating to mandatory Medicaid services; requiring utilization management of private duty nursing services; establishing a hospitalist program; limiting payment for bed hold days for nursing facilities; amending s. 409.906, F.S., relating to optional Medicaid services; providing for adult denture and adult hearing and visual services; eliminating vacancy interim rates for intermediate care facility for the developmentally disabled services; requiring utilization management for home and community-based services;

consolidating home and community-based services; amending s. 409.908, F.S.; deleting certain guidelines relating to reimbursement of Medicaid providers; mandating the payment method of county health departments; amending s. 409.911, F.S.; authorizing the convening of the Medicaid Disproportionate Share Task Force and providing duties thereof; amending s. 409.912, F.S.; granting Medicaid provider network management; providing limits on certain drugs; providing for management of mental health drugs; reducing payment for pharmaceutical ingredient prices; expanding the existing pharmaceutical supplemental rebate threshold; correcting cross references; amending s. 409.9122, F.S.; revising enrollment policies with respect to the selection of a managed care plan at the time of Medicaid application; revising prerequisites to mandatory assignment; amending s. 409.915, F.S.; providing a new calculation method for county nursing home contributions to Medicaid; authorizing the Agency for Health Care Administration to seek federal waivers necessary to implement Medicaid reform; providing effective dates.

—a companion measure, was substituted for **CS for SB 1276** as amended, and by two-thirds vote read the second time by title.

Senator Peaden moved the following amendment:

Amendment 1 (822742)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 216.341, Florida Statutes, is amended to read:

216.341 Disbursement of *Department of Health county health department* trust funds; *appropriation of authorized positions.*—

(1) County health department trust funds may be expended by the Department of Health for the respective county health departments in accordance with budgets and plans agreed upon by the county authorities of each county and the Department of Health.

(2) The *requirement limitations on appropriations* provided in s. 216.262(1) shall not apply to *Department of Health positions funded by:*

- (a) County health department trust funds; or
- (b) *The United States Trust Fund.*

Section 2. Effective May 1, 2004, paragraph (a) of subsection (3) of section 400.23, Florida Statutes, is amended to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(3)(a) The agency shall adopt rules providing ~~for the~~ minimum staffing ~~standards requirements~~ for nursing homes. These ~~standards requirements~~ shall ~~require include, in for~~ each nursing home facility, a minimum certified nursing assistant staffing of 2.3 hours of direct care per resident per day beginning January 1, 2002, ~~and increasing to 2.6 hours of direct care per resident per day beginning January 1, 2003, and increasing to 2.9 hours of direct care per resident per day beginning May 1, 2004.~~ Beginning January 1, 2002, no facility shall staff below one certified nursing assistant per 20 residents, and a minimum licensed nursing staffing of 1.0 hour of direct resident care per resident per day but never below one licensed nurse per 40 residents. Nursing assistants employed never below one licensed nurse per 40 residents. Nursing assistants employed under s. 400.211(2) may be included in computing the staffing ratio for certified nursing assistants only if they provide nursing assistance services to residents on a full-time basis. Each nursing home must document compliance with staffing standards as required under this paragraph and post daily the names of staff on duty for the benefit of facility residents and the public. The agency shall recognize the use of licensed nurses for compliance with minimum staffing requirements for certified nursing assistants, provided that the facility otherwise meets the minimum staffing requirements for licensed nurses and that the licensed nurses so recognized are performing the duties of a certified nursing assistant. Unless otherwise approved by the agency, licensed nurses counted towards the minimum staffing requirements for certified nursing assistants must exclusively perform the duties of a certified nursing assistant for the entire shift and shall not also be counted towards the minimum staffing requirements for licensed nurses. If the agency approved a facility's request to use a licensed nurse to perform both licensed nursing and certified nursing assistant duties, the facility must allocate the amount of staff time specifically spent on ~~each set of certified nursing assistant~~ duties for the purpose of documenting compliance with minimum staffing requirements for certified and

licensed nursing staff. In no event may the hours of a licensed nurse with dual job responsibilities be counted twice.

Section 3. Section 409.814, Florida Statutes, as amended by CS for SB 2000, 1st engrossed, is amended to read:

409.814 Eligibility.—A child who has not reached 19 years of age whose family income is equal to or below 200 percent of the federal poverty level is eligible for the Florida KidCare program as provided in this section. *A child who is otherwise eligible for KidCare and who has a preexisting condition that prevents coverage under another insurance plan as described in subsection (4) which would have disqualified the child for KidCare if the child were able to enroll in the plan shall be eligible for KidCare coverage when enrollment is possible.* For enrollment in the Children's Medical Services network, a complete application includes the medical or behavioral health screening. If, subsequently, an individual is determined to be ineligible for coverage, he or she must immediately be disenrolled from the respective Florida KidCare program component.

(1) A child who is eligible for Medicaid coverage under s. 409.903 or s. 409.904 must be enrolled in Medicaid and is not eligible to receive health benefits under any other health benefits coverage authorized under the Florida KidCare program.

(2) A child who is not eligible for Medicaid, but who is eligible for the Florida KidCare program, may obtain health benefits coverage under any of the other components listed in s. 409.813 if such coverage is approved and available in the county in which the child resides. However, a child who is eligible for Medikids may participate in the Florida Healthy Kids program only if the child has a sibling participating in the Florida Healthy Kids program and the child's county of residence permits such enrollment.

(3) A child who is eligible for the Florida KidCare program who is a child with special health care needs, as determined through a medical or behavioral screening instrument, is eligible for health benefits coverage from and shall be referred to the Children's Medical Services network.

(4) The following children are not eligible to receive premium assistance for health benefits coverage under the Florida KidCare program, except under Medicaid if the child would have been eligible for Medicaid under s. 409.903 or s. 409.904 as of June 1, 1997:

(a) A child who is eligible for coverage under a state health benefit plan on the basis of a family member's employment with a public agency in the state.

(b) A child who is currently eligible for or covered under a family member's group health benefit plan or under other employer health insurance coverage, excluding coverage provided under the Florida Healthy Kids Corporation as established under s. 624.91, provided that the cost of the child's participation is not greater than 5 percent of the family's income. This provision shall be applied during redetermination for children who were enrolled prior to July 1, 2004. These enrollees shall have 6 months of eligibility following redetermination to allow for a transition to the other health benefit plan.

(c) A child who is seeking premium assistance for the Florida KidCare program through employer-sponsored group coverage, if the child has been covered by the same employer's group coverage during the 6 months prior to the family's submitting an application for determination of eligibility under the program.

(d) A child who is an alien, but who does not meet the definition of qualified alien, in the United States.

(e) A child who is an inmate of a public institution or a patient in an institution for mental diseases.

(f) A child who has had his or her coverage in an employer-sponsored health benefit plan voluntarily canceled in the last 6 months, except those children who were on the waiting list prior to January 31, 2004.

(5) A child ~~whose family income is above 200 percent of the federal poverty level or a child who is excluded under the provisions of subsection (4) may participate in the Florida KidCare program, excluding the Medicaid program, but is subject to the following provisions:~~

(a) The family is not eligible for premium assistance payments and must pay the full cost of the premium, including any administrative costs.

(b) The agency is authorized to place limits on enrollment in Medikids by these children in order to avoid adverse selection. The number of children participating in Medikids whose family income exceeds 200 percent of the federal poverty level must not exceed 10 percent of total enrollees in the Medikids program.

(c) The board of directors of the Florida Healthy Kids Corporation is authorized to place limits on enrollment of these children in order to avoid adverse selection. In addition, the board is authorized to offer a reduced benefit package to these children in order to limit program costs for such families. The number of children participating in the Florida Healthy Kids program whose family income exceeds 200 percent of the federal poverty level must not exceed 10 percent of total enrollees in the Florida Healthy Kids program.

(d) Children described in this subsection are not counted in the annual enrollment ceiling for the Florida KidCare program.

(6) Once a child is enrolled in the Florida KidCare program, the child is eligible for coverage under the program for 6 months without a re-determination or reverification of eligibility, if the family continues to pay the applicable premium. Eligibility for program components funded through Title XXI of the Social Security Act shall terminate when a child attains the age of 19. Effective January 1, 1999, a child who has not attained the age of 5 and who has been determined eligible for the Medicaid program is eligible for coverage for 12 months without a re-determination or reverification of eligibility.

(7) When determining or reviewing a child's eligibility under the Florida KidCare program, the applicant shall be provided with reasonable notice of changes in eligibility which may affect enrollment in one or more of the program components. When a transition from one program component to another is authorized, there shall be cooperation between the program components and the affected family which promotes continuity of health care coverage. Any authorized transfers must be managed within the program's overall appropriated or authorized levels of funding. Each component of the program shall establish a reserve to ensure that transfers between components will be accomplished within current year appropriations. These reserves shall be reviewed by each convening of the Social Services Estimating Conference to determine the adequacy of such reserves to meet actual experience.

(8) In determining the eligibility of a child, an assets test is not required. Each applicant shall provide written documentation during the application process and the redetermination process, including, but not limited to, the following:

(a) Proof of family income supported by copies of any federal income tax return for the prior year, any wages and earnings statements (W-2 forms), and any other appropriate document.

(b) A statement from all family members that:

1. Their employer does not sponsor a health benefit plan for employees; or

2. The potential enrollee is not covered by the employer-sponsored health benefit plan because the potential enrollee is not eligible for coverage, or, if the potential enrollee is eligible but not covered, a statement of the cost to enroll the potential enrollee in the employer-sponsored health benefit plan.

(9) Subject to paragraph (4)(b) and s. 624.91(3), the Florida KidCare program shall withhold benefits from an enrollee if the program obtains evidence that the enrollee is no longer eligible, submitted incorrect or fraudulent information in order to establish eligibility, or failed to provide verification of eligibility. The applicant or enrollee shall be notified that because of such evidence program benefits will be withheld unless the applicant or enrollee contacts a designated representative of the program by a specified date, which must be within 10 days after the date of notice, to discuss and resolve the matter. The program shall make every effort to resolve the matter within a timeframe that will not cause benefits to be withheld from an eligible enrollee.

(10) The following individuals may be subject to prosecution in accordance with s. 414.39:

(a) An applicant obtaining or attempting to obtain benefits for a potential enrollee under the Florida KidCare program when the applicant knows or should have known the potential enrollee does not qualify for the Florida KidCare program.

(b) An individual who assists an applicant in obtaining or attempting to obtain benefits for a potential enrollee under the Florida KidCare program when the individual knows or should have known the potential enrollee does not qualify for the Florida KidCare program.

Section 4. Subsection (5) of section 409.903, Florida Statutes, is amended to read:

409.903 Mandatory payments for eligible persons.—The agency shall make payments for medical assistance and related services on behalf of the following persons who the department, or the Social Security Administration by contract with the Department of Children and Family Services, determines to be eligible, subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(5) *Effective October 1, 2004*, a pregnant woman for the duration of her pregnancy and for the postpartum period as defined in federal law and rule, or a child under age 1, if either is living in a family that has an income which is at or below 150 percent of the most current federal poverty level, ~~or, effective January 1, 1992, that has an income which is at or below 185 percent of the most current federal poverty level.~~ Such a person is not subject to an assets test. Further, a pregnant woman who applies for eligibility for the Medicaid program through a qualified Medicaid provider must be offered the opportunity, subject to federal rules, to be made presumptively eligible for the Medicaid program.

Section 5. Subsections (2), (3), and (8) of section 409.904, Florida Statutes, are amended to read:

409.904 Optional payments for eligible persons.—The agency may make payments for medical assistance and related services on behalf of the following persons who are determined to be eligible subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(2) A family, a pregnant woman, a child under age 21, a person age 65 or over, or a blind or disabled person, who would be eligible under any group listed in s. 409.903(1), (2), or (3), except that the income or assets of such family or person exceed established limitations. For a family or person in one of these coverage groups, medical expenses are deductible from income in accordance with federal requirements in order to make a determination of eligibility. *Children and pregnant women* ~~A family or person~~ *eligible under the coverage known as the "medically needy," are is* eligible to receive the same services as other Medicaid recipients, with the exception of services in skilled nursing facilities and intermediate care facilities for the developmentally disabled. *Effective January 1, 2005, parents or caretaker relatives of children eligible under the coverage known as "medically needy" and aged, blind, or disabled persons eligible under such coverage are limited to pharmacy services only.*

(3) A person who is in need of the services of a licensed nursing facility, a licensed intermediate care facility for the developmentally disabled, or a state mental hospital, whose income does not exceed 300 percent of the SSI income standard, and who meets the assets standards established under federal and state law. *In determining the person's responsibility for the cost of care, the following amounts must be deducted from the person's income:*

(a) *The monthly personal allowance for residents as set based on appropriations.*

(b) *The reasonable costs of medically necessary services and supplies that are not reimbursable by the Medicaid program.*

(c) *The cost of premiums, copayments, coinsurance, and deductibles for supplemental health insurance.*

(8) *Effective October 1, 2004*, a child under 1 year of age who lives in a family that has an income above ~~150~~ 185 percent of the most recently

published federal poverty level, but which is at or below 200 percent of such poverty level. In determining the eligibility of such child, an assets test is not required. A child who is eligible for Medicaid under this subsection must be offered the opportunity, subject to federal rules, to be made presumptively eligible.

Section 6. Section 409.905, Florida Statutes, 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. Mandatory services rendered by providers in mobile units to Medicaid recipients may be restricted by the agency. 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.

(1) **ADVANCED REGISTERED NURSE PRACTITIONER SERVICES.**—The agency shall pay for services provided to a recipient by a licensed advanced registered nurse practitioner who has a valid collaboration agreement with a licensed physician on file with the Department of Health or who provides anesthesia services in accordance with established protocol required by state law and approved by the medical staff of the facility in which the anesthetic service is performed. Reimbursement for such services must be provided in an amount that equals not less than 80 percent of the reimbursement to a physician who provides the same services, unless otherwise provided for in the General Appropriations Act.

(2) **EARLY AND PERIODIC SCREENING, DIAGNOSIS, AND TREATMENT SERVICES.**—The agency shall pay for early and periodic screening and diagnosis of a recipient under age 21 to ascertain physical and mental problems and conditions and provide treatment to correct or ameliorate these problems and conditions. These services include all services determined by the agency to be medically necessary for the treatment, correction, or amelioration of these problems, including personal care, private duty nursing, durable medical equipment, physical therapy, occupational therapy, speech therapy, respiratory therapy, and immunizations.

(3) **FAMILY PLANNING SERVICES.**—The agency shall pay for services necessary to enable a recipient voluntarily to plan family size or to space children. These services include information; education; counseling regarding the availability, benefits, and risks of each method of pregnancy prevention; drugs and supplies; and necessary medical care and followup. Each recipient participating in the family planning portion of the Medicaid program must be provided freedom to choose any alternative method of family planning, as required by federal law.

(4) **HOME HEALTH CARE SERVICES.**—The agency shall pay for nursing and home health aide services, supplies, appliances, and durable medical equipment, necessary to assist a recipient living at home. An entity that provides services pursuant to this subsection shall be licensed under part IV of chapter 400 or part II of chapter 499, if appropriate. These services, equipment, and supplies, or reimbursement therefor, may be limited as provided in the General Appropriations Act and do not include services, equipment, or supplies provided to a person residing in a hospital or nursing facility.

(a) In providing home health care services, the agency may require prior authorization of care based on diagnosis.

(b) *Effective November 1, 2004, the agency shall implement a comprehensive utilization program that requires prior authorization of all private duty nursing services for children, including children served by the Department of Health's Children's Medical Services program. The agency may competitively bid a contract to select a qualified organization to provide such services. The agency may seek federal waiver approval as necessary to implement this policy.*

(5) **HOSPITAL INPATIENT SERVICES.**—The agency shall pay for all covered services provided for the medical care and treatment of a recipient who is admitted as an inpatient by a licensed physician or dentist to a hospital licensed under part I of chapter 395. However, the

agency shall limit the payment for inpatient hospital services for a Medicaid recipient 21 years of age or older to 45 days or the number of days specified in the annual necessary to comply with the General Appropriations Act.

(a) The agency is authorized to implement reimbursement and utilization management reforms in order to comply with any limitations or directions in the General Appropriations Act, which may include, but are not limited to: prior authorization for inpatient psychiatric days; prior authorization for nonemergency hospital inpatient admissions for individuals 21 years of age and older; authorization of emergency and urgent-care admissions within 24 hours after admission; enhanced utilization and concurrent review programs for highly utilized services; reduction or elimination of covered days of service; adjusting reimbursement ceilings for variable costs; adjusting reimbursement ceilings for fixed and property costs; and implementing target rates of increase. The agency may limit prior authorization for hospital inpatient services to selected diagnosis-related groups, based on an analysis of the cost and potential for unnecessary hospitalizations represented by certain diagnoses. Admissions for normal delivery and newborns are exempt from requirements for prior authorization. In implementing the provisions of this section related to prior authorization, the agency shall ensure that the process for authorization is accessible 24 hours per day, 7 days per week and authorization is automatically granted when not denied within 4 hours after the request. Authorization procedures must include steps for review of denials. Upon implementing the prior authorization program for hospital inpatient services, the agency shall discontinue its hospital retrospective review program.

(b) A licensed hospital maintained primarily for the care and treatment of patients having mental disorders or mental diseases is not eligible to participate in the hospital inpatient portion of the Medicaid program except as provided in federal law. However, *subject to federal Medicaid waiver approval, the agency may pay for the department shall apply for a waiver, within 9 months after June 5, 1991, designed to provide hospitalization services for mental health reasons to children and adults in the most cost-effective and lowest-cost setting possible. Such waiver shall include a request for the opportunity to pay for care in hospitals known under federal law as "institutions for mental disease" or "IMD's."* The waiver proposal shall propose no additional aggregate cost to the state or Federal Government, and shall be conducted in Hillsborough County, Highlands County, Hardee County, Manatee County, and Polk County. The waiver proposal may incorporate competitive bidding for hospital services, comprehensive brokering, prepaid capitated arrangements, or other mechanisms deemed by the agency department to show promise in reducing the cost of acute care and increasing the effectiveness of preventive care. *When developing* The waiver proposal, ~~the department~~ shall take into account price, quality, accessibility, linkages of the hospital to community services and family support programs, plans of the hospital to ensure the earliest discharge possible, and the comprehensiveness of the mental health and other health care services offered by participating providers.

(c) The agency for Health Care Administration shall adjust a hospital's current inpatient per diem rate to reflect the cost of serving the Medicaid population at that institution if:

1. The hospital experiences an increase in Medicaid caseload by more than 25 percent in any year, primarily resulting from the closure of a hospital in the same service area occurring after July 1, 1995;

2. The hospital's Medicaid per diem rate is at least 25 percent below the Medicaid per patient cost for that year; or

3. The hospital is located in a county that has five or fewer hospitals, began offering obstetrical services on or after September 1999, and has submitted a request in writing to the agency for a rate adjustment after July 1, 2000, but before September 30, 2000, in which case such hospital's Medicaid inpatient per diem rate shall be adjusted to cost, effective July 1, 2002.

No later than October 1 of each year, the agency must provide estimated costs for any adjustment in a hospital inpatient per diem pursuant to this paragraph to the Executive Office of the Governor, the House of Representatives General Appropriations Committee, and the Senate Appropriations Committee. Before the agency implements a change in a hospital's inpatient per diem rate pursuant to this paragraph, the Legislature must have specifically appropriated sufficient funds in the Gen-

eral Appropriations Act to support the increase in cost as estimated by the agency.

(d) *Effective September 1, 2004, the agency shall implement a hospitalist program in certain high-volume participating hospitals, in select counties or statewide. The program shall require hospitalists to authorize and manage Medicaid recipients' hospital admissions and lengths of stay. Individuals who are dually eligible for Medicare and Medicaid are exempted from this requirement. Medicaid participating physicians and other practitioners with hospital admitting privileges shall coordinate and review admissions of Medicaid beneficiaries with the hospitalist. The agency may competitively bid a contract for selection of a qualified organization to provide hospitalist services. The agency may seek federal waiver approval as necessary to implement this policy.*

(e) *Effective November 1, 2004, the agency shall implement a comprehensive utilization management program for hospital neonatal intensive care stays in certain high-volume Medicaid participating hospitals, in select counties or statewide, and shall replace existing hospital inpatient utilization management programs. The program shall be designed to manage the lengths of stay for children being treated in neonatal intensive care units and must seek the earliest medically appropriate discharge to the child's home or other less costly treatment setting. The agency may competitively bid a contract for selection of a qualified organization to provide neonatal intensive care utilization management services. The agency may seek federal waiver approval as necessary to implement this policy.*

(6) **HOSPITAL OUTPATIENT SERVICES.**—The agency shall pay for preventive, diagnostic, therapeutic, or palliative care and other services provided to a recipient in the outpatient portion of a hospital licensed under part I of chapter 395, and provided under the direction of a licensed physician or licensed dentist, except that payment for such care and services is limited to \$1,500 per state fiscal year per recipient, unless an exception has been made by the agency, and with the exception of a Medicaid recipient under age 21, in which case the only limitation is medical necessity.

(7) **INDEPENDENT LABORATORY SERVICES.**—The agency shall pay for medically necessary diagnostic laboratory procedures ordered by a licensed physician or other licensed practitioner of the healing arts which are provided for a recipient in a laboratory that meets the requirements for Medicare participation and is licensed under chapter 483, if required.

(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(11), 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.

(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. 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 as defined by state law. The agency shall not pay for services that are clinically unproven, experimental, or for purely cosmetic purposes.

(10) **PORTABLE X-RAY SERVICES.**—The agency shall pay for professional and technical portable radiological services ordered by a licensed physician or other licensed practitioner of the healing arts which are provided by a licensed professional in a setting other than a hospital, clinic, or office of a physician or practitioner of the healing arts, on behalf of a recipient.

(11) **RURAL HEALTH CLINIC SERVICES.**—The agency shall pay for outpatient primary health care services for a recipient provided by a clinic certified by and participating in the Medicare program which is

located in a federally designated, rural, medically underserved area and has on its staff one or more licensed primary care nurse practitioners or physician assistants, and a licensed staff supervising physician or a consulting supervising physician.

(12) **TRANSPORTATION SERVICES.**—The agency shall ensure that appropriate transportation services are available for a Medicaid recipient in need of transport to a qualified Medicaid provider for medically necessary and Medicaid-compensable services, provided a recipient's ability to choose a specific transportation provider is shall be limited to those options resulting from policies established by the agency to meet the fiscal limitations of the General Appropriations Act. *Effective January 1, 2005, except for persons who meet Medicaid disability standards adopted by rule, nonemergency transportation services may not be offered to nondisabled recipients if public transportation is generally available in the beneficiary's community.* The agency may pay for transportation and other related travel expenses as necessary only if these services are not otherwise available. *The agency may competitively bid and contract with a statewide vendor on a capitated basis for the provision of nonemergency transportation services. The agency may seek federal waiver approval as necessary to implement this subsection.*

Section 7. Subsections (13), (14), and (15) of section 409.906, Florida Statutes, are 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. Optional services rendered by providers in mobile units to Medicaid recipients may be restricted or prohibited by the agency. 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. If necessary to safeguard the state's systems of providing services to elderly and disabled persons and subject to the notice and review provisions of s. 216.177, the Governor may direct the Agency for Health Care Administration to amend the Medicaid state plan to delete the optional Medicaid service known as "Intermediate Care Facilities for the Developmentally Disabled." Optional services may include:

(13) **HOME AND COMMUNITY-BASED SERVICES.**—The agency may pay for home-based or community-based services that are rendered to a recipient in accordance with a federally approved waiver program.

(a) The agency may limit or eliminate coverage for certain ~~Project AIDS Care Waiver~~ services, preauthorize high-cost or highly utilized services, or make any other adjustments necessary to comply with any limitations or directions provided for in the General Appropriations Act.

(b) *The agency may consolidate types of services offered in the Aged and Disabled Waiver, the Channeling Waiver, Project AIDS Care Waiver, and the Traumatic Brain and Spinal Cord Injury Waiver programs in order to group similar services under a single service, or upon evidence of the need for including a particular service type in a particular waiver. The agency may seek federal waiver approval as necessary to implement this policy.*

(c) *The agency may implement a utilization management program designed to preauthorize home-and-community-based service plans, including, but not limited to, proposed quantity and duration of services, and to monitor ongoing service use by participants in the program. The agency may competitively procure a qualified organization to provide utilization management of home-and-community-based services. The agency may seek federal waiver approval as necessary to implement this policy.*

(14) **HOSPICE CARE SERVICES.**—The agency may pay for all reasonable and necessary services for the palliation or management of a recipient's terminal illness, if the services are provided by a hospice that is licensed under part VI of chapter 400 and meets Medicare certification requirements. *Effective October 1, 2004, subject to federal approval, the community hospice income standard would be equal to the level set in s. 409.904(1).*

(15) INTERMEDIATE CARE FACILITY FOR THE DEVELOPMENTALLY DISABLED SERVICES.—The agency may pay for health-related care and services provided on a 24-hour-a-day basis by a facility licensed and certified as a Medicaid Intermediate Care Facility for the Developmentally Disabled, for a recipient who needs such care because of a developmental disability.

Section 8. Present subsection (8) of section 409.9065, Florida Statutes, is redesignated as subsection (9), and a new subsection (8) is added to that section, to read:

409.9065 Pharmaceutical expense assistance.—

(8) *In the absence of state appropriations for the expansion of the Lifesaver Rx Program to provide benefits to higher income groups and additional discounts as described in subsections (2) and (3), the Agency for Health Care Administration may, subject to federal approval and continuing state appropriations, operate a pharmaceutical expense assistance program that limits eligibility and benefits to Medicaid beneficiaries who do not normally receive Medicaid benefits, are Florida residents age 65 and older, have an income less than or equal to 120 percent of the federal poverty level, are eligible for Medicare, and request to be enrolled in the program. Benefits under the limited pharmaceutical expense assistance program shall include Medicaid payment for up to \$160 per month for prescribed drugs, subject to benefit utilization controls applied to other Medicaid prescribed drug benefits and the following copayments: \$2 per generic product, \$5 for a product that is on the Medicaid Preferred Drug List, and \$15 for a product that is not on the Preferred Drug List.*

Section 9. Subsection (12) is added to section 409.907, Florida Statutes, to read:

409.907 Medicaid provider agreements.—The agency may make payments for medical assistance and related services rendered to Medicaid recipients only to an individual or entity who has a provider agreement in effect with the agency, who is performing services or supplying goods in accordance with federal, state, and local law, and who agrees that no person shall, on the grounds of handicap, race, color, or national origin, or for any other reason, be subjected to discrimination under any program or activity for which the provider receives payment from the agency.

(12) *Licensed, certified, or otherwise qualified providers are not entitled to enrollment in a Medicaid provider network.*

Section 10. Subsection (9) is added to section 409.911, Florida Statutes, to read:

409.911 Disproportionate share program.—Subject to specific allocations established within the General Appropriations Act and any limitations established pursuant to chapter 216, the agency shall distribute, pursuant to this section, moneys to hospitals providing a disproportionate share of Medicaid or charity care services by making quarterly Medicaid payments as required. 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.

(9) *The Agency for Health Care Administration shall convene a Medicaid Disproportionate Share Council.*

(a) *The purpose of the council is to study and make recommendations regarding:*

1. *The formula for the regular disproportionate share program and alternative financing options;*
2. *Enhanced Medicaid funding through the Special Medicaid Payment program; and*
3. *The federal status of the upper-payment-limit funding option and how this option may be used to promote health care initiatives determined by the council to be state health care priorities.*

(b) *The council shall include representatives of the Executive Office of the Governor and of the agency, representatives from teaching, public, private nonprofit, private for-profit, and family practice teaching hospitals, and representatives from other groups as needed.*

(c) *The council shall submit its findings and recommendations to the Governor and the Legislature no later than February 1 of each year.*

Section 11. Subsection (40) of section 409.912, Florida Statutes, is amended, and subsection (45) is added to that section, 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. The agency may establish prior authorization requirements for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization.

(40)(a) The agency shall implement a Medicaid prescribed-drug spending-control program that includes the following components:

1. Medicaid prescribed-drug coverage for brand-name drugs for adult Medicaid recipients is limited to the dispensing of four brand-name drugs per month per recipient. Children are exempt from this restriction. Antiretroviral agents are excluded from this limitation. No requirements for prior authorization or other restrictions on medications used to treat mental illnesses such as schizophrenia, severe depression, or bipolar disorder may be imposed on Medicaid recipients. Medications that will be available without restriction for persons with mental illnesses include atypical antipsychotic medications, conventional antipsychotic medications, selective serotonin reuptake inhibitors, and other medications used for the treatment of serious mental illnesses. The agency shall also limit the amount of a prescribed drug dispensed to no more than a 34-day supply. The agency shall continue to provide unlimited generic drugs, contraceptive drugs and items, and diabetic supplies. Although a drug may be included on the preferred drug formulary, it would not be exempt from the four-brand limit. The agency may authorize exceptions to the brand-name-drug restriction based upon the treatment needs of the patients, only when such exceptions are based on prior consultation provided by the agency or an agency contractor, but the agency must establish procedures to ensure that:

- a. There will be a response to a request for prior consultation by telephone or other telecommunication device within 24 hours after receipt of a request for prior consultation;

- b. A 72-hour supply of the drug prescribed will be provided in an emergency or when the agency does not provide a response within 24 hours as required by sub-subparagraph a.; and

- c. Except for the exception for nursing home residents and other institutionalized adults and except for drugs on the restricted formulary for which prior authorization may be sought by an institutional or community pharmacy, prior authorization for an exception to the brand-name-drug restriction is sought by the prescriber and not by the pharmacy. When prior authorization is granted for a patient in an institutional setting beyond the brand-name-drug restriction, such approval is authorized for 12 months and monthly prior authorization is not required for that patient.

2. Reimbursement to pharmacies for Medicaid prescribed drugs shall be set at the average wholesale price less ~~14.25~~ ~~13.25~~ percent or wholesale acquisition cost plus 5 percent, whichever is less.

3. The agency shall develop and implement a process for managing the drug therapies of Medicaid recipients who are using significant numbers of prescribed drugs each month. The management process may include, but is not limited to, comprehensive, physician-directed medical-record reviews, claims analyses, and case evaluations to determine the medical necessity and appropriateness of a patient's treatment plan

and drug therapies. The agency may contract with a private organization to provide drug-program-management services. The Medicaid drug benefit management program shall include initiatives to manage drug therapies for HIV/AIDS patients, patients using 20 or more unique prescriptions in a 180-day period, and the top 1,000 patients in annual spending.

4. The agency may limit the size of its pharmacy network based on need, competitive bidding, price negotiations, credentialing, or similar criteria. The agency shall give special consideration to rural areas in determining the size and location of pharmacies included in the Medicaid pharmacy network. A pharmacy credentialing process may include criteria such as a pharmacy's full-service status, location, size, patient educational programs, patient consultation, disease-management services, and other characteristics. The agency may impose a moratorium on Medicaid pharmacy enrollment when it is determined that it has a sufficient number of Medicaid-participating providers.

5. The agency shall develop and implement a program that requires Medicaid practitioners who prescribe drugs to use a counterfeit-proof prescription pad for Medicaid prescriptions. The agency shall require the use of standardized counterfeit-proof prescription pads by Medicaid-participating prescribers or prescribers who write prescriptions for Medicaid recipients. The agency may implement the program in targeted geographic areas or statewide.

6. The agency may enter into arrangements that require manufacturers of generic drugs prescribed to Medicaid recipients to provide rebates of at least 15.1 percent of the average manufacturer price for the manufacturer's generic products. These arrangements shall require that if a generic-drug manufacturer pays federal rebates for Medicaid-reimbursed drugs at a level below 15.1 percent, the manufacturer must provide a supplemental rebate to the state in an amount necessary to achieve a 15.1-percent rebate level.

7. The agency may establish a preferred drug formulary in accordance with 42 U.S.C. s. 1396f-8, and, pursuant to the establishment of such formulary, it is authorized to negotiate supplemental rebates from manufacturers that are in addition to those required by Title XIX of the Social Security Act and at no less than 12 10 percent of the average manufacturer price as defined in 42 U.S.C. s. 1936 on the last day of a quarter unless the federal or supplemental rebate, or both, equals or exceeds 27 25 percent. There is no upper limit on the supplemental rebates the agency may negotiate. The agency may determine that specific products, brand-name or generic, are competitive at lower rebate percentages. Agreement to pay the minimum supplemental rebate percentage will guarantee a manufacturer that the Medicaid Pharmaceutical and Therapeutics Committee will consider a product for inclusion on the preferred drug formulary. However, a pharmaceutical manufacturer is not guaranteed placement on the formulary by simply paying the minimum supplemental rebate. Agency decisions will be made on the clinical efficacy of a drug and recommendations of the Medicaid Pharmaceutical and Therapeutics Committee, as well as the price of competing products minus federal and state rebates. The agency is authorized to contract with an outside agency or contractor to conduct negotiations for supplemental rebates. For the purposes of this section, the term "supplemental rebates" may include, at the agency's discretion, cash rebates and other program benefits that offset a Medicaid expenditure. Such other program benefits may include, but are not limited to, disease management programs, drug product donation programs, drug utilization control programs, prescriber and beneficiary counseling and education, fraud and abuse initiatives, and other services or administrative investments with guaranteed savings to the Medicaid program in the same year the rebate reduction is included in the General Appropriations Act. The agency is authorized to seek any federal waivers necessary to implement this initiative.

8. *The agency shall implement a return and reuse program for drugs dispensed by pharmacies to institutional recipients, which includes payment of a \$5 restocking fee for the implementation and operation of the program. The return and reuse program shall be implemented electronically and in a manner that promotes efficiency. The program must permit a pharmacy to exclude drugs from the program if it is not practical or cost-effective for the drug to be included and must provide for the return to inventory of drugs that cannot be credited or returned in a cost-effective manner. The agency shall establish an advisory committee for the purposes of studying the feasibility of using a restricted drug formulary for nursing home residents and other institutionalized adults. The committee shall be comprised of seven members appointed by the Secretary of*

Health Care Administration. The committee members shall include two physicians licensed under chapter 458 or chapter 459; three pharmacists licensed under chapter 465 and appointed from a list of recommendations provided by the Florida Long Term Care Pharmacy Alliance; and two pharmacists licensed under chapter 465.

9. ~~The agency for Health Care Administration shall expand home delivery of pharmacy products. To assist Medicaid patients in securing their prescriptions and reduce program costs, the agency shall expand its current mail-order-pharmacy diabetes-supply program to include all generic and brand-name drugs used by Medicaid patients with diabetes. Medicaid recipients in the current program may obtain nondiabetes drugs on a voluntary basis. This initiative is limited to the geographic area covered by the current contract. The agency may seek and implement any federal waivers necessary to implement this subparagraph.~~

10. *The agency shall implement a utilization-management and prior-authorization program for COX-II selective inhibitor products. The program shall use evidence-based therapy management guidelines to ensure medical necessity and appropriate prescribing of COX-II products versus conventional nonsteroidal anti-inflammatory agents (NSAIDs) in the absence of contraindications regardless of preferred drug list status. The agency may seek federal waiver approval as necessary to implement this policy.*

11. *The agency shall limit to one dose per month any drug prescribed for the purpose of enhancing or enabling sexual performance. The agency may seek federal waiver approval as necessary to implement this policy.*

12. *The agency may specify the preferred daily dosing form or strength for the purpose of promoting best practices with regard to the prescribing of certain drugs and ensuring cost-effective prescribing practices.*

13. *The agency may require prior authorization for the off-label use of Medicaid-covered prescribed drugs. The agency may, but is not required to, preauthorize the use of a product for an indication not in the approved labeling. Prior authorization may require the prescribing professional to provide information about the rationale and supporting medical evidence for the off-label use of a drug.*

14. *The agency may adopt an algorithm-driven treatment protocol for major psychiatric disorders, including, at a minimum, schizophrenia, major depressive disorders, and bipolar disorder. The purpose of the algorithms is to improve the quality of care, achieve the best possible patient outcomes, and ensure cost-effective management of the use of medications. The medication program shall use evidence-based, consensus medication treatment algorithms, clinical and technical support necessary to aid clinician implementation of the algorithm, patient and family education programs to ensure that the patient is an active partner in care, and the uniform documentation of care provided and patient outcomes achieved. The agency shall coordinate the development and adoption of medication algorithms with the Department of Children and Family Services. The agency may seek any federal waivers necessary to implement this program.*

15. *The agency shall implement a Medicaid behavioral health drug management program financed through a value-added agreement with pharmaceutical manufacturers that provide financing for program startup and operational costs and guarantee Medicaid budget savings. The agency shall contract for the implementation of this program with vendors that have an established relationship with pharmaceutical manufacturers providing grant funds and experience in operating behavioral health drug management programs. The agency, in conjunction with the Department of Children and Family Services, shall implement the Medicaid behavioral health drug management system that is designed to improve the quality of care and behavioral health prescribing practices based on best-practice guidelines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid behavioral drugs. The program must:*

a. *Provide for the development and adoption of best-practice guidelines for behavioral-health-related drugs, such as antipsychotics, antidepressants, and medications for treating bipolar disorders and other behavioral conditions, and translate them into practice; review behavioral health prescribers and compare their prescribing patterns to a number of indicators that are based on national standards; and determine deviations from best-practice guidelines;*

b. Implement processes for providing feedback to and educating prescribers using best-practice educational materials and peer-to-peer consultation;

c. Assess Medicaid beneficiaries who are outliers in their use of behavioral health drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of behavioral health drugs;

d. Alert prescribers to patients who fail to refill prescriptions in a timely fashion, are prescribed multiple same-class behavioral health drugs, and may have other potential medication problems;

e. Track spending trends for behavioral health drugs and deviation from best-practice guidelines;

f. Use educational and technological approaches to promote best practices; educate consumers; and train prescribers in the use of practice guidelines;

g. Disseminate electronic and published materials;

h. Hold statewide and regional conferences; and

i. Implement a disease-management program with a model quality-based medication component for severely mentally ill individuals and emotionally disturbed children who are high users of care.

If the agency is unable to negotiate a contract with one or more manufacturers to finance and guarantee savings associated with a behavioral health drug management program by July 30, 2004, the four-brand drug limit and preferred drug list prior-authorization requirements shall apply to mental-health-related drugs, notwithstanding any provision in subparagraph 1.

(b) The agency shall implement this subsection to the extent that funds are appropriated to administer the Medicaid prescribed-drug spending-control program. The agency may contract all or any part or all of this program, including the overall management of the drug program, to private organizations.

(c) The agency shall submit quarterly reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives which must include, but need not be limited to, the progress made in implementing this subsection and its effect on Medicaid prescribed-drug expenditures.

(45) The agency may implement Medicaid fee-for-service provider network controls, including, but not limited to, provider credentialing. If a credentialing process is used, the agency may limit its network based upon the following considerations:

(a) Beneficiary access to care;

(b) Provider availability;

(c) Provider quality standards;

(d) Cultural competency;

(e) Demographic characteristics of beneficiaries;

(f) Practice standards;

(g) Service wait times;

(h) Usage criteria;

(i) Provider turnover;

(j) Provider profiling;

(k) Provider license history;

(l) History of fraud and abuse findings;

(m) Peer review;

(n) Policy and billing infractions;

(o) Clinical and medical record audit findings; and

(p) Such other findings as the agency considers necessary to ensure the integrity of the program.

Section 12. Subsection (2) of section 409.9122, Florida Statutes, is amended, and subsection (14) is added to that section, to read:

409.9122 Mandatory Medicaid managed care enrollment; programs and procedures.—

(2)(a) The agency shall enroll in a managed care plan or MediPass all Medicaid recipients, except those Medicaid recipients who are: in an institution; enrolled in the Medicaid medically needy program; or eligible for both Medicaid and Medicare. However, to the extent permitted by federal law, the agency may enroll in a managed care plan or MediPass a Medicaid recipient who is exempt from mandatory managed care enrollment, provided that:

1. The recipient's decision to enroll in a managed care plan or MediPass is voluntary;

2. If the recipient chooses to enroll in a managed care plan, the agency has determined that the managed care plan provides specific programs and services which address the special health needs of the recipient; and

3. The agency receives any necessary waivers from the federal Health Care Financing Administration.

The agency shall develop rules to establish policies by which exceptions to the mandatory managed care enrollment requirement may be made on a case-by-case basis. The rules shall include the specific criteria to be applied when making a determination as to whether to exempt a recipient from mandatory enrollment in a managed care plan or MediPass. School districts participating in the certified school match program pursuant to ss. 409.908(21) and 1011.70 shall be reimbursed by Medicaid, subject to the limitations of s. 1011.70(1), for a Medicaid-eligible child participating in the services as authorized in s. 1011.70, as provided for in s. 409.9071, regardless of whether the child is enrolled in MediPass or a managed care plan. Managed care plans shall make a good faith effort to execute agreements with school districts regarding the coordinated provision of services authorized under s. 1011.70. County health departments delivering school-based services pursuant to ss. 381.0056 and 381.0057 shall be reimbursed by Medicaid for the federal share for a Medicaid-eligible child who receives Medicaid-covered services in a school setting, regardless of whether the child is enrolled in MediPass or a managed care plan. Managed care plans shall make a good faith effort to execute agreements with county health departments regarding the coordinated provision of services to a Medicaid-eligible child. To ensure continuity of care for Medicaid patients, the agency, the Department of Health, and the Department of Education shall develop procedures for ensuring that a student's managed care plan or MediPass provider receives information relating to services provided in accordance with ss. 381.0056, 381.0057, 409.9071, and 1011.70.

(b) A Medicaid recipient shall not be enrolled in or assigned to a managed care plan or MediPass unless the managed care plan or MediPass has complied with the quality-of-care standards specified in paragraphs (3)(a) and (b), respectively.

(c) Medicaid recipients shall have a choice of managed care plans or MediPass. The Agency for Health Care Administration, the Department of Health, the Department of Children and Family Services, and the Department of Elderly Affairs shall cooperate to ensure that each Medicaid recipient receives clear and easily understandable information that meets the following requirements:

1. Explains the concept of managed care, including MediPass.

2. Provides information on the comparative performance of managed care plans and MediPass in the areas of quality, credentialing, preventive health programs, network size and availability, and patient satisfaction.

3. Explains where additional information on each managed care plan and MediPass in the recipient's area can be obtained.

4. Explains that recipients have the right to choose their own managed care plans or MediPass. However, if a recipient does not choose a

managed care plan or MediPass, the agency will assign the recipient to a managed care plan or MediPass according to the criteria specified in this section.

5. Explains the recipient's right to complain, file a grievance, or change managed care plans or MediPass providers if the recipient is not satisfied with the managed care plan or MediPass.

(d) The agency shall develop a mechanism for providing information to Medicaid recipients for the purpose of making a managed care plan or MediPass selection. Examples of such mechanisms may include, but not be limited to, interactive information systems, mailings, and mass marketing materials. Managed care plans and MediPass providers are prohibited from providing inducements to Medicaid recipients to select their plans or from prejudicing Medicaid recipients against other managed care plans or MediPass providers.

(e) Medicaid recipients who are already enrolled in a managed care plan or MediPass shall be offered the opportunity to change managed care plans or MediPass providers on a staggered basis, as defined by the agency. All Medicaid recipients shall have 90 days in which to make a choice of managed care plans or MediPass providers. Those Medicaid recipients who do not make a choice shall be assigned to a managed care plan or MediPass in accordance with paragraph (f). To facilitate continuity of care, for a Medicaid recipient who is also a recipient of Supplemental Security Income (SSI), prior to assigning the SSI recipient to a managed care plan or MediPass, the agency shall determine whether the SSI recipient has an ongoing relationship with a MediPass provider or managed care plan, and if so, the agency shall assign the SSI recipient to that MediPass provider or managed care plan. Those SSI recipients who do not have such a provider relationship shall be assigned to a managed care plan or MediPass provider in accordance with paragraph (f).

(f) When a Medicaid recipient does not choose a managed care plan or MediPass provider, the agency shall assign the Medicaid recipient to a managed care plan or MediPass provider. Medicaid recipients who are subject to mandatory assignment but who fail to make a choice shall be assigned to managed care plans until an enrollment of 39 40 percent in MediPass and 61 60 percent in managed care plans is achieved. Once this enrollment is achieved, the assignments of recipients who fail to make a choice shall be divided in order to maintain an enrollment in MediPass and managed care plans which is in a 39 40 percent and 61 60 percent proportion, respectively. Thereafter, assignment of Medicaid recipients who fail to make a choice shall be based proportionally on the preferences of recipients who have made a choice in the previous period. Such proportions shall be revised at least quarterly to reflect an update of the preferences of Medicaid recipients. The agency shall disproportionately assign Medicaid-eligible recipients who are required to but have failed to make a choice of managed care plan or MediPass, including children, and who are to be assigned to the MediPass program to children's networks as described in s. 409.912(3)(g), Children's Medical Services network as defined in s. 391.021, exclusive provider organizations, provider service networks, minority physician networks, and pediatric emergency department diversion programs authorized by this chapter or the General Appropriations Act, in such manner as the agency deems appropriate, until the agency has determined that the networks and programs have sufficient numbers to be economically operated. For purposes of this paragraph, when referring to assignment, the term "managed care plans" includes health maintenance organizations, exclusive provider organizations, provider service networks, minority physician networks, Children's Medical Services network, and pediatric emergency department diversion programs authorized by this chapter or the General Appropriations Act. When making assignments, the agency shall take into account the following criteria and considerations:

1. A managed care plan has sufficient network capacity to meet the need of members.
2. The managed care plan or MediPass has previously enrolled the recipient as a member, or one of the managed care plan's primary care providers or MediPass providers has previously provided health care to the recipient.
3. The agency has knowledge that the member has previously expressed a preference for a particular managed care plan or MediPass provider as indicated by Medicaid fee-for-service claims data, but has failed to make a choice.

4. The managed care plan's or MediPass primary care providers are geographically accessible to the recipient's residence.

(g) When more than one managed care plan or MediPass provider meets the criteria specified in *this* paragraph (g), the agency shall make recipient assignments consecutively by family unit.

(g)(h) The agency may not engage in practices that are designed to favor one managed care plan over another or that are designed to influence Medicaid recipients to enroll in MediPass rather than in a managed care plan or to enroll in a managed care plan rather than in MediPass. This subsection does not prohibit the agency from reporting on the performance of MediPass or any managed care plan, as measured by performance criteria developed by the agency.

(h) *Effective January 1, 2005, the agency and the Department of Children and Family Services shall ensure that applicants for Medicaid for categories of assistance that require eligible applicants to enroll in managed care shall choose or be assigned to a managed care plan prior to an eligibility start date so that enrollment in a managed care plan begins on the same day as the eligibility start date.*

(i) After a recipient has made a selection or has been enrolled in a managed care plan or MediPass, the recipient shall have 90 days in which to voluntarily disenroll and select another managed care plan or MediPass provider. After 90 days, no further changes may be made except for cause. Cause shall include, but not be limited to, poor quality of care, lack of access to necessary specialty services, an unreasonable delay or denial of service, or fraudulent enrollment. The agency shall develop criteria for good cause disenrollment for chronically ill and disabled populations who are assigned to managed care plans if more appropriate care is available through the MediPass program. The agency must make a determination as to whether cause exists. However, the agency may require a recipient to use the managed care plan's or MediPass grievance process prior to the agency's determination of cause, except in cases in which immediate risk of permanent damage to the recipient's health is alleged. The grievance process, when utilized, must be completed in time to permit the recipient to disenroll no later than the first day of the second month after the month the disenrollment request was made. If the managed care plan or MediPass, as a result of the grievance process, approves an enrollee's request to disenroll, the agency is not required to make a determination in the case. The agency must make a determination and take final action on a recipient's request so that disenrollment occurs no later than the first day of the second month after the month the request was made. If the agency fails to act within the specified timeframe, the recipient's request to disenroll is deemed to be approved as of the date agency action was required. Recipients who disagree with the agency's finding that cause does not exist for disenrollment shall be advised of their right to pursue a Medicaid fair hearing to dispute the agency's finding.

(j) The agency shall apply for a federal waiver from the Health Care Financing Administration to lock eligible Medicaid recipients into a managed care plan or MediPass for 12 months after an open enrollment period. After 12 months' enrollment, a recipient may select another managed care plan or MediPass provider. However, nothing shall prevent a Medicaid recipient from changing primary care providers within the managed care plan or MediPass program during the 12-month period.

(k) When a Medicaid recipient does not choose a managed care plan or MediPass provider, the agency shall assign the Medicaid recipient to a managed care plan, except in those counties in which there are fewer than two managed care plans accepting Medicaid enrollees, in which case assignment shall be to a managed care plan or a MediPass provider. Medicaid recipients in counties with fewer than two managed care plans accepting Medicaid enrollees who are subject to mandatory assignment but who fail to make a choice shall be assigned to managed care plans until an enrollment of 39 40 percent in MediPass and 61 60 percent in managed care plans is achieved. Once that enrollment is achieved, the assignments shall be divided in order to maintain an enrollment in MediPass and managed care plans which is in a 39 40 percent and 61 60 percent proportion, respectively. In geographic areas where the agency is contracting for the provision of comprehensive behavioral health services through a capitated prepaid arrangement, recipients who fail to make a choice shall be assigned equally to MediPass or a managed care plan. For purposes of this paragraph, when referring to assignment, the term "managed care plans" includes exclusive provider organizations, provider service networks, Children's Medical Services

network, minority physician networks, and pediatric emergency department diversion programs authorized by this chapter or the General Appropriations Act. When making assignments, the agency shall take into account the following criteria:

1. A managed care plan has sufficient network capacity to meet the need of members.
2. The managed care plan or MediPass has previously enrolled the recipient as a member, or one of the managed care plan's primary care providers or MediPass providers has previously provided health care to the recipient.
3. The agency has knowledge that the member has previously expressed a preference for a particular managed care plan or MediPass provider as indicated by Medicaid fee-for-service claims data, but has failed to make a choice.
4. The managed care plan's or MediPass primary care providers are geographically accessible to the recipient's residence.
5. The agency has authority to make mandatory assignments based on quality of service and performance of managed care plans.

(l) Notwithstanding the provisions of chapter 287, the agency may, at its discretion, renew cost-effective contracts for choice counseling services once or more for such periods as the agency may decide. However, all such renewals may not combine to exceed a total period longer than the term of the original contract.

(14) The agency shall include in its calculation of the hospital inpatient component of a Medicaid health maintenance organization's capitation rate any special payments, including, but not limited to, upper payment limit or disproportionate share hospital payments, made to qualifying hospitals through the fee-for-service program. The agency may seek federal waiver approval as needed to implement this adjustment.

Section 13. Paragraph (b) of subsection (1) of section 430.204, Florida Statutes, is amended to read:

430.204 Community-care-for-the-elderly core services; departmental powers and duties.—

(1)

(b) ~~For fiscal year 2003-2004 only~~, The department shall fund, through each area agency on aging in each county as defined in s. 125.011(1), more than one community care service system the primary purpose of which is the prevention of unnecessary institutionalization of functionally impaired elderly persons through the provision of community-based core services. ~~This paragraph expires July 1, 2004.~~

Section 14. Paragraph (b) of subsection (1) of section 430.205, Florida Statutes, is amended to read:

430.205 Community care service system.—

(1)

(b) ~~For fiscal year 2003-2004 only~~, The department shall fund, through the area agency on aging in each county as defined in s. 125.011(1), more than one community care service system that provides case management and other in-home and community services as needed to help elderly persons maintain independence and prevent or delay more costly institutional care. ~~This paragraph expires July 1, 2004.~~

Section 15. Subsection (3) and paragraph (b) of subsection (5) of section 624.91, Florida Statutes, as amended by CS for SB 2000, 1st Engrossed, are amended to read:

624.91 The Florida Healthy Kids Corporation Act.—

~~(3) ELIGIBILITY FOR STATE FUNDED ASSISTANCE.—Only the following individuals are eligible for state funded assistance in paying Florida Healthy Kids premiums:~~

~~(a) Residents of this state who are eligible for the Florida KidCare program pursuant to s. 409.814.~~

~~(b) Notwithstanding s. 409.814, legal aliens who are enrolled in the Florida Healthy Kids program as of January 31, 2004, who do not qualify for Title XXI federal funds because they are not qualified aliens as defined in s. 409.811.~~

~~(c) Notwithstanding s. 409.814, individuals who have attained the age of 19 as of March 31, 2004, who were receiving Florida Healthy Kids benefits prior to the enactment of the Florida KidCare program. This paragraph shall be repealed March 31, 2005.~~

~~(d) Notwithstanding s. 409.814, state employee dependents who were enrolled in the Florida Healthy Kids program as of January 31, 2004. Such individuals shall remain eligible until January 1, 2005.~~

~~(4)(5) CORPORATION AUTHORIZATION, DUTIES, POWERS.—~~

~~(b) The Florida Healthy Kids Corporation shall:~~

~~1. Arrange for the collection of any family, local contributions, or employer payment or premium, in an amount to be determined by the board of directors, to provide for payment of premiums for comprehensive insurance coverage and for the actual or estimated administrative expenses.~~

~~2. Arrange for the collection of any voluntary contributions to provide for payment of premiums for children who are not eligible for medical assistance under Title XXI of the Social Security Act. Each fiscal year, the corporation shall establish a local match policy for the enrollment of non-Title-XXI-eligible children in the Healthy Kids program. By May 1 of each year, the corporation shall provide written notification of the amount to be remitted to the corporation for the following fiscal year under that policy. Local match sources may include, but are not limited to, funds provided by municipalities, counties, school boards, hospitals, health care providers, charitable organizations, special taxing districts, and private organizations. The minimum local match cash contributions required each fiscal year and local match credits shall be determined by the General Appropriations Act. The corporation shall calculate a county's local match rate based upon that county's percentage of the state's total non-Title-XXI expenditures as reported in the corporation's most recently audited financial statement. In awarding the local match credits, the corporation may consider factors including, but not limited to, population density, per capita income, and existing child-health-related expenditures and services.~~

~~3. Subject to the provisions of s. 409.8134, accept voluntary supplemental local match contributions that comply with the requirements of Title XXI of the Social Security Act for the purpose of providing additional coverage in contributing counties under Title XXI.~~

~~4. Establish the administrative and accounting procedures for the operation of the corporation.~~

~~5. Establish, with consultation from appropriate professional organizations, standards for preventive health services and providers and comprehensive insurance benefits appropriate to children, provided that such standards for rural areas shall not limit primary care providers to board-certified pediatricians.~~

~~6. Determine eligibility for children seeking to participate in the Title XXI-funded components of the Florida KidCare program consistent with the requirements specified in s. 409.814, as well as the non-Title-XXI-eligible children as provided in subsection (3).~~

~~7. Establish procedures under which providers of local match to, 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.~~

~~8. Establish participation criteria and, if appropriate, contract with an authorized insurer, health maintenance organization, or third-party administrator to provide administrative services to the corporation.~~

~~9. Establish enrollment criteria which shall include penalties or waiting periods of not fewer than 60 days for reinstatement of coverage upon voluntary cancellation for nonpayment of family premiums.~~

~~10. Contract with authorized insurers or any provider of health care services, meeting standards established by the corporation, for the provision of comprehensive insurance coverage to participants. Such standards shall include criteria under which the corporation may contract~~

with more than one provider of health care services in program sites. Health plans shall be selected through a competitive bid process. The Florida Healthy Kids Corporation shall purchase goods and services in the most cost-effective manner consistent with the delivery of quality and accessible medical care. The maximum administrative cost for a Florida Healthy Kids Corporation contract shall be 15 percent. The minimum medical loss ratio for a Florida Healthy Kids Corporation contract shall be 85 percent. The health plan selection criteria and scoring system, and the scoring results, shall be available upon request for inspection after the bids have been awarded.

11. Establish disenrollment criteria in the event local matching funds are insufficient to cover enrollments.

12. 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.

13. 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.

14. Provide a report annually to the Governor, Chief Financial Officer, Commissioner of Education, Senate President, Speaker of the House of Representatives, and Minority Leaders of the Senate and the House of Representatives.

15. Establish benefit packages that which conform to the provisions of the Florida KidCare program, as created in ss. 409.810-409.820.

Section 16. This act shall take effect July 1, 2004, except that this section and section 2 of this act shall take effect May 1, 2004, or upon becoming a law, whichever occurs later, in which case section 2 of this act shall operate retroactive to May 1, 2004.

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 care; amending s. 216.341, F.S.; clarifying that certain provisions relate to the disbursement of trust funds of the Department of Health, not county health department trust funds; providing that certain limitations on the number of authorized positions do not apply to positions in the Department of Health funded by specified sources; amending s. 400.23, F.S.; reducing the nursing home staffing requirement for certified nursing assistants; amending s. 409.814, F.S., as amended, relating to eligibility for the Florida KidCare program; providing that a child who is otherwise disqualified based on a preexisting medical condition shall be eligible when enrollment is possible; amending s. 409.903, F.S.; amending income levels that determine the eligibility of pregnant women and children under 1 year of age for mandatory medical assistance; amending s. 409.904, F.S.; clarifying Medicaid recipients' responsibility for the cost of nursing home care; providing limitations on the care available to certain persons under "medically needy" coverage; amending income levels that determine the eligibility of children under 1 year of age for optional medical assistance; amending s. 409.905, F.S.; deleting an obsolete reference; establishing a utilization-management program for private duty nursing for children and hospital neonatal intensive-care stays; establishing a hospitalist program; eliminating transportation services for nondisabled beneficiaries; authorizing the Agency for Health Care Administration to contract for transportation services; amending s. 409.906, F.S.; allowing the consolidation of certain services; authorizing the implementation of a home-based and community-based services utilization-management program; specifying the income standard for hospice care; amending s. 409.9065, F.S.; allowing the Agency for Health Care Administration to operate a limited pharmaceutical expense assistance program under specified conditions; providing limitations on benefits under the program; providing for copayments; amending s. 409.907, F.S.; clarifying that Medicaid provider network status is not an entitlement; amending s. 409.911, F.S.; establishing the Medicaid Disproportionate Share Council; amending s. 409.912, F.S.; reducing payment for pharmaceutical ingredient prices; expanding the existing pharmaceutical supplemental rebate threshold to a minimum of 27 percent; authorizing a return and reuse prescription drug program; allowing for utilization management and prior authorization for certain categories of drugs; limiting allowable monthly dosing of drugs that enhance or enable sexual performance; modifying Medicaid

prescribed drug coverage to allow for preferred daily dosages of certain select pharmaceuticals; authorizing a prior-authorization program for the off-label use of Medicaid prescribed pharmaceuticals; adopting an algorithm-based treatment protocol for select mental health disorders; requiring the agency to implement a behavioral health drug management program financed through an agreement with pharmaceutical manufacturers; providing contract requirements and program requirements; providing for application of certain drug limits and prior-authorization requirements if the agency is unable to negotiate a contract; allowing for limitation of the Medicaid provider networks; amending s. 409.9122, F.S.; revising prerequisites to mandatory assignment; specifying managed care enrollment in certain areas of the state; requiring certain Medicaid applicants to select a managed care plan at the time of application; eliminating the exclusion of special hospital payments from rates for health maintenance organizations; providing technical updates; amending ss. 430.204 and 430.205, F.S.; rescinding the expiration of certain funding provisions relating to community-care-for-the-elderly core services and to the community care service system; amending s. 624.91, F.S., the Florida Healthy Kids Corporation Act; deleting certain eligibility requirements for state-funded assistance in paying premiums for the Florida Healthy Kids program; requiring purchases to be made in a manner consistent with delivering accessible medical care; providing an effective date.

Senators Aronberg, Smith and Campbell offered the following amendment to **Amendment 1** which was moved by Senator Aronberg and adopted:

Amendment 1A (770508)—On page 7, lines 21 and 22, delete those lines and insert: *earning statements, (W-2 forms), and any other document the agency finds necessary.*

Amendment 1 as amended was adopted.

On motions by Senator Peaden, by two-thirds vote **HB 1843** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dawson	Peaden
Alexander	Diaz de la Portilla	Posey
Argenziano	Dockery	Pruitt
Aronberg	Fasano	Saunders
Atwater	Garcia	Sebesta
Bennett	Geller	Siplin
Campbell	Haridopolos	Smith
Carlton	Jones	Villalobos
Clary	Lee	Wasserman Schultz
Constantine	Lynn	Webster
Cowin	Margolis	Wilson
Crist	Miller	Wise

Nays—2

Hill	Klein
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MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Cowin, by two-thirds vote **SB 84, SB 86, SB 88, SB 372, SB 374, SB 376, SB 378, SB 380, SB 382, SB 386, SB 388, SB 390, SB 392, SB 480, SB 1304, SB 1662, SB 1992** and **SB 2044** were withdrawn from the committees of reference and further consideration.

On motion by Senator Diaz de la Portilla, by two-thirds vote **SB 2074, SB 2586, SB 2578** and **SB 2068** were withdrawn from the committees of reference and further consideration.

On motion by Senator Lawson, by two-thirds vote **SB 1892, SB 1894, SB 1896, SB 1908, SB 2078** and **SB 2740** were withdrawn from the committees of reference and further consideration.

REPORTS OF COMMITTEES

The Committee on Finance and Taxation recommends a committee substitute for the following: CS for CS for SB 1770

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

The Committee on Criminal Justice recommends a committee substitute for the following: CS for CS for SB 700

The bill with committee substitute attached was referred to the Appropriations Subcommittee on Article V Implementation and Judiciary under the original reference.

The Committee on Education recommends a committee substitute for the following: SB 2884

The bill with committee substitute attached was referred to the Appropriations Subcommittee on Education under the original reference.

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 2270, SB 2960

The Committee on Finance and Taxation recommends a committee substitute for the following: SB 2736

The bills with committee substitutes attached contained in the foregoing reports were referred to the Appropriations Subcommittee on General Government under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: CS for SB 448

The Committee on Health, Aging, and Long-Term Care recommends a committee substitute for the following: SB 2022

The bills with committee substitutes attached contained in the foregoing reports were referred to the Appropriations Subcommittee on Health and Human Services under the original reference.

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1456

The bill with committee substitute attached was referred to the Appropriations Subcommittee on Transportation and Economic Development under the original reference.

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2088

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2038

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

The Committee on Regulated Industries recommends a committee substitute for the following: Senate Bills 1940 and 2636

The bills with committee substitute attached were referred to the Committee on Comprehensive Planning under the original reference.

The Committee on Education recommends committee substitutes for the following: SB 2326, SB 2986

The bills with committee substitutes attached were referred to the Committee on Criminal Justice under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2528

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

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1878

The bill with committee substitute attached was referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 2654

The bill with committee substitute attached was referred to the Committee on Home Defense, Public Security, and Ports under the original reference.

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 2630, SB 2926

The Committee on Criminal Justice recommends committee substitutes for the following: SB 1814, SB 2054, SB 2632, SB 2856

The Committee on Ethics and Elections recommends committee substitutes for the following: SB 2566, SB 3006

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Education recommends a committee substitute for the following: Senate Bills 1228 and 2080

The bills with committee substitute attached were referred to the Committee on Military and Veterans' Affairs, Base Protection, and Spaceports under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2698

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

The Committee on Criminal Justice recommends a committee substitute for the following: SB 678

The Committee on Finance and Taxation recommends committee substitutes for the following: CS for SB 1530, SB 1922

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

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

SR 3090—Not referenced.

By Senator Miller—

SR 3092—A resolution in support of the federal initiative to establish a regional approach to economic development in the Southeast.

—was referred to the Committees on Commerce, Economic Opportunities, and Consumer Services; and Rules and Calendar.

Senate Resolutions 3094-3098—Not referenced.

By Senator Garcia—

SM 3100—A memorial to the United States Congress, urging support for Florida's bid to become the permanent location for the Secretariat for the Free Trade Area of the Americas; urging the United States Congress to support activities promoting safe commerce and secure trade lanes between the United States and its trading partners in the Caribbean, Central America, and South America.

—was referred to the Committees on Commerce, Economic Opportunities, and Consumer Services; and Rules and Calendar.

SR 3102—Not referenced.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Criminal Justice; Children and Families; and Senators Margolis and Lynn—

CS for CS for SB 448—A bill to be entitled An act relating to protection and care for elders; amending s. 825.102, F.S.; reclassifying the offense of aggravated abuse of an elderly person or disabled adult from a second degree felony to a first degree felony; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code, to conform; creating s. 943.17296, F.S., relating to identification and investigation of elder abuse training for certified law enforcement officers; requiring such training by a time certain; providing that an officer's certification shall become inactive in certain circumstances related to the failure to complete such training; amending s. 430.502, F.S.; providing for the establishment of a memory disorder clinic at Morton Plant Hospital in Pinellas County; providing for the Florida Mental Health Institute at the University of South Florida to establish a workgroup; specifying the purpose and responsibilities of the workgroup; providing for the secretary of the Department of Elderly Affairs and the secretary of the Department of Children and Family Services to appoint members to the workgroup; providing for a report by the workgroup; providing for future repeal; providing an effective date.

By the Committees on Appropriations; Education; and Senators Bennett, Bullard and Fasano—

CS for CS for SB 546—A bill to be entitled An act relating to district school taxation; amending s. 1011.71, F.S.; authorizing certain expenditures from district school tax revenues to pay insurance premiums; amending s. 200.065, F.S., relating to the method of fixing millage, to conform; providing an effective date.

By the Committee on Appropriations; and Senators Bennett and Lynn—

CS for SB 558—A bill to be entitled An act relating to automated telephone answering systems; creating s. 282.108, F.S.; defining terms; requiring state agencies and agents acting on behalf of a state agency to provide during specified hours an option, during the first minute of a call answered by an automated telephone answering system, which permits callers to reach an employee; requiring allocation of at least two phone lines for certain responsibilities; requiring on-hold times to be moni-

tored; providing exceptions for nonoperational hours; providing an exception for the "511" traveler information system; prohibiting a state agency or agent employee from using an automated telephone answering system except under specified circumstances; requiring the State Technology Office to adopt rules that require the submission of annual reports; requiring the State Technology Office to submit annual reports to the Governor and the Legislature; providing that no cause of action arises due to a failure to comply with the act; repealing s. 110.1082, F.S., relating to telephone voice mail systems and telephone menu options; providing an effective date.

By the Committee on Criminal Justice; and Senators Smith, Lynn and Dawson—

CS for SB 678—A bill to be entitled An act relating to assault or battery on officials; amending s. 784.081, F.S.; providing enhanced penalties for the offense of assault, battery, aggravated assault, or aggravated battery if the offense is committed upon a sports official; providing an effective date.

By the Committees on Criminal Justice; Judiciary; Children and Families; and Senators Peaden, Fasano, Campbell, Smith and Lynn—

CS for CS for CS for SB 700—A bill to be entitled An act relating to mental health; amending s. 394.455, F.S.; defining and redefining terms used in part I of ch. 394, F.S., "the Baker Act"; amending s. 394.4598, F.S., relating to guardian advocates; amending provisions to conform to changes made by the act; amending s. 394.4615, F.S., relating to confidentiality of clinical records; providing additional circumstances in which information from a clinical record may be released; amending s. 394.463, F.S.; revising criteria for an involuntary examination; revising requirements for filing a petition for involuntary placement; creating s. 394.4655, F.S.; providing for involuntary outpatient placement; providing criteria; providing procedures; providing for a voluntary examination for outpatient placement; providing for a petition for involuntary outpatient placement; requiring the appointment of counsel; providing for a continuance of hearing; providing procedures for the hearing on involuntary outpatient placement; providing a procedure for continued involuntary outpatient placement; amending s. 394.467, F.S., relating to involuntary placement; conforming terminology to changes made by the act; providing for rulemaking authority; providing for severability; providing an effective date.

By the Committees on Appropriations; Health, Aging, and Long-Term Care; and Senators Saunders, Aronberg, Fasano and Lynn—

CS for CS for SB 1064—A bill to be entitled An act relating to Medicaid; amending s. 16.56, F.S.; adding criminal violations of s. 409.920 or s. 409.9201, F.S., to the list of specified crimes within the jurisdiction of the Office of Statewide Prosecution; amending s. 400.408, F.S.; including the Medicaid Fraud Control Unit of the Department of Legal Affairs in the Agency for Health Care Administration's local coordinating workgroups for identifying unlicensed assisted living facilities; amending s. 400.434, F.S.; giving the Medicaid Fraud Control Unit of the Department of Legal Affairs the authority to enter and inspect facilities licensed under part III of ch. 400, F.S.; creating s. 409.9021, F.S.; requiring a Medicaid applicant to agree to forfeiture of all entitlements under the Medicaid program upon a judicial or administrative finding of fraud within a specified period; amending s. 409.912, F.S.; authorizing the Agency for Health Care Administration to require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program; authorizing the Agency for Health Care Administration to impose mandatory enrollment in drug-therapy-management or disease-management programs for certain categories of recipients; requiring that the Agency for Health Care Administration and the Drug Utilization Review Board consult with the Department of Health; allowing termination of certain practitioners from the Medicaid program; providing that Medicaid recipients may be required to participate in a provider lock-in program for not less than 1 year and up to the duration of the time the recipient participates in the program; requiring the agency to seek a federal waiver to terminate eligibility; requiring the agency to conduct a study of electronic

verification systems; authorizing the agency to use credentialing criteria for the purpose of including providers in the Medicaid program; amending s. 409.913, F.S.; providing specified conditions for providers to meet in order to submit claims to the Medicaid program; providing that claims may be denied if not properly submitted; providing that the agency may seek any remedy under law if a provider submits specified false or erroneous claims; providing that suspension or termination precludes participation in the Medicaid program; providing that the agency is required to report administrative sanctions to licensing authorities for certain violations; providing that the agency may withhold payment to a provider under certain circumstances; providing that the agency may deny payments to terminated or suspended providers; authorizing the agency to implement amnesty programs for providers to voluntarily repay overpayments; authorizing the agency to adopt rules; providing for limiting, restricting, or suspending Medicaid eligibility of Medicaid recipients convicted of certain crimes or offenses; authorizing the agency and the Medicaid Fraud Control Unit of the Department of Legal Affairs to review non-Medicaid-related records in order to determine reconciliation of a provider's records; authorizing the agency head or designee to limit, restrict, or suspend Medicaid eligibility for a period not to exceed 1 year if a recipient is convicted of a federal health care crime; authorizing the Agency for Health Care Administration to limit the number of certain types of prescription claims submitted by pharmacy providers; requiring the agency to limit the allowable amount of certain types of prescriptions under specified circumstances; amending s. 409.9131, F.S.; requiring that the Office of Program Policy Analysis and Government Accountability report to the Legislature on the agency's fraud and abuse prevention, deterrence, detection, and recovery efforts; redefining the term "peer review"; providing for peer review for purposes of determining a potential overpayment if the medical necessity or quality of care is evaluated; requiring an additional statement on Medicaid cost reports certifying that Medicaid providers are familiar with the laws and regulations regarding the provision of health care services under the Medicaid program; amending s. 409.920, F.S.; redefining the term "knowingly" to include "willfully" or "willful"; making it unlawful to knowingly use or endeavor to use a Medicaid provider's or a Medicaid recipient's identification number or cause to be made, or aid and abet in the making of, a claim for items or services that are not authorized to be reimbursed under the Medicaid program; defining the term "paid for"; creating s. 409.9201, F.S.; providing definitions; providing that a person who knowingly sells or attempts to sell legend drugs obtained through the Medicaid program commits a felony; providing that a person who knowingly purchases or attempts to purchase legend drugs obtained through the Medicaid program and intended for the use of another commits a felony; providing that a person who knowingly makes or conspires to make false representations for the purpose of obtaining goods or services from the Medicaid program commits a felony; providing specified criminal penalties depending on the value of the legend drugs or goods or services obtained from the Medicaid program; amending s. 456.072, F.S.; providing an additional ground under which a health care practitioner who prescribes medicinal drugs or controlled substances may be subject to discipline by the Department of Health or the appropriate board having jurisdiction over the health care practitioner; authorizing the Department of Health to initiate a disciplinary investigation of prescribing practitioners under specified circumstances; amending s. 465.188, F.S.; deleting the requirement that the Agency for Health Care Administration give pharmacists at least 1 week's notice prior to an audit; specifying an effective date for certain audit criteria; creating s. 812.0191, F.S.; providing definitions; providing that a person who traffics in property paid for in whole or in part by the Medicaid program, or who knowingly finances, directs, or traffics in such property, commits a felony; providing specified criminal penalties depending on the value of the property; amending s. 895.02, F.S.; adding Medicaid recipient fraud to the definition of the term "racketeering activity"; amending s. 905.34, F.S.; adding any criminal violation of s. 409.920 or s. 409.9201, F.S., to the list of crimes within the jurisdiction of the statewide grand jury; amending s. 932.701, F.S.; expanding the definition of "contraband article"; amending s. 932.7055, F.S.; requiring that proceeds collected under the Florida Contraband Forfeiture Act be deposited in the Department of Legal Affairs' Grants and Donations Trust Fund; amending ss. 394.9082, 400.0077, 409.9065, 409.9071, 409.908, 409.91196, 409.9122, 409.9131, 430.608, 636.0145, 641.225, and 641.386, F.S.; correcting cross-references; reenacting s. 921.0022(3)(g), F.S., relating to the offense severity ranking chart of the Criminal Punishment Code, to incorporate the amendment to s. 409.920, F.S., in a reference thereto; reenacting s. 705.101(6), F.S., relating to unclaimed evidence, to incorporate the amendment to s. 932.701, F.S., in a reference thereto; reenacting s.

932.703(4), F.S., relating to forfeiture of contraband articles, to incorporate the amendment to s. 932.701, F.S., in a reference thereto; providing an appropriation and authorizing positions; providing an effective date.

By the Committees on Appropriations; Natural Resources; and Senator Dockery—

CS for CS for SB 1142—A bill to be entitled An act relating to water resources; amending s. 159.803, F.S.; revising the definition of "priority project"; creating s. 373.227, F.S.; requiring the development of a comprehensive statewide water conservation program for public water supply; establishing the purposes of the program; requiring the creation of a clearinghouse or inventory to provide an integrated database for information on public water supply conservation programs; authorizing public water supply utilities to propose goal-based water conservation plans with measurable goals; providing that goal-based water conservation plans that are developed by public water supply utilities and that provide reasonable assurance of achieving water conservation at least as well as conservation requirements adopted by the appropriate water management district meet water conservation requirements imposed as a condition of obtaining a consumptive use permit; requiring the submission of a report by the Department of Environmental Protection; providing rulemaking authority to the Department of Environmental Protection and the water management districts; amending s. 373.0361, F.S.; providing for a public workshop on the development of regional water supply plans that include the consideration of population projections; providing for a list of water source options in regional water supply plans; providing additional regional water supply plan components; including conservation measures in regional water supply plans; revising specified reporting requirements of the Department of Environmental Protection; providing that a district water management plan may not be used as criteria for the review of permits for consumptive uses of water unless the plan or applicable portion thereof has been adopted by rule; providing construction; amending s. 373.0831, F.S.; revising the criteria by which water supply development projects may receive priority consideration for funding assistance; providing for permitting and funding of a proposed alternative water supply project identified in the relevant approved regional water supply plan; amending s. 373.1961, F.S.; providing funding priority; providing for the establishment of a revolving loan fund for alternative water supply projects; providing conditions for certain projects to receive funding assistance; amending s. 373.536, F.S.; expanding requirements of the 5-year water resource development work program for water management districts; amending s. 403.064, F.S.; revising provisions relating to reuse feasibility studies; providing for metering use of reclaimed water and volume-based rates therefor; requiring wastewater utilities to submit plans for metering use and volume-based rate structures to the department; creating s. 403.0645, F.S.; requiring certain uses of reclaimed water at state facilities; requiring state agencies and water management districts to submit to the Secretary of Environmental Protection periodic reports concerning reclaimed water use; amending s. 403.1835, F.S.; authorizing the Department of Environmental Protection to make specified deposits for the purpose of enabling below-market interest rate loans for treatment of polluted water; providing for a study of the feasibility of discharging reclaimed wastewater into canals and the aquifer system in a specified area as an environmentally acceptable means of accomplishing described objectives; requiring reports; providing an appropriation; providing an effective date.

By the Committee on Education; and Senators Wilson, Diaz de la Portilla and Campbell—

CS for SB's 1228 and 2080—A bill to be entitled An act relating to resident status for tuition purposes; amending s. 1009.21, F.S.; classifying as residents for tuition purposes certain active duty members of a foreign nation's military, dependent children of certain active duty members of the United States Armed Services, and certain employees of international multilateral organizations; providing an exemption from payment of nonresident tuition at community colleges and state universities for certain students meeting eligibility criteria; reenacting s. 1009.40(1)(a), F.S., relating to general requirements for eligibility for state financial aid, to incorporate the amendment to s. 1009.21, F.S., in a reference; providing an effective date.

By the Committees on Appropriations; Finance and Taxation; Regulated Industries; and Senator Bennett—

CS for CS for CS for SB 1350—A bill to be entitled An act relating to mold assessment and mold remediation; creating pt. IV of ch. 489, F.S.; providing legislative purpose; providing scope of the act; providing exemptions; defining terms; providing for fees relating to licensure of mold assessors and mold remediators; providing for licensure examinations; requiring good moral character, as specified; providing prerequisites to licensure; providing for the licensure of business organizations; providing for qualifying agents; providing for fees; providing responsibilities of primary and secondary qualifying agents and of financially responsible officers; establishing requirements for continuing education; providing that the Construction Industry Licensing Board must approve training courses and training providers for mold assessors and mold remediators; providing for assessing penalties; providing for renewal of licensure; providing for rulemaking; providing for reactivation of licensure; providing for disciplinary proceedings; establishing prohibitions; providing for penalties; allowing the board to provide, by rule, for multiple services; providing for membership, meetings, removal of members; setting a quorum; providing for reimbursement for per diem and travel expenses; requiring the department to provide staff support and to maintain and make available to the public the committee minutes and records; providing for financial review; providing presumptions in civil actions against persons or entities licensed under the act; providing severability; amending s. 489.107, F.S.; adding to the board a member who is a mold assessor or mold remediator; providing an appropriation and authorizing positions; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Sebesta—

CS for SB 1456—A bill to be entitled An act relating to the Department of Transportation; amending s. 20.23, F.S.; authorizing the secretary of the department to appoint an additional assistant secretary and deputy assistant secretaries or directors; revising the organization of the department to specify areas of program responsibility; authorizing the secretary to reorganize offices within the department in consultation with the Executive Office of the Governor; amending s. 110.205, F.S., relating to career service; conforming provisions to changes made by the act; removing the toll on Navarre Bridge in Santa Rosa County; amending s. 338.251, F.S.; authorizing the Emerald Coast Bridge Authority to revise the repayment schedule of any previous advances for funds from the Toll Facilities Revolving Trust Fund within the department; providing that such repayment schedule is not a failure to repay under certain conditions; amending s. 334.30, F.S.; revising provisions for public-private construction of transportation facilities; providing procedures for requests for proposals and receipt of unsolicited proposals by the department; providing for use of certain funds under described conditions; repealing s. 348.0004(2)(m), F.S., relating to an obsolete provision authorizing expressway authorities to enter into public-private transportation partnerships; amending s. 348.0004, F.S.; creating a new process for expressway authorities to enter into public-private partnerships with private entities; directing the expressway authorities to adopt rules related to the public-private partnerships; specifying public notice requirements; specifying that public-private entities may impose tolls on the new facilities, but the expressway authority may regulate the amount and use of such tolls; providing that the Department of Transportation may loan funds from the Toll Facilities Revolving Loan Trust Fund for eligible projects; specifying project requirements; authorizing an expressway authority to exercise certain powers to facilitate the partnership projects; providing that intent of the act is not to amend or impact other existing laws; providing an effective date.

By the Committees on Appropriations; and Health, Aging, and Long-Term Care—

CS for CS for SB 1464—A bill to be entitled An act relating to patient safety; creating s. 381.0271, F.S.; providing definitions; creating the Florida Patient Safety Corporation, which shall be registered, incorporated, organized, and operated in compliance with ch. 617, F.S.; authorizing the corporation to create not-for-profit subsidiaries; specifying that the corporation is not an agency within the meaning of s. 20.03(11), F.S.; requiring the corporation to be subject to public meetings and

records requirements; specifying that the corporation is not subject to the provisions of ch. 297, F.S., relating to procurement of personal property and services; providing a purpose for the corporation; establishing the membership of the board of directors of the corporation; requiring the formation of certain advisory committees for the corporation; requiring the Agency for Health Care Administration to provide assistance in establishing the corporation; specifying the powers and duties of the corporation; requiring annual reports; requiring the Office of Program Policy Analysis and Government Accountability, in consultation with the Agency for Health Care Administration and the Department of Health, to develop performance measures for the corporation; requiring a performance audit; requiring a report to the Governor and the Legislature; requiring the Patient Safety Center at the Florida State University College of Medicine to study the return on investment by hospitals from implementing computerized physician order entry and other information technologies related to patient safety; providing requirements for the study; requiring a report to the Governor and the Legislature; amending s. 395.1012, F.S.; providing additional duties of the patient safety committee at hospitals and other licensed facilities; requiring such facilities to adopt a plan to reduce medication errors and adverse drug events, including the use of computerized physician order entry and other information technologies; repealing s. 766.1016(3), F.S., which requires a patient safety organization to promptly remove patient-identifying information from patient safety data reported to the organization and requires such organization to maintain the confidentiality of patient-identifying information; providing appropriations; providing an effective date.

By the Committees on Finance and Taxation; Regulated Industries; and Senator Sebesta—

CS for CS for SB 1530—A bill to be entitled An act relating to cosmetology; amending s. 477.0135, F.S.; exempting from cosmetology licensure the provision of certain services to certain persons during a production recognized by the Office of Film and Entertainment; providing that such services are not required to be performed in a licensed salon; prohibiting provision of such services to the general public; exempting from cosmetology licensure the provision of certain services to certain persons in a theme park or entertainment complex; amending s. 477.016, F.S.; authorizing the Board of Cosmetology to adopt by rule certain federal regulations; amending s. 477.0265, F.S.; prohibiting in the practice of cosmetology the use or possession of cosmetic products containing liquid nail monomers containing methyl methacrylate; providing penalties; reenacting s. 477.029(1)(h) and (2), F.S., relating to grounds for administrative penalties, to incorporate the amendment to s. 477.0265, F.S., in a reference thereto; providing administrative penalties; providing an effective date.

By the Committees on Appropriations; Comprehensive Planning; Military and Veterans' Affairs, Base Protection, and Spaceports; and Senators Fasano, Clary, Crist, Siplin, Lynn, Wasserman Schultz, Haridopolos, Miller and Bullard—

CS for CS for SB 1604—A bill to be entitled An act relating to military affairs; creating s. 14.2018, F.S.; creating the Office of Military and State Relations; providing for its powers and duties; creating s. 163.3175, F.S.; providing legislative findings on the compatibility of development with military installations; providing for the exchange of information relating to proposed land use decisions between counties and local governments and military installations; providing for responsive comments by the commanding officer or his or her designee; providing for the county or affected local government to take such comments into consideration; providing for a representative of the military installation to be an ex-officio, nonvoting member of the county's or local government's land planning or zoning board; encouraging the commanding officer to provide information on community planning assistance grants; providing definitions; amending s. 163.3177, F.S.; providing for the future land use plan element of comprehensive plans to include compatibility with military installations; requiring the inclusion of criteria; requiring local governments to update or amend their comprehensive plan by a certain date; providing for the coordination by the state land planning agency and the Department of Defense on compatibility issues for military installations; amending s. 163.3187, F.S.; providing that amendments to address compatibility or include criteria do

not count toward the limitation on frequency of amending comprehensive plans; amending s. 163.3191, F.S.; providing that evaluations of comprehensive plans include whether such criteria were successful in resolving land use compatibility uses with military installations; amending s. 288.980, F.S.; creating the Defense Infrastructure Grant Program; providing the purpose and for implementation of the program; providing an effective date.

By the Committees on Finance and Taxation; Commerce, Economic Opportunities, and Consumer Services; Agriculture; and Senators Argenziano, Dockery, Crist, Hill, Bullard, Wasserman Schultz, Siplin, Pruitt, Aronberg, Posey, Smith, Peaden, Campbell, Alexander, Bennett and Lynn—

CS for CS for CS for SB 1770—A bill to be entitled An act relating to the Florida beef industry; creating s. 570.9135, F.S.; providing a popular name; providing legislative intent; defining terms; creating the Florida Beef Council, Inc.; providing purposes; providing powers and duties of the council and restrictions upon actions of the council; providing for a board of directors of the council; providing for a referendum on assessments to be deducted from the sale of each head of cattle; allowing the council to accept grants and gifts; providing guidelines for payments to other organizations; providing for the collection of assessments at the time of marketing; providing duties of marketing agents and collecting agents; requiring the council to maintain a separate accounting of moneys received from assessments; providing for legal action to collect delinquent assessments; providing for the collection of penalties, enforcement costs, court costs, and reasonable attorney's fees; providing for a collection allowance; providing for refunds; providing for a referendum on continuing this act; providing for council bylaws; providing a contingent effective date.

By the Committee on Criminal Justice; and Senator Campbell—

CS for SB 1814—A bill to be entitled An act relating to the offense of sexual battery on a minor; amending s. 95.11, F.S.; providing for the tolling of the time period for commencing a civil action based upon an act that constitutes sexual battery upon a minor under certain circumstances; amending s. 775.15, F.S.; providing that the time period for commencing a prosecution for sexual battery upon a minor does not run during certain specified time periods; providing an effective date.

By the Committee on Regulated Industries; and Senator Saunders—

CS for SB 1878—A bill to be entitled An act relating to registered professionals; amending s. 373.117, F.S.; providing requirements for certification by appropriate registered professionals of water resource activities for which a permit or license and such certification are required; providing an effective date.

By the Committee on Finance and Taxation; and Senator Bennett—

CS for SB 1922—A bill to be entitled An act relating to regulatory assessment fees; amending s. 163.01, F.S.; revising provisions for a separate legal entity to acquire, own, construct, improve, operate, and manage or finance certain public facilities; defining terms; requiring certain notice to host government by the separate legal entity that seeks to acquire any utility; providing procedures for the host government to accept or reject the proposal; requiring the separate legal entity to accept the host government as a member upon adoption of a membership resolution by the host government; providing for the separate legal entity to proceed with the acquisition if the host government does not act; requiring any transfer or payment by the separate legal entity to a member or other local government to be solely from user fees or other charges or revenues generated from customers that are physically located within the jurisdictional or service delivery boundaries of the member or local government receiving the transfer or payment; creating s. 367.0813, F.S.; clarifying state policy that specifies that gains or losses from a purchase or condemnation of a utility's assets which result in the loss of customers served by such assets and the associated future revenue streams shall be borne by the shareholders of the utility; providing for

severability; providing for application; amending s. 367.145, F.S., requiring large water and wastewater utilities to pay regulatory assessment fees semiannually; requiring small utilities with revenues less than a certain amount to pay annually; providing an effective date.

By the Committee on Regulated Industries; and Senators Geller and Constantine—

CS for SB's 1940 and 2636—A bill to be entitled An act relating to arcade amusement centers; amending s. 849.161, F.S.; revising provisions exempting certain amusement centers from the application of gambling regulations; restricting the use of points or coupons received by players in arcade amusement centers; clarifying a reference; prohibiting gambling devices at arcade amusement centers; providing that, with respect to arcade amusement centers, local governments may establish or amend the zoning map designation of a parcel or parcels of land or change the actual list of permitted, conditional, or prohibited uses within a zoning category; authorizing local governments to limit the hours of operation of arcade amusement centers and limit the number of machines in such centers; providing an effective date.

By the Committee on Health, Aging, and Long-Term Care; and Senator Alexander—

CS for SB 2022—A bill to be entitled An act relating to consumer health care spending protection; providing a popular name; providing a purpose; amending s. 408.05, F.S.; revising membership of the State Comprehensive Health Information System Advisory Council; amending s. 408.061, F.S.; revising a requirement for submission of health care data; requiring the council to assist the Agency for Health Care Administration in developing specifications for data collection; amending s. 408.08, F.S.; conforming provisions to changes made by the act; amending s. 395.10973, F.S.; revising powers and duties of the agency to include patient charge and performance outcome reporting; requiring the agency to provide such information to the public and implement effective methods for making public disclosure; requiring the agency to annually report findings to the Governor and Legislature; requiring the agency to adopt certain rules; amending s. 395.301, F.S.; requiring disclosure to nonemergency patients, upon request, of a good-faith estimate of anticipated charges; revising the timeframe in which to provide a statement of itemized expenses to a patient; requiring the facility to disclose information necessary to verify the accuracy of the bill within a specified time period after a written request; requiring the facility to establish a method for reviewing written billing disputes; requiring the facility to maintain a log of all such disputes and report certain information annually to the agency; amending s. 651.118, F.S.; revising guidelines on use of sheltered nursing home beds by specified persons; providing an effective date.

By the Committee on Banking and Insurance; and Senator Fasano—

CS for SB 2038—A bill to be entitled An act relating to insurance; amending s. 20.121, F.S.; requiring the Division of Consumer Services of the Department of Financial Services to designate an employee as primary contact for consumers on issues involving sinkholes; amending s. 501.137, F.S.; requiring an insurer to reinstate, under certain circumstances, an insurance policy that is cancelled due to failure of the lender to pay a premium for which sufficient escrow funds are on deposit; requiring that the lender reimburse the property owner for any penalties or fees paid for purposes of reinstating the policy; requiring the lender to pay the increased cost of insurance premiums for a specified period of time under certain conditions; amending s. 624.4622, F.S.; providing that a local government self-insurance fund comply with specified provisions; amending s. 625.081, F.S.; providing an exception; amending s. 625.121, F.S.; providing for valuation of life insurance policies; amending s. 626.321, F.S.; limiting the types of business that may be transacted by personal lines agents; amending s. 627.476, F.S.; authorizing the use of certain mortality tables for purposes of the Standard Nonforfeiture Law for Life Insurance; creating s. 625.9743, F.S., relating to claim settlement practices for motor vehicle insurance; prescribing standards to be followed by insurers; creating s. 626.9744, F.S., relating to claim settlement practices for homeowners' insurance; prescribing

standards to be followed by insurers; amending s. 627.4091, F.S.; providing additional disclosure requirements with respect to a refusal to insure; amending s. 627.4133, F.S.; requiring property insurers to reinstate a canceled policy as required by s. 501.137, F.S.; restricting the use of certain claims as a cause for cancellation or nonrenewal; amending s. 627.7015, F.S.; providing that arbitration clauses do not preclude an insured from using the property claim mediation program; creating 627.7077, F.S.; providing for a feasibility study for a proposed Florida Sinkhole Insurance Facility; amending s. 627.838, F.S.; deleting a filing fee; amending s. 627.848, F.S.; specifying provisions for cancellation of insurance contracts; amending s. 627.849, F.S., to conform to the elimination of a filing fee; repealing s. 625.131, F.S., relating to credit life and disability policies; providing for construction of the act; providing effective dates.

By the Committee on Criminal Justice; and Senator Campbell—

CS for SB 2054—A bill to be entitled An act relating to the designation and registration of sexual predators and sexual offenders; amending s. 775.21, F.S.; amending the definition of the term “conviction”; providing that an offender who has been designated as a sexually violent predator under the civil commitment proceedings provided in ch. 394, F.S., meets the criteria for designation as a sexual predator under the Florida Sexual Predators Act; providing that such offender shall be subject to the registration and notification requirements of the act; requiring the committing court of such offender to make a written finding that the offender is a sexual predator for purposes of the act; requiring the clerk to transmit a copy of the committing court’s order to the Department of Law Enforcement within a time certain; clarifying circumstances related to the registration requirements applicable to sexual predators; clarifying that registration requirements apply each time the driver’s license or identification card of a sexual predator is subject to renewal and also apply after each change in specified information; specifying registration and reporting requirements for sexual predators in circumstances where the predator has vacated or intends to vacate a permanent residence; specifying reporting requirements in circumstances where the sexual predator remains at or returns to a permanent residence; revising and clarifying the circumstances in which criminal penalties apply to sexual predators for acts or omissions related to registration; specifying venue for the prosecution of a sexual predator in circumstances involving acts or omissions concerning the failure to register as required; providing that an arrest, information, complaint, or arraignment related to charges of failure to register constitutes actual notice of the duty to register in certain circumstances; providing that the failure of a sexual predator to immediately register following such notice constitutes grounds for a subsequent charge; requiring any sexual predator who asserts, or intends to assert, a lack of notice of the duty to register as a defense to a charge of failure to immediately register as required; providing that a sexual predator who is charged with a subsequent failure to register may not assert the defense of a lack of notice of the duty to register; providing that registration following arrest, service, or arraignment related to a charge of failure to register is not a defense and does not relieve the sexual predator of criminal liability for the failure to register; conforming a cross-reference; amending s. 943.0435, F.S.; amending the definition of the term “convicted”; clarifying that registration requirements apply each time the driver’s license or identification card of a sexual offender is subject to renewal and also apply after each change in specified information; specifying registration and reporting requirements for sexual offenders in circumstances where the offender has vacated or intends to vacate a permanent residence; specifying reporting requirements in circumstances where the sexual offender remains at or returns to a permanent residence; revising and clarifying the circumstances in which criminal penalties apply to sexual offenders for acts or omissions related to registration; specifying venue for the prosecution of a sexual offender in circumstances involving acts or omissions concerning the failure to register as required; providing that an arrest, information, complaint, or arraignment related to charges of failure to register constitutes actual notice of the duty to register in certain circumstances; providing that the failure of a sexual offender to immediately register following such notice constitutes grounds for a subsequent charge; requiring any sexual offender who asserts, or intends to assert, a lack of notice of the duty to register as a defense to a charge of failure to immediately register as required; providing that a sexual offender who is charged with a subsequent failure to register may not assert the defense of a lack of notice of the duty to register; providing that registration following arrest, service, or arraignment related to a charge of failure to register is not a defense and does

not relieve the sexual offender of criminal liability for the failure to register; revising a cross-reference; amending s. 944.606, F.S.; amending the definition of the term “convicted”; amending s. 944.607, F.S.; amending the definition of the term “conviction”; clarifying circumstances relating to the registration requirements applicable to sexual offenders; revising and clarifying the circumstances in which criminal penalties apply to sexual offenders for acts or omissions related to registration; specifying venue for the prosecution of a sexual offender in circumstances involving acts or omissions concerning the failure to register as required; providing that an arrest, information, complaint, or arraignment related to charges of failure to register constitutes actual notice of the duty to register in certain circumstances; providing that the failure of a sexual offender to immediately register following such notice constitutes grounds for a subsequent charge; requiring any sexual offender who asserts, or intends to assert, a lack of notice of the duty to register as a defense to a charge of failure to register to immediately register as required; providing that a sexual offender who is charged with a subsequent failure to register may not assert the defense of a lack of notice of the duty to register; providing that registration following arrest, service, or arraignment related to a charge of failure to register is not a defense and does not relieve the sexual offender of criminal liability for the failure to register; reenacting s. 775.13(5), F.S., relating to registration of convicted felons, to incorporate the amendment to ss. 775.21, 943.0435, and 944.607, F.S., in references thereto; reenacting s. 943.0436(2), F.S., relating to laws governing sexual predators and sexual offenders, to incorporate the amendments to ss. 943.0435, 944.606, and 944.607, F.S., in references thereto; reenacting s. 775.24(2), F.S., relating to laws governing sexual predators and sexual offenders, to incorporate the amendments to ss. 943.0435, 944.606, and 944.607, F.S., in references thereto; reenacting s. 775.25, F.S., relating to prosecutions for acts or omissions, to incorporate the amendments to ss. 775.21, 943.0435, 944.606, and 944.607, F.S., in references thereto; reenacting s. 775.261(3)(b), F.S., relating to the Florida Career Offender Registration Act, to incorporate the amendments to ss. 775.21, 943.0435, and 944.607, F.S., in references thereto; reenacting s. 921.0022(3)(f), F.S., relating to the Criminal Punishment Code, to incorporate the amendments to ss. 775.21 and 943.0435, F.S., in references thereto; reenacting s. 944.608(7), F.S., relating to notification to the Department of Law Enforcement of information on career offenders, to incorporate the amendments to ss. 775.21 and 944.607, F.S., in references thereto; reenacting s. 39.806(1)(d), F.S., relating to grounds for termination of parental rights, to incorporate the amendment to s. 775.21, F.S., in references thereto; reenacting s. 63.089(4)(b), F.S., relating to proceeding to termination of parental rights pending adoption, to incorporate the amendment to s. 775.21, F.S., in references thereto; reenacting s. 63.092(3), F.S., relating to reporting to the court of intended placement by an adoption entity, to incorporate the amendment to s. 775.21, F.S., in references thereto; reenacting s. 944.609(4), F.S., relating to notification of career offenders upon release to incorporate the amendment to s. 775.21, F.S., in references thereto; reenacting s. 947.1405(2)(c), F.S., relating to the conditional release program, to incorporate the amendment to s. 775.21, F.S., in references thereto; reenacting s. 948.12, F.S., relating to supervision of postprison release of violent offenders, to incorporate the amendments to s. 775.21, F.S., in references thereto; providing an effective date.

By the Committee on Regulated Industries; and Senator Bennett—

CS for SB 2088—A bill to be entitled An act relating to alarm system contracting; amending s. 633.702, F.S.; providing a criminal penalty for installing, servicing, testing, repairing, improving, or inspecting a fire alarm system without being in compliance with s. 489.5185, F.S.; providing an effective date.

By the Committee on Banking and Insurance—

CS for SB 2270—A bill to be entitled An act relating to workers’ compensation; amending s. 627.311, F.S.; revising standards for coverage in subplans “A,” “C,” and “D” of the plan; providing surcharges and other incentives for depopulation from subplan “D”; providing for an administration fee; providing minimum standards for issuance of a policy; providing for assessments against policyholders to fund deficits in subplan “D”; exempting the plan from specified premium tax and assessments; appropriating moneys from the Workers’ Compensation Administration Trust Fund to fund subplan “D”; providing legislative intent to

create a state workers' compensation mutual fund under certain conditions; establishing the Workers' Compensation Insurance Market Evaluation Committee; providing for appointment of members; requiring the committee to monitor and report; requiring the Office of Insurance Regulation and workers' compensation insurers to report certain information; specifying meeting dates and interim reports for the committee; providing for reimbursement for travel and per diem; providing legislative intent as to the type of mutual fund it intends to create; prohibiting insurers from providing coverage to any person who is an affiliated person of a person who is delinquent in the payment of premiums, assessments, penalties, or surcharges owed to the plan; providing an effective date.

By the Committee on Education; and Senator Bennett—

CS for SB 2326—A bill to be entitled An act relating to juvenile justice education; amending s. 1003.51, F.S.; increasing the percentage of Florida Education Finance Program funding generated by students in juvenile justice programs which must be spent on instructional costs; providing that all formula-based categorical program funds must be spent on juvenile justice students; amending s. 1003.52, F.S.; requiring each school district to make the GED exit-option available to students in a juvenile justice program; requiring the Department of Education, by a specified date, to select an assessment instrument for use in juvenile justice education programs; requiring the instrument and protocol to be implemented statewide by a specified date; requiring that students in juvenile justice education programs have access to Florida Virtual School courses; requiring the department and the school districts to adopt policies ensuring such access; providing that juvenile justice teachers are eligible for all teacher recruitment and retention programs; directing district school boards to provide juvenile justice education programs an equitable allocation of federal funds; deleting a reference to second chance schools; amending requirements for the plan for career and technical education; amending s. 1010.20, F.S.; increasing the percentage of the funds generated by juvenile justice programs which the school district must expend on those programs; requiring a workgroup to suggest strategies for meeting the requirements of the No Child Left Behind Act and for rewarding juvenile justice education programs for high performance; requiring the department to report the findings of the workgroup to legislative leaders by a specified date; amending ss. 985.412 and 1001.42, F.S., to conform; providing an effective date.

By the Committee on Banking and Insurance; and Senator Wise—

CS for SB 2528—A bill to be entitled An act relating to insurance premium taxes; amending s. 624.509, F.S.; exempting a portion of title insurance premiums from a premium tax; amending s. 627.7711, F.S.; redefining the term "premium" to conform; providing an effective date.

By the Committee on Ethics and Elections; and Senator Dockery—

CS for SB 2566—A bill to be entitled An act relating to absentee ballots; amending s. 101.64, F.S.; removing the requirement that a voter's signature on an absentee ballot must be witnessed; amending s. 101.65, F.S.; revising the Voter's Certificate and instructions to absent electors to remove the requirement of an attesting witness; amending s. 101.68, F.S.; removing the requirement of the signature of an attesting witness for an absentee ballot to be considered legal; amending ss. 101.6921 and 101.6923, F.S.; revising the Voter's Certificate and instructions for special absentee ballots for certain first-time voters to remove the requirement of an attesting witness; amending s. 101.6952, F.S., relating to absentee ballots received from overseas voters, to conform; providing an effective date.

By the Committee on Banking and Insurance; and Senator Atwater—

CS for SB 2630—A bill to be entitled An act relating to insurance field representatives; amending s. 626.854, F.S.; limiting the scope of a public adjuster's authority; specifying duties with respect to contractors and other professionals; prohibiting a public adjuster from restricting certain access and communication; providing an effective date.

By the Committee on Criminal Justice; and Senator Crist—

CS for SB 2632—A bill to be entitled An act relating to the costs of juvenile supervision and detention; amending ss. 985.215, 985.231, and 985.233, F.S.; authorizing the court to order the parent or guardian of a child taken into custody by, or placed under the supervision of, the Department of Juvenile Justice to pay for the cost of supervision or detention; creating s. 985.2311, F.S.; specifying the daily fees for supervising and caring for a child; requiring the court to determine whether payment of the fees will create a financial hardship for the parent or guardian of a child; requiring the court to reduce or waive the fees upon a finding of indigency and significant financial hardship; providing for a presumption requiring the payment of fees if the court fails to enter an order; requiring that the order be directed to the child or guardianship estate under certain circumstances; requiring that the department seek a federal waiver and garnish payment of a portion of public assistance if the parent or guardian of the child receives public assistance; requiring that payment be made to the clerk of the circuit court; providing for the clerk to retain a portion of the payment to cover administrative costs; providing for deposit of the fees into the Grants and Donations Trust Fund; requiring the parent or guardian to provide identifying information and financial information to the department; authorizing the department to employ a collection agency to collect and manage the payment of delinquent fees; requiring the department to document payments made on behalf of a child; prohibiting the court or the department from extending a child's detention solely for the purpose of collecting fees; providing that the parent, guardian, or child is not liable for fees if the child is acquitted or discharged; requiring a refund if fees were paid; providing procedures for the court in issuing an order for income deduction against the parent or legal guardian of a child; requiring notification of the parent or legal guardian and specifying requirements therefor; providing requirements for service of the order and notice on the payor by the clerk of the court; providing for a hearing on the ground of mistake of fact regarding the amount owed; providing requirements for the notice to the payor; providing for enforcement against a successor payor; prohibiting a payor from taking certain actions against an employee because of an income deduction order; providing civil penalties; requiring the payor to notify the clerk of the court of a successor payor, if known; providing civil penalties; providing an effective date.

By the Committee on Criminal Justice; and Senator Jones—

CS for SB 2654—A bill to be entitled An act relating to the carrying of concealed weapons; amending s. 790.06, F.S.; prohibiting the carrying of a concealed weapon or firearm within district legislative offices; within the Capitol Building and specified surrounding buildings and in certain adjacent areas; providing an exemption for secured weapons or firearms in vehicles parked within a parking garage attached to any of the specified buildings, or in a manner designated by the Capitol Police; providing an effective date.

By the Committee on Banking and Insurance; and Senator Atwater—

CS for SB 2698—A bill to be entitled An act relating to motor vehicles; providing a popular name; amending s. 319.14, F.S.; defining the terms "insurance recovery vehicle," "salvage recovery vehicle," and "salvage company"; providing prohibitions on the sale of such vehicles; providing penalties; amending s. 319.23, F.S.; requiring affidavit with application for title of used motor vehicles not previously issued certificate of title; providing penalties for violation or falsification; amending s. 319.30, F.S.; revising the definition of "total loss"; revising provisions for issuance to insurer of certificate of destruction and certificate of title upon total loss of vehicle; requiring the Department of Highway Safety and Motor Vehicles to create a program to promote and enhance public awareness of risks to consumers associated with buying used motor vehicles previously titled in other states; providing an effective date.

By the Committee on Finance and Taxation; and Senator Lawson—

CS for SB 2736—A bill to be entitled An act relating to the taking of fish and shellfish; amending s. 370.14, F.S.; increasing the fee for the trap number required for commercial crawfish trapping; providing for the use of a portion of the fee; amending s. 370.143, F.S.; clarifying that

crawfish traps are included in the trap retrieval program of the Fish and Wildlife Conservation Commission; assessing crawfish trap owners the retrieval fee assessed other trap owners; providing for waiver of the retrieval fee under certain circumstances; providing for the use of revenues from retrieval fees; requiring payment of retrieval fees before a license is renewed; providing an effective date.

By the Committee on Criminal Justice; and Senator Smith—

CS for SB 2856—A bill to be entitled An act relating to burglary; amending s. 810.015, F.S.; providing legislative findings with respect to specified court decisions concerning the offense of burglary; providing special rules of statutory construction applicable to the offense of burglary; providing for retroactive operation; providing an effective date.

By the Committee on Education; and Senator Carlton—

CS for SB 2884—A bill to be entitled An act relating to state universities; amending s. 1009.531, F.S.; revising eligibility criteria for the Florida Bright Futures Scholarship Program; creating s. 1011.901, F.S.; awarding incentive funds to state universities; requiring the Board of Governors to allocate incentive awards to university boards of trustees; requiring targeting of critical occupations and discipline areas; requiring an annual report to the Governor and the Legislature; amending s. 1009.24, F.S.; requiring university boards of trustees to provide students with a billing statement that reflects the true cost of the student's education; requiring university boards of trustees to develop proposals for block tuition and fee policies and to charge certain students the full cost of education per credit hour; providing certain exceptions; amending s. 1011.94, F.S., amending the Trust Fund for University Major Gifts; giving authority to the Board of Governors; revising provisions regarding matches for donations; deleting references to New College; designating the Student Union Building at the University of North Florida as the "James E. "Jim" and Linda King, Jr., Student Union Building"; designating the proposed entrance pavilion at the John and Mabel Ringling Museum of Art at the Florida State University Ringling Center for Cultural Arts as the "John M. McKay Visitors' Pavilion"; authorizing the erection of suitable markers; providing an effective date.

By the Committee on Banking and Insurance; and Senator Atwater—

CS for SB 2926—A bill to be entitled An act relating to trusts and other agency relationships; amending s. 711.501, F.S.; including additional investment instruments within the definition of the term "security account"; amending s. 737.402, F.S.; revising the powers conferred upon a trustee; amending s. 737.403, F.S.; specifying circumstances in which court authorization is not required for a trustee to exercise his or her power when a conflict of interest exists; amending s. 738.104, F.S.; revising the circumstances in which a trustee is prohibited from making an adjustment when such adjustment would benefit the trustee; clarifying the application of law pertaining to the trustee's power to adjust; amending s. 738.1041, F.S.; providing definitions governing certain trust conversions; specifying consequences when a court determines that a fiduciary has not acted in good faith; amending s. 738.303, F.S.; defining the term "undistributed income" for purposes of a trust that is administered as a unitrust; providing an effective date.

By the Committee on Banking and Insurance; and Senator Alexander—

CS for SB 2960—A bill to be entitled An act relating to banking; amending s. 494.0025, F.S.; prohibiting the use of the name or logo of a financial institution or its affiliates or subsidiaries under certain circumstances without written consent; amending s. 516.07, F.S.; providing that the use of the name or logo of a financial institution or its affiliates or subsidiaries under certain circumstances without written consent is grounds for denial of license or for disciplinary action; amending s. 520.995, F.S.; providing that the use of the name or logo of a financial institution or its affiliates or subsidiaries under certain circumstances without written consent is grounds for disciplinary action; amending s. 626.9541, F.S.; providing that the deceptive use of a name is an unfair

method of competition and an unfair or deceptive act or practice; amending s. 655.005, F.S.; revising certain definitions relating to financial institutions to include the term "international branch"; amending s. 655.0322, F.S.; revising the definition of the term "financial institution" to include an international branch; amending s. 655.0385, F.S.; clarifying requirements for notification of the appointment of an executive director or equivalent by state financial institutions; requiring a nonrefundable fee to accompany notification; amending s. 655.045, F.S.; providing an exemption from audit requirements; amending s. 655.059, F.S.; providing for the inspection and examination of financial institution records and books pursuant to subpoena; providing for reimbursement of reasonable costs and fees for compliance; providing for setting the reimbursement amount when charges are contested; amending s. 655.921, F.S.; prohibiting certain out-of-state financial institutions from locating branch offices in the state in order to qualify for certain exempt transactions; deleting provisions relating to authorization of offices in the state; amending s. 655.922, F.S.; clarifying provisions authorizing financial institutions under another state's financial codes to transact business in this state; expanding the names or titles under which only a financial institution may transact business; prohibiting the use of the name or logo of a financial institution or its affiliates or subsidiaries under certain circumstances without written consent; requiring the Financial Services Commission to adopt rules; amending s. 655.94, F.S.; deleting a prohibition against certain notary publics being involved in opening safety deposit boxes for nonpayment of rent; requiring use of certified mail instead of registered mail; amending s. 658.16, F.S.; providing criteria for a bank or trust company chartered as a limited liability company to be considered "incorporated" under the financial institutions codes; providing definitions; amending s. 658.23, F.S.; correcting terminology; deleting a requirement for a current copy of the bylaws of a bank or trust company to be on file with the Office of Financial Regulation; amending s. 658.26, F.S.; providing for state banks to relocate offices upon approval; providing that certain financial institutions may establish or relocate an office upon written notification; providing requirements for notification and a fee; requiring an application for relocation of a main office outside the state; exempting applications from publication in the Florida Administrative Weekly; modifying requirements for applications for branch offices by a bank ineligible for branch notification; deleting a requirement that such applications be published in the Florida Administrative Weekly and be subject to ch. 120, F.S.; requiring a relocation application to be filed with the Office of Financial Regulation; providing for a filing fee, investigations, and restrictions relating to such applications; amending s. 658.33, F.S.; adding to the list of persons who must meet certain qualification levels; providing for a waiver of qualification requirements; amending s. 658.37, F.S.; prohibiting an imminently insolvent bank from paying dividends; amending s. 658.48, F.S.; specifying limitations on making loans and extending credit by a bank declared to be imminently insolvent; amending s. 658.67, F.S.; providing multiple dates for the assessment of the value of property acquisition as security; amending s. 658.73, F.S.; delineating which entities or individuals must pay a fee for a certificate of good standing; amending s. 663.16, F.S.; revising definitions to include the term "branch" and to reduce the percentage of voting stock necessary for consideration as control; amending s. 663.304, F.S.; deleting a requirement for reservation of a proposed corporate name with the Department of State; amending s. 665.034, F.S.; revising a percentage designating control of an association; amending s. 674.406, F.S.; reducing the time that banks must retain receipts of items; reducing the time within which one must report unauthorized signatures; providing a time limitation within which to assert claims against a bank for an unauthorized endorsement; repealing s. 658.68, F.S., relating to liquidity requirements for a state bank; providing an effective date.

By the Committee on Education; and Senator Constantine—

CS for SB 2986—A bill to be entitled An act relating to education personnel; amending s. 943.0585, F.S.; providing for the expunging of criminal history records of applicants for employment at certain schools; amending s. 943.059, F.S.; providing an exception to sealed records provisions for applicants for employment at certain schools; amending s. 1002.33, F.S.; requiring charter school employees and governing board members to undergo background screening; amending s. 1004.04, F.S.; revising certain criteria for admission to approved teacher preparation programs; requiring a certification ombudsman; authorizing certain postsecondary institutions to develop and implement short-term teacher assistant experiences; creating s. 1004.85, F.S.; providing a definition;

providing for postsecondary institutions to create educator preparation institutes; providing purpose of the institutes; authorizing institutes to offer alternative educator certification programs; requiring Department of Education response to a request for approval; providing criteria for alternative certification programs; providing requirements for program participants; providing for participants to receive a credential signifying mastery of professional preparation and education competence; authorizing school districts to use an alternative certification program at an educator preparation institute to satisfy certain requirements; requiring performance evaluations; requiring certain criteria for instructors; providing rulemaking authority; amending s. 1012.05, F.S.; requiring guidelines for teacher mentors; requiring electronic access to professional resources for teachers; creating an Education Appreciation Week; requiring action by the Commissioner of Education in helping teachers meet high-quality teacher criteria; amending s. 1012.32, F.S.; requiring background screening for contractual personnel, charter school personnel, and certain instructional and noninstructional personnel; deleting provision for probationary status for new employees pending fingerprint processing; prohibiting certain persons from providing services; providing for appeals; providing for payment of costs; deleting a re-fingerprinting requirement; requiring the Department of Law Enforcement to retain and enter fingerprints into the statewide automated fingerprint identification system; requiring the Department of Law Enforcement to search arrest fingerprint cards against retained fingerprints and to report identified arrest records; providing school district responsibilities and the imposition of a fee; requiring re-fingerprinting for personnel whose fingerprints are not retained; amending s. 1012.35, F.S.; providing employment and training requirements for substitute teachers; amending s. 1012.39, F.S.; providing employment criteria for substitute teachers; creating s. 1012.465, F.S.; requiring background screening for certain noninstructional personnel and contractors with the school district; requiring such persons to report conviction of a disqualifying offense; providing for suspension of personnel who do not meet screening requirements; amending s. 1012.55, F.S.; providing departmental duties relating to identification of appropriate certification for certain instruction; requiring background screening for certain instructors; amending s. 1012.56, F.S.; providing for the issuance of renewal instructions and temporary certificates; clarifying circumstances for issuance of a status of eligibility statement; authorizing the filing of an affidavit with the application for a certificate; requiring background screening for educator certification; providing background screening requirements; requiring reporting of disqualifying offenses; providing for suspension from a position and suspension or revocation of certification; creating s. 1012.561, F.S.; requiring certified educators and applicants for certification to maintain a current address with the Department of Education; amending s. 1012.57, F.S.; adding a cross-reference to the background screening requirements; amending s. 1012.585, F.S.; requiring training in the teaching of reading for certified personnel who teach students who have limited English proficiency; amending s. 1012.79, F.S.; reducing the membership of Education Practice Commission review panels; amending s. 1012.795, F.S.; increasing the discipline options available to the Education Practices Commission; amending s. 1012.796, F.S.; revising the procedures for investigating complaints against certified personnel; providing the conditions of probation; amending s. 1012.798, F.S.; revising procedures for accessing the recovery network program; providing an effective date.

By the Committee on Ethics and Elections; and Senator Cowin—

CS for SB 3006—A bill to be entitled An act relating to public records; creating s. 106.0706, F.S.; creating an exemption from public-records requirements for user identification, passwords, and similar data used in making electronic filings of campaign finance reports and for preliminary information stored in the electronic filing system and related to a filing that has not yet been submitted as a filed report; providing for future legislative review and repeal; providing findings of public necessity; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable James E. "Jim" King, Jr., President

I am directed to inform the Senate that the House of Representatives has passed HB 1843, HB 1845, HB 1855, HB 1861, HB 1875; has passed

as amended HB 1835, HB 1837, HB 1857 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Appropriations; and Representative Green—

HB 1843—A bill to be entitled An act relating to health care; amending s. 395.701, F.S.; revising, providing, and deleting definitions relating to assessments on certain net operating revenues; amending s. 400.23, F.S.; delaying a nursing home staffing increase; amending s. 408.07, F.S.; revising a definition relating to revenue deductions; amending s. 409.814, F.S.; revising a redetermination review period for the Florida KidCare Program; amending s. 409.905, F.S., relating to mandatory Medicaid services; requiring utilization management of private duty nursing services; establishing a hospitalist program; limiting payment for bed hold days for nursing facilities; amending s. 409.906, F.S., relating to optional Medicaid services; providing for adult denture and adult hearing and visual services; eliminating vacancy interim rates for intermediate care facility for the developmentally disabled services; requiring utilization management for home and community-based services; consolidating home and community-based services; amending s. 409.908, F.S.; deleting certain guidelines relating to reimbursement of Medicaid providers; mandating the payment method of county health departments; amending s. 409.911, F.S.; authorizing the convening of the Medicaid Disproportionate Share Task Force and providing duties thereof; amending s. 409.912, F.S.; granting Medicaid provider network management; providing limits on certain drugs; providing for management of mental health drugs; reducing payment for pharmaceutical ingredient prices; expanding the existing pharmaceutical supplemental rebate threshold; correcting cross references; amending s. 409.9122, F.S.; revising enrollment policies with respect to the selection of a managed care plan at the time of Medicaid application; revising prerequisites to mandatory assignment; amending s. 409.915, F.S.; providing a new calculation method for county nursing home contributions to Medicaid; authorizing the Agency for Health Care Administration to seek federal waivers necessary to implement Medicaid reform; providing effective dates.

—was referred to the Committees on Appropriations Subcommittee on Health and Human Services; Appropriations; and Rules and Calendar.

By the Committee on Appropriations; and Representative Murman—

HB 1845—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 20.04, F.S.; providing the location for program offices within the organizational structure of certain departments; amending s. 20.19, F.S.; providing authority to the Secretary of Children and Family Services to ensure the mission of the department is fulfilled; removing the requirement that the secretary appoint a deputy secretary; removing the requirement that such deputy secretary act as secretary in the absence of the secretary; providing additional duties for certain assistant secretaries; requiring the secretary to appoint certain additional assistant secretaries; providing responsibilities; establishing additional program offices; deleting certain program offices; creating certain zones; requiring the secretary to appoint zone directors; providing responsibilities; amending ss. 39.01, 216.177, 394.78, 394.9082, and 409.16745, F.S.; correcting cross references; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on Health and Human Services; Appropriations; and Rules and Calendar.

By the Committee on Appropriations; and Representative Waters—

HB 1855—A bill to be entitled An act relating to the Department of State; transferring the provision of assistance and facilities to the Organization of American States, state protocol officer functions, international development outreach activities in Latin America and the Caribbean Basin, the Florida Intergovernmental Relations Foundation, and intergovernmental relations functions by a type two transfer from the Department of State to the Executive Office of the Governor; excluding the transfer of certain trust funds; transferring linkage institutes between postsecondary institutions in this state and foreign countries by

a type two transfer from the Department of State to the Department of Education; excluding the transfer of certain trust funds; amending s. 14.2015, F.S.; providing for the performance of state protocol officer functions and the provision of assistance and facilities to the Organization of American States by the Office of Tourism, Trade, and Economic Development; repealing ss. 15.17 and 15.19, F.S., relating to the provision of assistance and facilities to the Organization of American States and the performance of state protocol officer functions; amending s. 15.182, F.S.; providing for notification of the Office of Tourism, Trade, and Economic Development regarding international travel by certain cultural arts organizations; amending ss. 288.0251, 288.809, and 288.816, F.S., relating to international development outreach activities in Latin America and the Caribbean Basin, the Florida Intergovernmental Relations Foundation, and intergovernmental relations, to conform; amending s. 288.8175, F.S.; redefining "department" for purposes of linkage institutes between postsecondary institutions in this state and foreign countries; providing an effective date.

—was referred to the Committees on Finance and Taxation; Appropriations Subcommittee on Transportation and Economic Development; Appropriations; and Rules and Calendar.

By the Committee on Appropriations; and Representative Brummer—

HB 1861—A bill to be entitled An act relating to Department of Revenue forms; amending s. 195.022, F.S.; limiting the responsibility of the Department of Revenue to furnish certain ad valorem tax forms to specified local officials; requiring certain counties to reproduce the forms; providing an effective date.

—was referred to the Committees on Finance and Taxation; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By the Committee on Appropriations; and Representative Brummer—

HB 1875—A bill to be entitled An act relating to the state correctional system; repealing ss. 945.601, 945.602, 945.603, 945.6031, 945.6032, 945.6035, 945.6036, and 945.6037, F.S., relating to the State of Florida Correctional Medical Authority; repealing ss. 957.01-957.16, F.S., relating to the Correctional Privatization Commission; amending ss. 381.90, 394.9151, 395.002, 408.036, 766.101, 784.078, 943.053, 943.13, 943.133, 943.325, 944.02, and 944.023, F.S., to conform; amending s. 944.10, F.S.; requiring the Department of Corrections to assume certain correctional facilities leases and lease-related obligations of the commission; amending s. 944.105, F.S.; requiring the department to assume certain contractual obligations of the commission for certain private correctional facilities; requiring the department to provide a contract monitor for certain purposes; providing monitor duties; authorizing the monitor to have unlimited access to correctional facilities; creating s. 944.1054, F.S.; requiring the Office of Program Policy and Government Accountability to develop and implement an evaluation of the costs and benefits of certain contracts and private contractor performance; requiring a report to the Legislature; amending ss. 944.115 and 944.17, F.S., to conform; amending s. 944.516, F.S.; authorizing the department to charge inmates a monthly administrative processing fee for banking services; specifying a maximum amount; providing for deposit and use of such fees; amending s. 944.7031, F.S., to conform; amending s. 944.717, F.S.; prohibiting bidders or potential bidders on private correctional facility contracts from contacting certain persons regarding any part of the proposal process; providing exceptions; amending ss. 944.72, 944.8041, 945.215, 945.35, 945.6034, 946.5025, 946.503, and 951.27, F.S., to conform; providing effective dates.

—was referred to the Committees on Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By the Committee on Appropriations; and Representative Kyle—

HB 1835—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2004, and ending June 30, 2005, 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.

—was referred to the Committee on Appropriations.

By the Committee on Appropriations; and Representative Kyle—

HB 1837—A bill to be entitled An act implementing the 2004-2005 General Appropriations Act; providing legislative intent; providing accounting requirements for the state universities for the 2004-2005 fiscal year; amending s. 220.187, F.S.; specifying the total amount of scholarship funding tax credits and carryforward tax credits that may be granted for the 2004-2005 fiscal year; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services to transfer funds within the family safety program; amending s. 561.121, F.S.; providing that moneys in the Children and Adolescents Substance Abuse Trust Fund may also be used for the purpose of funding programs directed at reducing and eliminating substance abuse problems among adults; amending s. 409.1671, F.S.; requiring that funds for privatized foster care and related services be allocated in accordance with a methodology adopted by the Department of Children and Family Services by rule and granting rulemaking authority for such purpose; providing for lump sum funding in the Department of Children and Family Services to provide for continuity of foster care under certain circumstances; amending s. 394.908, F.S.; providing for substance abuse and mental health funding equity as provided in the General Appropriations Act; amending s. 287.057, F.S.; authorizing the Department of Children and Family Services to contract with a private provider for a mental health treatment facility; authorizing the Department of Corrections and the Department of Juvenile Justice to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the respective department; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; authorizing transfer of certain funds from the courts to the Justice Administrative Commission to meet certain shortfalls in due process appropriations; amending s. 215.96, F.S.; requiring the Financial Management Information Board to provide certain policies, procedures, and processes for integration of central administrative and financial information systems; providing for an agreement between the Department of Agriculture and Consumer Services and the Department of Transportation for the construction of an agricultural interdiction station in Escambia County; amending s. 373.59, F.S.; reallocating funds from the Water Management Lands Trust Fund to water management districts; amending s. 252.373, F.S.; providing for use of funds of the Emergency Management, Preparedness, and Assistance Trust Fund, including the use of certain funds as state matching funds for federally approved Hazard Mitigation Grant Program projects; amending s. 411.01, F.S.; providing priority for placement of children in the school readiness program; amending s. 320.08058, F.S.; authorizing proceeds from the Professional Sports Development Trust Fund to be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games; amending s. 339.08, F.S.; transferring funds from the State Transportation Trust Fund to the General Revenue Fund; reducing the amount transferred from certain transportation calculation requirements; amending s. 287.057, F.S.; exempting certain voter education activities from competitive-solicitation requirements; amending s. 311.07, F.S.; continuing eligibility of seaport security infrastructure measures for funding by grant under the Florida Seaport Transportation and Economic Development Program; providing for the budget of the Council for Education Policy Research and Improvement to be administered by the Auditor General; providing that the council is otherwise independent; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; authorizing the Executive Office of the Governor to transfer certain funds to align budget authority pursuant to redesign of the State Employees Group Health Insurance Program; amending s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; amending s. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers' and employees' travel; providing for implementation of strategies for state agencies to reduce salary budget; requiring vendors to agree to use only state residents in certain contracts; authorizing the Department of Management Services to waive such requirement under certain circumstances; providing waiver criteria amount to employing state residents; providing for ineligibility for further funds or incentives for violation; providing for future repeal or expiration of various provisions; providing for reversion of certain provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2004-2005 General Appropriations Act, as required by the Government Performance and Accountability Act of

1994; providing applicability to other legislation; providing severability; providing an effective date.

—was referred to the Committee on Appropriations.

By the Committee on Appropriations; and Representative Waters—

HB 1857—A bill to be entitled An act relating to the Department of Community Affairs; transferring the state energy program and the Clean Fuel Florida Advisory Board by type two transfer from the Department of Community Affairs to the Department of Environmental Protection; amending s. 20.18, F.S.; removing responsibility of the Department of Community Affairs for state energy policy; amending s. 20.255, F.S.; assigning responsibility for the state energy policy to the Department of Environmental Protection; amending s. 163.03, F.S.; removing authority of the Department of Community Affairs for the Coastal Energy Impact Program; amending ss. 288.041, 377.603, 377.701, and 403.42, F.S.; transferring duties of the Department of Community Affairs relating to the solar energy industry, energy data collection, petroleum allocation, and the Clean Fuel Florida Advisory Board to the Department of Environmental Protection; amending s. 288.95155, F.S.; deleting an obsolete reference; amending s. 377.602, F.S.; revising a definition; amending s. 377.703, F.S.; transferring duties of the Department of Community Affairs relating to additional energy functions and responsibilities to the Department of Environmental Protection; providing for rulemaking; amending s. 420.36, F.S.; funding the Low-income Emergency Home Repair Program through the State Housing Trust Fund; transferring the Affordable Housing Catalyst Program by type two transfer from the Department of Community Affairs to the Florida Housing Finance Corporation; excluding the transfer of certain trust funds; amending s. 420.507, F.S.; authorizing the Florida Housing Finance Corporation to provide resources for the Affordable Housing Study Commission; authorizing the Florida Housing Finance Corporation to develop and administer the Affordable Housing Catalyst Program; creating s. 420.531, F.S.; providing that the Affordable Housing

Catalyst Program be operated by the Florida Housing Finance Corporation; providing for technical support, formation of partnerships, implementation of regulatory reforms, affordable housing programs within local government comprehensive plans, and compliance with federally funded housing programs; amending s. 420.6015, F.S.; revising legislative findings regarding the Department of Community Affairs' housing programs, to conform; amending s. 420.606, F.S.; removing references to the Affordable Housing Catalyst Program in the training and technical assistance program of the Affordable Housing Planning and Community Assistance Act; amending s. 420.609, F.S.; requiring the Florida Housing Finance Corporation to provide certain resources to the Affordable Housing Study Commission; amending s. 420.9075, F.S.; conforming a reference; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on Transportation and Economic Development; Appropriations; and Rules and Calendar.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 1 was corrected and approved.

CO-SPONSORS

Senators Cowin—CS for CS for SB 482; Garcia—CS for SB 1934; Lawson—SB 1102; Lynn—CS for SB 1158, CS for SB 1174, CS for SB 1176, CS for SB 1410, CS for SB 1700, CS for SB 1814, CS for SB 1926; CS for SB 2654; Webster—CS for SB 2184 and Wise—CS for SB 2262, SB 3002

RECESS

On motion by Senator Lee, the Senate recessed at 2:54 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:15 a.m., Wednesday, April 14 or upon call of the President.